Umar and Imad were among several thousand Arabs who arrived in Bosnia during its 1992–95 war to serve in the predominantly Muslim army, work for Islamic charities, or both. They were among the few who stayed on after the war, married, and started families, taking on Bosnian citizenship. Both were swept up in the worldwide U.S.-driven hunt for “out-of-place Muslims”—immigrants and travelers who arouse suspicion for moving across the Global South. Both were arrested and deported at the
behest of the U.S., their Bosnian citizenships revoked. But their fates were different.

Umar and the other Algerians were sent to Guantánamo Bay, Cuba (GTMO). Their case became a global cause célèbre: because they were captured far from battlefields and deported in violation of local judicial processes, the “Algerian Six” dramatized the “Global War on Terror” (GWOT) as a campaign without clear geographical, temporal, or legal boundaries (using the national security state’s terminology and acronyms, such as GTMO and GWOT, is here an attempt to jar the reader rather than demonstrate mastery of technocratic knowledge). The incident generated a trail of litigation in Bosnian, U.S., and European courts. Boumediene v. Bush, the U.S. Supreme Court decision permitting GTMO detainees to challenge in civilian courts their imprisonment, bears one of the men’s names. At long last, the men had a habeas corpus hearing in 2008: Umar and four others were exonerated and released. Imad’s case is not as well known, but no less disturbing: he was repatriated to Egypt, his birthplace. Reportedly tortured before his conviction by a military tribunal, Imad was finally released in 2009. Although a Bosnian court has found his deportation unlawful, Imad remains unable to return to his once-adopted country, a situation that has forced his Bosnia-born wife and children to uproot themselves and relocate to Egypt.

In this chapter, I argue that notions of sovereignty—and specifically the logic of sovereign exception—prevalent in anthropology fail to capture crucial dimensions of the so-called GWOT insofar as they focus solely on the relationship between sovereign power and its interior without reference to all that remains outside, including other sovereigns. In contrast, a nuanced analysis of the circulation of bodies between the carceral spaces of U.S. empire emphasizes an understanding of sovereignty as multiple and disaggregated. The most visible aspects of this circulation are extraterritorial sites and extraordinary legal categories. But if the image of an island prison is meant to convey Guantánamo’s allegedly special status outside the law, one must also bear in mind that archipelagos are only the above-water aspects of larger interlinked, submerged formations. For each extraterritorial and extraordinary prison like GTMO, there are many more “ordinary” prisons and detention sites run by other governments in their own territory. These act as sorting centers and dumping grounds for people detained at the behest of the United States.

Theorizing sovereignty as relational and multiple highlights a distinguishing feature of U.S. hegemony: the mediation of unequal relations in a world order based on nominally equal sovereign states. The juridical form of sovereignty is about more than the exercise of legal authority; it also entails formal responsibility, especially vis-à-vis other sovereigns. Much work of U.S. hegemony is about calibrating the relationship between authority and responsibility, with
the goal of satisfying strategic goals while displacing burdens onto client regimes. Attention to sovereignty’s multiplicities is thus central to approaching ethnographically an empire that is sustained through much of the world without formal U.S. rule. Kwame Nkrumah described this neocolonial dynamic as “the worst form of imperialism. For those who practise it, it means power without responsibility and for those who suffer from it, it means exploitation without redress.”

This dynamic is not particular to the GWOT, as the persistent problem of sovereign debt for postcolonial states makes painfully clear. But the GWOT presents an opportunity to retheorize forms of U.S. global power, especially in relation to the work of Giorgio Agamben: Despite the widespread appropriation and critique of Agamben’s work in relation to the GWOT, his inattentiveness to empire and external dimensions of sovereignty have gone largely unnoticed. Animated by older insights about the nature of U.S. global power—whether it is called imperialism, neocolonialism, informal empire, empire without colonies, or merely hegemony—this essay interrogates Agamben’s work in order to develop a different approach. Such a reconsideration is especially relevant in light of how the discourse Agamben helped shape has spread beyond the academy: one day, while perusing a website started by some of my interlocutors—Arab war veterans in Bosnia who had settled in the country and started families there—I found an article by Syrian human rights activist Haytham Manna decrying the GWOT as a “globalization of the state of exception” (‘awlamat al-ḥala al-istithnāʾ iyya).

I draw on thirteen months of fieldwork conducted in Bosnia-Herzegovina, mostly between 2009 and 2013, including multiple interviews in an immigration detention center outside Sarajevo. Over the course of fieldwork, many of my Arab interlocutors came under increasing pressure from the authorities through loss of legal status, detention, and in some cases deportation. Accordingly, my background in human rights organizations and training as an attorney became necessary for maintaining access. Visits to Egypt, France, GTMO, Israel/Palestine, and Yemen also inform these arguments.

Bosnia is a resonant site for the study of U.S. empire and two of its key modes of articulation: the GWOT and liberal humanitarianism. The transfer of the Algerians to GTMO was perhaps one of the earliest signs of the expansive scope of the new campaign. Yet U.S. concerns over armed transnational Islamist activists (“jihadists”) in the Balkans, especially Arabs, existed before 2001. In September 1995, the CIA orchestrated the abduction in Croatia of Ṭalʿat Fuʿad Qāsim while en route to visiting the jihad in Bosnia. Qāsim, an Egyptian Islamist living as a refugee in Denmark, was sent home and “disappeared” shortly thereafter. This was the first known case of what would become known as “extraordinary rendition,” or the abduction and transfer
of individuals to their home countries for interrogation.\textsuperscript{10} When the United States decided to impose a solution to the Bosnian war, a key demand was the expulsion of “foreign fighters.” Only a minority, like Imad, remained in the country as civilians, often marrying locally and taking Bosnian citizenship.\textsuperscript{11}

Before Bosnia became part of the everywhere/nowhere battlefield of the GWOT, it was a node in the other dominant mode of U.S. imperial power in the post–Cold War era, humanitarian intervention. The Balkan crises, marked by large-scale expulsions and atrocities in the service of creating nationally pure territories (“ethnic cleansing”), were a test for Washington at the dawn of the age of U.S. unipolarity. The end of the armed conflict witnessed the emergence of a joint U.S.-EU protectorate over Bosnia, notwithstanding its official status as an independent nation-state. Bosnia’s Constitution—literally an annex to the U.S.-brokered Dayton agreement—provided a labyrinthine structure that institutionalized political divisions along nationalist lines. This constitution recognizes three “constituent nationalities” (Bosniaks, Croats, and Serbs) and divides the country into two “entities” that retain governmental power at the expense of the central state: the Federation of Bosnia and Herzegovina—which covers 51 percent of the country’s territory and is dominated by Bosniaks and Croats—and the Republika Srpska, reserved for Serbs. The country has a tripartite presidency, reserved exclusively for a Bosniak, Croat, and Serb, respectively. Those who reject or otherwise do not identify with these categories are barred by law from the office.\textsuperscript{12} As a result, manifold forms of Euro-American management have been deemed necessary. The Office of the High Representative (OHR), always headed by a European diplomat, maintains the power to remove elected officials and impose legislation; the constitution requires that three of the nine judges on the highest court be foreigners appointed by the president of the European Court of Human Rights. These and other controls make the country a particularly useful site for the study of contemporary empire since scholars are often “less skilled at identifying the scope of empire when the contracts are not in written form, when policies are not signaled as classified, nor spelled out as confidential, secreted matters of state.”\textsuperscript{13} In Bosnia, however, foreign officials enjoy powers that would be incompatible with conventional notions of national sovereignty, making contemporary forms of empire more open than elsewhere and therefore more amenable to analysis. Yet informal and furtive forms of power continue to be extremely important. In this respect, I thus make use of State Department cables made available by Wikileaks. These identify in detail the extent to which the United States has shaped putatively local campaigns against Arabs in Bosnia. While these provide only a limited view of the post-Dayton protectorate, they nonetheless comprise valuable data until other archival resources become available.
In order to understand the GWOT in relation to U.S. hegemony, let us return to the Algerian Six transferred to GTMO, and to Imad, who was sent directly to Egypt. The United States was intimately involved in both decisions, providing “intelligence” and orchestrating the deportations. In the case of the Algerians, the United States exerted pressure on the Bosnian government to expel the men even after they had been cleared by a local court—notwithstanding Washington’s avowed goal of promoting the “rule of law” as a framework for its management of the country. Deputy U.S. ambassador Christopher Hoh famously told Alija Behmen, then prime minister of the federation, that if United States demands were not met, the embassy would be closed and “may God protect Bosnia-Herzegovina.” The divergence here is telling: the Algerians were sent to an extraterritorial U.S. prison designed to keep them suspended between regimes of ordinary legal protection, a situation that attracted worldwide attention. But Imad was not held in a space between states. Instead, he was sent home in an official bilateral transfer—putatively an “ordinary” deportation from one country to another, without any U.S. responsibility—and allowed to fall into domestic, national space. The contrasts between the men’s fates raise a question notably absent in the interminable debates around the War on Terror: how are decisions made about where to send detainees?

At one level, the explanation is simple: as equal sovereigns, governments make independent decisions about whether to accept the repatriation of nationals captured abroad. But the formal categories of sovereignty and citizenship need to be grounded in the concrete power relations fostered under U.S. hegemony. Egypt was not only ready to take Imad, but its diplomats (and their U.S. counterparts) met with senior Bosnian officials in Sarajevo on the day Imad was stripped of his Bosnian citizenship. In contrast, Algeria refused two requests to accept its citizens. Only then did sending them to GTMO apparently become the favored option. Here Egyptian and Algerian decisions should be understood in the context of the U.S. empire and its shifting modulations. Egypt and the United States enjoyed an extraordinarily close strategic relationship, inaugurated by the Camp David Accords in 1979 and based on billions of dollars of military aid. In the 1990s, collaboration between the two countries’ intelligence agencies pioneered the extraordinary rendition program, which grew exponentially during the George W. Bush administration. The strength of this relationship likely explains why only seven Egyptians were known to have been transferred to GTMO, less than 1 percent of the prison’s peak population, despite anecdotal evidence suggesting a strong presence of Egyptians among Islamist activists in Taliban-controlled
Afghanistan. It is likely that captured Egyptians were sent directly home and “disappeared.” While Algeria was also eager to take advantage of Washington’s “War on Terror,” it did not enjoy a similarly close working relationship as proxy jailer or torturer. Had U.S. officials not taken an independent interest in those men, the Algerian secret police would have had far less interest in jailing Umar and his compatriots.

Attention to the texture of U.S. relations with client states reveals a loose network of GWOT detention and transfer practices that goes far beyond GTMO to include facilities maintained by the Pentagon and CIA, both secret and semisecret, in Afghanistan, Djibouti, Iraq, Poland, Romania, and Thailand; and, perhaps most numerous and difficult to discern, prisons of U.S. client states such as Egypt, Jordan, Morocco, and Pakistan. This is not a single program or plan, nor even a set of sites per se (since many of them, as we shall see, also perform functions not related to GWOT imperatives), but rather a capacious logic that can appropriate airplanes, hotel rooms, hangars, and other secret or public spaces, subject to civilian or military authority, whether run directly by the United States or other sovereigns. Bodies, data, and other things circulate through this field of relations in accordance with tempos and themes adumbrated by Washington. The itineraries of “out of place Muslims” caught up in the GWOT reflect the heterogeneity of this network: they may be picked up by local police, interrogated by the CIA, sent to U.S. military prisons, then transferred home for imprisonment. Or they may be abducted by the CIA, sent home to be tortured, and then passed back to the United States before eventual repatriation. Multiple variations are possible, and indeed helpful, to preserving the flexibility and relative invisibility of this circulation.

The diffuse reality of U.S. power as seen through GWOT detention practices requires a significant revision to some prevailing theories of sovereignty and emergency, especially those of Giorgio Agamben. Drawing from Carl Schmitt’s work on sovereignty, Agamben highlights the logic of exception, or the ability to suspend law without annulling its authoritative force, thereby sanctioning violence that is by definition unlimited yet legitimate. Like Schmitt, Agamben argues that the logic of sovereign exception characterizes modern states and he emphasizes the ultimate indeterminacy of the distinction between rule and exception. He cautions that attempts to limit exceptional powers through increasingly rational regulation miss the ultimately decisionist nature of sovereignty. Yet Agamben moves beyond Schmitt in exploring the subjection entailed by sovereignty: to do so, he turns to the Roman legal category of homo sacer (sacred man), or he who can be killed without such an act being considered sacrifice. Homo sacer is a status that exists at the limit of law, which is also sovereign power in its purest form.
Agamben identifies the camp, or a space that may exist anywhere, as the spatial expression of sovereign exception, or a generalization of the status of homo sacer. Here the camp is not merely the instantiation of exception, but a fundamental spatial paradigm for thinking modern politics.

Agamben’s work resonated at a specific moment; in the decade before 2001, Michel Foucault was arguably the most influential social theorist in Anglophone anthropology. Yet one of the appeals of Foucault’s work—that it enabled certain kinds of analytical attention to power outside a formalistic emphasis on the state apparatus and its juridical categories—was precisely what appeared unsatisfactory as scholars struggled to confront forms of state violence that appeared at once “classical” (i.e., shockingly coercive) and frighteningly new. Hence Agamben’s *Homo Sacer: Sovereign Power and Bare Life* fortuitously drew attention, as an attempt to link Foucault to Hannah Arendt’s work on totalitarianism via a revival of Carl Schmitt. Agamben’s arguments seemed to provide a critical lens on violence that spoke to the post-9/11 moment, avoiding typical liberal critiques of the state and self-serving typologies based on “democratic” versus “authoritarian” regimes.

Agamben’s work on sovereignty and exception has not escaped critique, most effectively by those who point out that states of exception often look more like states of saturation of ordinary bureaucratic procedures, or a plenitude of law rather than its evacuation. While I share these concerns, the gwot presents another problem for engaging Agamben’s framework: the need to understand sovereignty—and by extension citizenship—in plural rather than singular terms, especially in the context of a contemporary empire that relies on the preservation of other states’ juridical sovereignty. As Anne Caldwell has argued, “The space of indeterminacy characterizing sovereign power must touch upon another community or the international space where different political groups interact. Those crossings open up a space in which sovereignty can no longer be anchored to the territory of the nation state, nor to one political community.” The analysis of sovereignty and law in anthropology too often acts as if what is at stake is a single sovereignty that operates according to a spectrum that has absolute direct violence on one end and total abandonment (which is of course another form of violence) on the other. Such an approach must be rethought when confronted with an empire that is premised on multiple sovereignties as a modality of operation and a form of justification. So if we recall the stories mentioned above of prisoners shipped from Bosnia to Cuba and Egypt for various forms of detention, let us turn to Agamben’s discussion of Guantánamo:

Not only do the Taliban captured in Afghanistan not enjoy the status of Pows as defined by the Geneva Convention, they do not even have the
status of persons charged with a crime according to American laws. Neither prisoners nor persons accused, but simply “detainees,” they are the object of a pure de facto rule, of a detention that is indefinite not only in the temporal sense but in its very nature as well, since it is entirely removed from the law and from judicial oversight. The only thing to which it could possibly be compared is the legal situation of the Jews in the Nazi Lager [camps], who, along with their citizenship, had lost every legal identity, but at least retained their identity as Jews.24

While some may find the comparison between the legal status of deenationalized Jews in Nazi camps and prisoners in GTMO hyperbolic, the real problem is that it is factually untrue. As Agamben notes elsewhere, the Nazis were scrupulous about rendering individuals (Jews and others) stateless before deporting them to the camps.25 The United States, in contrast, depends on these detainees retaining their citizenship. This empirical error can be productive nonetheless for understanding something about the U.S. empire not captured by Agamben’s domestic notion of sovereignty imagined within the boundaries of a single state.26 Tellingly, Agamben accuses the United States of “ignoring international law externally and producing a permanent state of exception internally.”27 This dismissal of the United States as “ignoring,” rather than appropriating, international law is surprising since the power of Agamben’s contribution has derived largely from his attentiveness to the juridical form of sovereignty and his consequent refusal to take the state of exception as a solely empirical matter.

Theorizing sovereignty as multiple, rather than singular, through carceral circulation provides a way to approach empire in conceptually richer and historically grounded terms. As mentioned above, different citizenships were pivotal in the sorting of detainees, with repatriation as the default option and direct U.S. control a fallback when states are deemed unwilling or unable to follow Washington’s directions. The principle of carceral circulation at work is that it is best to let client states do the dirty work of handling their own citizens. But, if they cannot, then the United States must act directly. In GTMO, the United States hosted delegations from the security services of many states to conduct interrogations of their own nationals.28 This included even strategic rivals such as China, turning the camp into a sort of photographic negative of a UN, where states at odds with one another in the realm of great power politics may nevertheless cooperate against human rights. To equate statelessness with rightslessness, as Agamben does following Arendt (“lost every legal identity”), is to misunderstand the logic of a U.S. hegemony in which the sovereignty of client states enables the displacement of responsibility, and foreign citizenship provides a physical “address” for eventual deportation.
When Guantánamo is viewed not as an aberration, but as the most visible node of a global network of formal and informal incarceration arrangements, citizenship’s importance in determining where detainees are sent and how they are disposed of becomes visible. Rather than debating whether “exceptional” sites are spaces for the absence of law or its excess, we can attend instead to how empire mobilizes multiple state sovereignties as a way of structuring and mediating unequal power relations. For example, the experiences of those captured in Afghanistan differed according to their citizenship. For Yaser Hamdi, U.S. citizenship meant rapid transfer from GTMO to a military brig in the continental U.S. and prompt review of his case by the Supreme Court. For British Muslims, the result was a relatively early return home thanks to pressure from a key U.S. ally. However, for Yemenis, citizenship from a “weak state” condemned them to languish in prison, even when individually cleared for release, simply because their government was deemed incapable of controlling them.

The logic of sending out-of-place Muslims “home” was also at work in the worldwide hunt for alleged “jihadists,” including those, like most of the Arabs who fought in the Bosnian war, not affiliated with al-Qa’ida. Imad was one such person. A key figure among Arab fighters in the Bosnian war, he was prominent in proselytizing Bosnians about “correct” (i.e., Salafi) Islam. Such stances drew critiques from the country’s Islamic establishment, and few shed tears when he was deported. According to my interlocutors—many of them Imad’s former comrades—around the world, other Egyptian veterans of the Bosnian jihad also found themselves captured and repatriated. Reda Seyam, an Egyptian-German national who produced media materials for the fighters, was arrested in Indonesia but had some good fortune; the Germans insisted on escorting him back to their country to keep him out of the CIA’s hands. No matter where these men were captured, their fates were generally the same: to be sent “home,” either directly or via a detour in some extraterritorial prison. A jarring example of the importance of citizenship in an imperial order based on national sovereignties is Marwan al-Jabur, whom I met in Gaza in 2007. Born in Jordan to Palestinian parents who had earlier lived in Gaza, al-Jabur was raised in Saudi Arabia but lived in Pakistan for most of his adult life. The CIA abducted him in 2004 and he spent the next two and one-half years in secret prisons in Afghanistan and elsewhere. Once the CIA concluded that he should be released, a problem arose: where should he go? Pakistan and Saudi Arabia refused him, so he was flown to Jordan. The Jordanians handed him over to the Israeli secret police, who sent him to Gaza, where he had never spent significant time. As a stateless Palestinian, there was no readily available proxy sovereign to take charge of him: al-Jabur was passed between and along as a kind of unclaimed parcel with no return address.
However unusual or innovative, this broader worldwide formation of detention sites and practices nevertheless emerges from and is marked by a deeper history. Again, we can rethink Guantánamo in relation to a lacuna in Agamben’s work: The only reference to colonialism in Homo Sacer is an aside locating the origins of the modern camp nearly simultaneously in early twentieth-century Cuba and South Africa, where “a state of emergency linked to a colonial war is extended to an entire civil population.” He then moves on to discuss Weimar-era Germany. The reference to Cuba is helpful for exploring the relationship between sovereign exception and imperial order. Cuba’s nominal independence and its “voluntary” decision to allow an indefinite U.S. lease on the GTMO base were entwined: U.S. forces landed at Guantánamo Bay while taking the island from Spain in 1898 and have remained ever since, with the lease formalized by the 1903 Cuban-American treaty. Throughout its history in the western hemisphere, the United States has often preferred national independence as a formal framework for keeping smaller powers in line. While the British experimented with messier indirect rule in India, sub-Saharan Africa, Southeast Asia, and some of the Arab lands, the United States, claiming an anticolonial tradition of its own, justified imperial ambitions through a looser relationship between responsibility and control. This would serve Washington well going forward.

As the club of nations expanded after World War I, European powers sought to maintain hegemony through the League of Nations. Here, too, the U.S. approach to empire was useful: while Washington remained outside the organization, it could wield influence through the votes of Latin American client states. After World War II, the United States took the lead in establishing the UN and its family of specialized agencies that mediated tensions between great powers and managed decolonization. In this system, international financial institutions were key in maintaining leverage over postcolonial states in a burden-sharing arrangement with other wealthy states. Against this backdrop, Guantánamo was never a zone of legal exception; it was an exemplary space of indirect rule taken to its limits, “voluntarily” leased out by a local sovereign who ceded all effective control over it at the moment of independence.

THE PLACE OF SOVEREIGNTY

Attention to the interaction between sovereignty’s internal and external aspects can help us move away from a limited focus on exception and instead understand the GWOT in broader histories of U.S. empire. Whereas the expulsions mentioned at the beginning of this essay were blatantly extralegal,
we can turn now to more “ordinary” cases as reflecting adaptations engendered under the U.S. empire. Let us start with Bosnia’s first immigration detention center, the “Reception Centre for Irregular Migrants” in Lukavica, a neighborhood on the outskirts of Sarajevo. Unlike GTMO or the sites normally associated with extraordinary rendition, Lukavica operates under a duly created statutory scheme as a temporary holding facility for those the state wishes to deport.

Nonetheless, before my first visit to the prison in 2009, I received a letter describing it from the children of one of the detainees held there, Abu Hamza:

You decide to take a taxi up there and every cabbie asks you where it is, because they DO NOT KNOW. And how would they know, when leading to the Center is a gravel path through a part of the forest, that one would never imagine ends at some state institution flying the flag of the European Union? There are actually three barracks, and the grounds [prizemlje] are enclosed by a five-meter-high steel structure. Even from outside you can tell that it is sooooo cold in there, since a shack [baraka] is a shack, and you can’t catch any glimmer of warmth, or anything that tells you this is a place where human beings live.37

Abu Hamza’s children were right: the taxi driver did not know the route to the center, which is located in a suburb once part of Sarajevo, but now located in Republika Srpska. Each time we stopped for directions, I thought of this letter and the sense it conveyed of heading into a strange land on the other side of a nationalist boundary. In the hills behind the Slavija football club stadium, there was an old Yugoslav army barracks housing Serb refugees from now predominantly Muslim areas of Bosnia, its walls adorned with a spray-painted cross surrounded by four Ss in Cyrillic script, a popular Serb nationalist symbol.38 Just up the path beyond the barracks stood the detention center, surrounded by metal fences. Two of the buildings were white-walled one-story structures, the third was the permanent facility, still unfinished and unoccupied. The fence, which also enclosed an exercise yard, was similarly incomplete. Uniformed guards milled about. Over the guard shack at the main gate flew the flags of both Bosnia and the EU, a reminder of the 1.2 million-Euro grant from Brussels that helped fund construction.39 At that time, the prison held six Arabs. All were long-term residents with Bosnian wives and children, but had been labeled “threats to national security” on the basis of secret evidence. All had been on partial hunger strike for the past weeks; none faced criminal charges.

I arrived as a volunteer with the Helsinki Committee for Human Rights in Bosnia, a local NGO. I had proposed to the Committee that I monitor the
conditions at the center and the detainees’ cases in light of the hunger strike. I had with me a bag of pears and bottled water since Abu Hamza’s children told me the strikers would accept food from visitors. After handing over my phone and passport, I was escorted into one of the prefabricated buildings. I sat in a sparsely furnished room near the entrance. Abu Hamza was escorted into the room a few moments later. His beard covered half of his chest, in accordance with the forms of piety he maintained since his days in the jihad. He wore an orange jalabiyya (a long, loose-fitting garment) and a baseball cap. Emblazoned on both was the word Bosnatanamo in black letters, a portmanteau of “Bosnia” and “Guantánamo.” Although tired and having lost weight from the hunger strike, he seemed in decent spirits, or at least happy to receive a visitor. The guard left us alone.

Abu Hamza’s choice of dress is a barbed allusion to the orange jumpsuits seen on detainees from GTMO and references a common condition: In both Guantánamo and Lukavica Muslim travelers and immigrants—often those embracing visual markers of Islamic piety such as long beards—are detained outside of ordinary legal frameworks on the basis of evidence they cannot see. Yet there are major differences: Lukavica is an “ordinary” immigration prison, a specialized facility that all civilized states are now expected to employ. Although first used to house people, such as Abu Hamza, who had lived in Bosnia and were declared a threat to national security, its nominal purpose is to hold recent migrants on a short-term basis, pending deportation. Authorities were explicit about its nonpunitive function, referring to the detainees as “users” (korisnici), allowing them to circulate inside the building, and not forcing them to wear uniforms or conform to kinds of bodily regulation typical in prisons. Management often stressed efforts to comply with “European” standards of efficiency and humaneness. Moreover, detainees declared as threats to “national security,” such as Abu Hamza, were entitled to have their detention regularly reviewed by courts, albeit according to nonexistent standards that have amounted to rubber-stamping. The center was not used to interrogate and torture, and relations with the authorities were relatively positive in the first few years (though this would change). Perhaps most important, detainees could receive family visits, something never permitted at GTMO.

More important than comparing and contrasting the conditions in and legal frameworks for GTMO and Lukavica, however, is situating them in a broader framework of techniques and adaptations in U.S. empire. Lukavica’s apparent adherence to legalism—as opposed to GTMO’s reputation for “lawlessness”—was shaped in part by the fallout from the immediate post-9/11 deportations. The Algerian group and Imad were stripped of their citizenships in a summary manner and expelled with little or no legal process,
producing a number of headaches for local authorities later on: the Algerian incident sparked a backlash among some Bosnian Muslims, as well as sharp criticism from European and UN officials. The Human Rights Chamber of Bosnia-Herzegovina, a hybrid local-international court, found violations of basic human rights in both cases—although tellingly, its jurisdiction did not allow it to rule on the actions of the United States and other external actors. Subsequent efforts to remove suspicious Arabs therefore had to proceed in a more legalistic fashion. This reflected a shift in the U.S. role, away from influencing individual deportation decisions and toward rewriting laws and helping to build an infrastructure for broader security agendas.

In late 2005 a special state commission was afforded powers to revoke naturalizations granted since independence in 1992. The review process was aimed ostensibly at cleaning up naturalization records in general. But officials made little secret that the priority was dealing with suspicious Arab ex-fighters. Notably, one of the few restrictions on its powers was that they could not be used to render anyone stateless—pace Agamben, foreign citizenship remained crucial. This was not only important, but explicit: by law, the nine-member official state body reviewing naturalizations—often considered a core part of sovereign decision-making—including three foreigners. This quota was larger than those for any of the country’s three constituent nationalities.

A U.S. Army officer and a British immigration official were appointed to the State Commission. The chairman, assistant security minister Vjekoslav Vuković, was close to the U.S. embassy and took calls from American officials several times when I interviewed him in 2006. In cables to Washington, the U.S. embassy in Sarajevo described the denationalizations as a “top USG counterterrorism priorit[y]” and assured superiors that “we are working with Bosnian law enforcement agencies to ensure they are making adequate preparations for an eventual deportation of Abu Hamza.” Unsurprisingly, the State Commission met behind closed doors and canceled some 660 Bosnian citizenships, mostly of Muslims. Although many of those denationalized were living abroad and may not have developed close ties with the country, the focus of the effort was on several dozen Arabs who had settled in Bosnia. Abu Hamza was the best known of this group.

As the State Commission produced newly “foreign” subjects, an infrastructure to dispose of them began to develop with the establishment of an immigration police in the fall of 2006 under the Ministry of Security, the Service for Foreigners’ Affairs (Služba za poslove sa strancima, SPS), which manages the Lukavica facility. Although the detention center flies the EU flag, the bureaucracy that runs it was heavily U.S. influenced and oriented toward GWOT imperatives. The U.S. embassy boasted of its role in transforming SPS
“from an idea on paper to an effective organization,” with a special focus on “identifying foreign fighters who illegally obtained [Bosnian] citizenship . . . so that they can be detained and expelled.”43 A U.S. adviser seconded to sps had input on everything from legislative initiatives to procedural rulebooks and budgeting. The U.S. government donated automobiles, office equipment, radios, night vision equipment, and even batons.44 Additionally, the embassy decided to contribute $4.5 million for sps to develop a biometric data program, including equipment and training for border crossings and overseas embassies.45 It sponsored a training course for sps officers on interviews and interrogations, including “how to read verbal and non-verbal indicators to determine whether an individual is being deceptive”—similar to the behavioral profiling employed in U.S. airports.46

While U.S.-backed efforts to create institutions intended to denationalize suspicious Arabs unfolded, Abu Hamza and a small group of Arabs sought to take their case to anyone who would listen. They formed a group called Ensarije (from the Arabic term for one group of the Prophet Muhammad’s early supporters) to publicize their cause. Several rallies were organized in Sarajevo and Zenica in 2007 and 2008, attended by hundreds of Bosnian Muslims who expressed gratitude for Arab volunteers and their role in the war. The Arab veterans made direct appeals to Muslim politicians, especially wartime prime minister Haris Silajdžić and Bakir Izetbegović, the son of Bosnia’s first president and later president himself.47 Abu Hamza was litigious, contesting the efforts to strip him of Bosnian citizenship and deport him. Abu Hamza and his comrades also targeted international audiences, granting interviews to the BBC, New York Times, Washington Post, and Der Spiegel. He actively sought the help of rights groups. I began to meet and correspond with him during this time in late 2006. Upon learning of my background in human rights organizations, he would often seek my advice.

Here, the state of Bosnia-Herzegovina appears less as a sovereign triggering the ontological potential of pure yet self-legitimizing violence and more as a space of negotiation between an imperial power and individuals it wishes to put in their proper “place.” The United States and its allies crafted Bosnian legislation and enmeshed themselves in state institutions. From their end, Abu Hamza and the Arabs made their appeals in Bosnian courts and to voters even while knowing that the real power lay elsewhere. By acting as a buffer, the Bosnian state permitted the United States to avoid direct responsibility for the removal of the Arabs. And the Arabs lacked any ability to petition directly an authority that might truly determine their fate.

The United States as sovereign power was not acting to place Abu Hamza at the threshold of “the law” (however defined or delimited) as a kind of homo sacer. Rather, by refracting its power through the sovereignty of the
Bosnian state it was treating him as an out-of-place Muslim. This rendered him transportable in a circuit of relations between sovereign states. It did so in a way that minimized or eliminated U.S. responsibility. Here, a monolithic notion of sovereignty, or of power in general, is unhelpful, since one state (Bosnia) was exercising authority in a way that allowed another state (the United States) to pursue its goals without assuming public responsibility.

Abu Hamza was forced to deal with the powers that mattered through the media or NGOs in lieu of (rather than in addition to) traditional avenues of direct appeal and interaction. Little did it matter: In October 2008, the Constitutional Court of Bosnia upheld the decision to strip Abu Hamza of his citizenship. Now rendered Syrian and nothing else, he had an unambiguous address for a deportation guided by the logic of the U.S. empire. He was arrested by SPS, who brought him to Lukavica. The U.S. embassy duly reported the arrest and monitored the case.48

Abu Hamza spent the next seven and one-half years in Lukavica. With Syria’s ability to serve as a willing jailer in doubt because of the civil war that erupted in 2011, he could no longer be put back into his “proper” place. In February 2012, the European Court of Human Rights ruled that he faced an unacceptable risk of abuse in Syria and that being declared a threat to national security was insufficient for detention.49 According to the ruling, Bosnia could seek to deport Abu Hamza or release him (the United States, of course, could not be party to the lawsuit). For the next four years, it did neither: with circulation disrupted, indefinite detention remained the next acceptable option. And because he was held in an ordinary Bosnian immigration jail rather than an extraterritorial prison such as GTMO, his case attracted virtually no international attention. Detained under the flags of Bosnia and Europe, he was in many ways a prisoner of U.S. empire until his eventual release in February 2016.

CONCLUSION: OTHER CIRCULATIONS

It is inadequate to think about sovereignty in terms of exception when facing an empire in which power is often refracted through the sovereignty of other states, independent in name but enmeshed in relations of dependency. The network of carceral practices organized under the GWOT rubric, however, entails only one—and highly regulated—form of mobility generated under the U.S. empire. Far more common, of course, have been forms of migration premised on ever greater “flexibility” (or rather precarity) demanded by evolving forms of capitalism.50 Here, Guantánamo and Bosnia-Herzegovina again provide glimpses of the larger beast: At GTMO, there are two major kinds of
so-called third-country nationals who are neither American nor Cuban. The first are the prisoners such as Umar and the other Algerians rendered from Bosnia. The second is a worker population, comprised mostly of Filipinos and Jamaicans, who became indispensable after the Cuban Revolution led to a near-total cutoff of the base’s local labor supply.51 Both third-country national prisoners and workers at GTMO share the predicament of dwelling in a space between the juridical protections of their governments, the local state, and the U.S. hegemon.

While the U.S. conditions different forms of coercive circulation of bodies, these are attempts at governing a far broader range of forces and peregrinations that exceed its power. After years in GTMO and after winning his case in the U.S. courts, in 2008 Umar returned a free man to his adopted country. But because of the accusations linked to terrorism, it was difficult to find work. So in 2010, Umar left again: he traveled to China to get into the import/export business. Although questioned by police on departure, for the first time in a long while he traveled internationally as an ordinary person. Umar came away disappointed, however. “There are so many barriers to foreigners doing business here,” he complained, “so many taxes and regulations. They look for any excuse to . . . give you trouble, even if you are bringing in goods that are almost perfect.” While unsuccessful in this venture and still struggling to support his family, Umar’s peregrinations are a small victory in one sense: not only did he win his freedom from GTMO, but he resumed a life that straddles national categories. As an Algerian in Bosnia, Umar’s trip to China is the latest foray in a life marked by movement, including a pilgrimage to Saudi Arabia in 1989, his study and work in Pakistan, and his fateful decision to travel to Bosnia and marry there. Between stereotypes of privileged jet-setting cosmopolitans and toiling migrants, Umar’s restored mobility—as an Algerian with a Bosnian passport in China—illustrates the challenges he faces while gesturing also to a matter-of-fact attempt to get by in an imperial order based on sovereignty.

This chapter has focused on the logic of circulation rather than exception, through a focus on carceral practices. It takes seriously the suggestion that “empire is a moving target”—not so much a target in motion, but one that is moving in the transitive sense, causing the circulation of other things, such as imprisoned bodies. The stories recounted touch upon a few of many potential fates. Carceral circulation may be consummated in a way that effectively consigns detainees to invisibility, such as with Imad’s deportation to Egypt. It may be interrupted and leave individuals stuck without clear legal basis or political responsibility, as with Abu Hamza in Lukavica. And it may be converted into a “freedom” tied to labor precarity, as shown by Umar and his search for business in China. Rebuilding the itineraries traced by those
bodies, and recording ethnographically the juridical signposts noted along the way, provides one possible glimpse of U.S. empire and its many far-flung parts.

NOTES

Unless otherwise noted, translations are my own.
2 See Li, “A Universal Enemy?” My use of the term out of place is intentionally ambivalent. Dirt is, famously “matter out of place” in the work of Mary Douglas, and hence a source of threat in the cultural systems that shape understandings of the world. Douglas, Purity and Danger. For Edward Said, to be “out of place” is also, of course, a constitutive state of separation from “home” (conceived as family or homeland) that can condition new forms of subjectivity (Said, Out of Place).
3 See Boumediene v. Bush; Bensayah v. Obama, 610 F.3d 1102 (D.C. Cir. 2010). The sixth Algerian, Belkacem Bensayah, was repatriated in 2013.
4 See Eslam Durmo v. Federation of Bosnia and Herzegovina. Since the fall of the Mubarak regime, Imad has resumed his earlier work as proselytizing Islam to Bosnians according to the Salafi orientation, this time via videos posted on YouTube.
5 Nkrumah, Neo-Colonialism, xi.
6 For attempts at remedying this disconnect, see Gregory, “The Black Flag,” and Svirsky and Bignall, Agamben and Colonialism. For an important critique of the role of race in Agamben’s work, see Weheliye, Habeas Viscus.
8 Kellogg and El-Hamalawy, Black Hole, 19–21; Ṣalāḥ, Waqā ’i’ Sanawāt al-Jihād, 144–49.
9 To be sure, the United States has a long history of abducting individuals overseas, often to bring them to trial within the country. Extraordinary rendition is distinctive insofar as it involves moving individuals between multiple foreign countries without U.S. jailers (except in the transit phase), entailing more complex negotiations of sovereignty. The closest example I could locate was the CIA transfer in 1952 of Bulgarian activist Dimitre Dimitrov from Greece to a U.S. military hospital in the Panama Canal Zone, where he was labeled a psychiatric patient under false pretenses—cf. Albarelli and Kaye, “The Real Roots of the CIA’s Rendition and Black Sites Program.” Even here, official U.S. authority over Dimitrov renders that case more akin to GTMO than rendition per se.
10 Although Umar served in the Bosnian Army, he said he was providing only religious instruction and was not a combatant.
11 Bosnia’s constitutionally recognized “constituent nations” are Serbs, Croats, and Bosniaks—in other words, Slavs of Orthodox, Catholic, or Muslim background,
respectively. Long-standing populations in the country excluded from these categories include Jews, Roma, and Albanians. The term Bosniak remains deeply contested from multiple perspectives and will be used interchangeably with the term Bosnian Muslims here without prejudice to the question as to whether Bosniaks are an “authentic” nation or not, or if Bosnians of Muslim background should primarily identify themselves as Bosniaks.


14 The proceedings before the Human Rights Chamber of Bosnia-Herzegovina—a hybrid local-international court—clarified the U.S. and Egyptian roles: “On 22 May 2001 the US Embassy informed the Ministry of Interior of the Federation of Bosnia and Herzegovina that two citizens of Egypt who are connected to terrorism are residing within the territory of the Federation. After receiving additional information from the Egyptian authorities, it was clear to the Federation that the applicant was one of these persons” (Durmo, 121).


16 Durmo, 58.

17 See Hadži Boudellaa et al. v. Bosnia and Herzegovina and Federation of Bosnia and Herzegovina, 51–52. Interestingly, the Bosnian government informed a senior Algerian intelligence officer of their suspicions about the men even before the arrests (50).

18 Gerges, The Far Enemy.

19 The prospect of Guantanamo detainees captured abroad brought to the United States for trial has sparked debates over whether such defendants “deserve” the procedural protections of the criminal justice system. This debate tends to overlook continuities between GTMO and prisons on the mainland, especially technologies of solitary confinement, and to reinforce the assumption that domestic U.S. carceral practices are categorically distinct from (and more benign than) those elsewhere.

20 Bruce O’Neill has remarked on the inadequacy of Agamben’s concept of the camp for capturing the spatial contours of the U.S. Guantanamo detention network, preferring instead to rely on Deleuze and Guattari’s metaphor of the rhizome: “rendition works not by being caught inside the walls of ‘the camp,’ but by being forced to pass through an ever-changing assemblage of transnational spaces” (O’Neill, “Of Camps, Gulags, and Extraordinary Renditions,” 11).

21 Agamben, Homo Sacer.

22 Cf. Hussain, “Beyond Norm and Exception”; Johns, “Guantanamo Bay and the Annihilation of the Exception.” Anthropologists employing the conceptual vocabulary developed in Agamben’s work on sovereignty (camp, homo sacer, biopower, ban) have found that those actually enmeshed in such categories proactively engage, contest, and appropriate them for their own ends; see, e.g., Agier, Managing the Undesirables; Bryant and Hatay, “Guns and Guitars”; Farquhar and Zhang, “Biopolitical Beijing”; Fassin and Vasquez, “Humanitarian Exception as the Rule”; Rozakou, “The Biopolitics of Hospitality in Greece.” This is not exactly a challenge to Agamben’s concepts, insofar as he is engaged in an excavation of the conditions of possibility for certain phenomena, rather than purporting to provide a social theory for understanding what people actually do in the camp or when
reduced to homo sacer. Interestingly, Agamben’s separate work on community—which seems more closely linked to core anthropological concerns—has generally received less attention from the discipline. See Stevenson, “The Psychic Life of Biopolitics.”


24 Agamben, State of Exception, 3–4 (emphasis added).

25 Agamben, Homo Sacer, 132.


27 Agamben, State of Exception, 85.


30 Marty, Alleged Secret Detentions, 32.

31 One important exception: Tariq al-Sawāḥ, an Alexandrian working in Greece who joined the jihad, was caught in Afghanistan and handed over to the Americans, who then shipped him to GTMO, where he remained the last Egyptian detainee until his January 2016 release. It is possible that al-Sawāḥ was treated differently because he was a dual Bosnian-Egyptian citizen, leading to uncertainty over his disposition.

32 Li, “Hunting the ‘Out-of-Place Muslim’”; Mariner, Ghost Prisoner.

33 Agamben, Homo Sacer, 166.

34 Benton, A Search for Sovereignty; Lugard, The Dual Mandate in British Tropical Africa; Mamdani, Citizen and Subject.

35 Anghie, Imperialism, Sovereignty, and the Making of International Law; Mazower, No Enchanted Palace; Rajagopal, International Law from Below; Wright, Mandates under the League of Nations.

36 In The Wretched of the Earth, Fanon repeatedly pointed to the example of Latin American states to dramatize to his Algerian comrades and others the potential dangers of independence when dominated by the national bourgeoisie (97, 153–54, 174, 201). Being Martiniquan and thus a resident of a French Caribbean colony (Alessandrini, “Fanon Now”), the Latin American example of “independence” under U.S. hegemony would have been close to hand.


38 The four Ss denote the slogan Samo sloga Srbita spasava—Only unity can save the Serbs.

39 Delegation of the European Union to Bosnia and Herzegovina, “Handover ceremony of the EU-funded Reception Centre for Irregular Migrants in BiH,” accessed November 10, 2017, http://europa.ba/?cat=12658&paged=41. The center is Bosnia’s first immigration prison. It is worth noting that Bosnia still lacks a prison for criminal convicts and continues to rely on prisons run at the entity level. Immigration and border enforcement have accordingly been one of the areas where Western donors have prioritized investment.
In this respect, the situation in Lukavica is somewhat worse. While Guantánamo detainees generally cannot see the evidence against them (and indeed in most settings any utterances they make to outsiders are presumptively classified, meaning that their attorneys cannot share their statements without permission of the government), their lawyers often can if they have obtained security clearances. In Lukavica, there is no provision for defense attorneys to access classified evidence.


Total aid to SPS amounted in its first two and one-half years of existence to around $700,000, the agency’s annual budget being just over US$5 million. “Bosnia: INL-Managed SEED-Funded Projects.”


The reluctance of Security Minister Tarik Sadović to expeditiously deport the Arabs led to his expulsion from the main Bosniak nationalist party, the SDA; the party then turned to the U.S. embassy to help vet his replacement. See “Bosnia—Request for Information on Possible Nominees for Minister of Security,” cable by Amb. Charles English.


Al Husin v. Bosnia and Herzegovina.


Lipman, Guantánamo.