

Voor Vrij Nederland

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Abstract

This paper traces the process through which artist Robert Glas sought and eventually obtained permission to photograph detention centres in the Netherlands for those whose asylum applications had been denied. It argues that Glas's formal approach to photographing their individual cells mirrors how space is compressed in their design. Both the cells' design and Glas's photographs of them reveal the state's desire to isolate people who have committed no crime, but have simply stayed in the Netherlands beyond the permitted period. By explaining the long negotiation process for Glas to obtain permission to take these photographs, this paper also suggests that the Dutch state is aware of the impact photographs of the centres might have—especially those not subject to the state's editorial control.

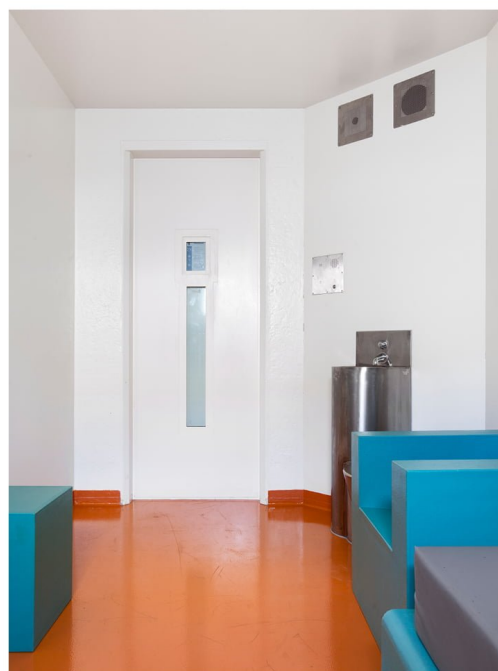


Figure 1: Refugee Detention Center, cell for solitary confinement, location Rotterdam The Hague Airport

The photographs appear to be portraits of prison cells. The rooms are clean and well lit. There is nothing remarkable about them except their small size. Their economical design suspends the imagination, just like the prison is meant to suspend the inmate "outside of life". Such spaces manifest the state's desire to anticipate its inmate's every gesture and then compress their range of movement as much as possible. A real estate photographer would have obscured the compression of space by choosing a corner of each room from which

to shoot the opposite corner with a wide-angle lens. This approach captures more information, but distorts the room's actual dimensions. In contrast, in *Voor vrij Nederland* (For a free Netherlands), Robert Glas took a shot and a counter-shot of each cell along a horizontal axis: one shot from the door to the single window opposite, another from the window to the door. The resulting photographs are organised around the narrow space the body is meant to use to enter the room and access the bed, the desk, the toilet, or to leave it. Glas's method maintains the blank economy of the room's design logic, suspending the viewer in the inmate's living space.

However, the rooms in Glas's *Voor vrij Nederland* series of photographs are not prison cells. Their inmates have broken no law. Those working at the detention centres and not prisons reminded the artist of this difference constantly, and without prompting, while he shot these interiors. Confinement is not punishment. In the Netherlands, it is not a crime to stay in the country upon receiving an expulsion order. The people assigned to the spaces Glas photographed are simply people without Dutch citizenship who did not leave when their permission to stay was revoked. In these spaces they await deportation, which legally can last as long as 18 months but could also be days, or three weeks, or fourteen. The temporal suspension of people in detention centres is an important aspect of their structural violence: within them, the state's control over a person's time is arbitrary and the decision-making process is inchoate, opaque to the people whose lives it will determine.¹ The non-difference between the space for an unauthorised person and the space for a person unable or unwilling to abide by the law reveals the fact that the state sees these people as similar, even if its own laws do not.



Figure 2: Refugee Detention Center, 'air cage' for solitary confinement, location Judicial Medical Center for Somatic Care

There are four detention centres in the Netherlands. Until 2015, no pictures of their interiors existed. News articles concerning the centres, such as those regarding the suicide of the Russian political activist Alexandr Dolmatov, were accompanied by bleak exterior shots. To document the centres' interiors would make them exist in the public imagination; it would contradict the state's apparent desire for the centres to remain an external space, a space without interiority, the ultimate space of exception.

Anyone can file a request for access to photograph detention centres, but journalists are most likely to see their request granted as they have access to platforms that reach a sufficiently wide audience for their work to be considered to be in the public interest. As journalists often work against strict deadlines, if the Dutch Ministry of Security and Justice dithers over the approval process a request can become obsolete. Photography is not usually the priority in journalism and so articles about the detention facilities have, in the past, gone to print without interior shots. To try to get around the state's obstruction, Glas teamed up with Frans-Willem Verbaas, an asylum lawyer working for Collet Advocaten Alkmaar. Together the two approached *Vrij Nederland*, whose editorial team wrote a letter of intent to publish a photographic series documenting all of the different kind of cells in all four detention centres.²

Their invitation did not establish a deadline; they committed to publishing the photographs whenever they became available. With this commitment, Glas became an accredited photojournalist for *Vrij Nederland*, and could therefore justify his request.

The process of gaining access to the detention centres took twenty months, which illustrates not only the state's desire to keep the centres off grid, suspended in a kind of blank space on the edges of society, but also the anxiety it manifested about losing control of them, and, by extension, losing control of the people inside. Glas's initial request was turned down within six weeks. A second request accompanied by a firm letter from Frans-Willem Verbaas was also rejected. Verbaas and Glas then filed a lawsuit against the State of the Netherlands on the basis of article 10 of the European Convention on Human Rights, which protects the watchdog function of journalism.³ The state can restrict this freedom but it must meet "very high requirements before any restrictions can be imposed on the freedom of the press by the public authorities."⁴

The state defended its repeated rejection in a 2014 court case by claiming that, as the owner of the building, it could grant and deny access to whomever it wished. The state is a landowner on behalf of the public, however, and the article under which Verbaas and Glas sued the state clearly protects the rights of journalists to question its actions "on behalf on the public". The judge agreed, but in response to the case the Ministry had hired a photographer to make interior shots of the centres between the first and second court hearings. The images were made freely available in a press kit, which allowed the Ministry to justify its rejection of the request for access on the grounds that identical material already existed and was available for use.

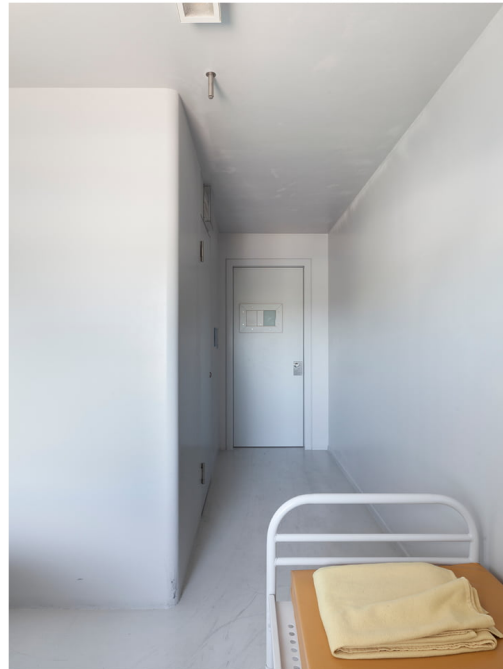


Figure 3: Refugee Detention Center, cell for solitary confinement, location Schiphol Airport

The photographer the state hired had worked previously in the real estate industry. His photographs were composed and shot to distort the dimensions of the cells through the process described earlier and which Glas consciously worked against in his own photographs. The official images were made to “sell” the space and to conceal how narrow it actually was, not to reveal its structural logic or attest to its impact on the body. They reveal the fact that the Ministry itself understood the difference between a photojournalist’s (or an artist’s) aesthetic vocabulary and that of photographer working on a specific commission. A commercial photographer produces highly controlled images through a post-production process, which allows them to render a space attractive for the consumer, by eliminating scratches on the walls and windows and other signs of use. Their photographs can be cleaned of texture, made frictionless in a sense. They have a clear and tightly orchestrated goal, which aligns with the state’s aim to isolate and control people who have no civil status in the Netherlands. The Ministry must have known that both the post-production process and the purpose of a photograph taken in order to provide information about what it looks like to live in a detention centre would be difficult to control, which would have the effect of complicating its desire to externalise and thereby isolate the entire phenomenon of asylum seeker detention in the Netherlands.

The judge ruled in favour of Verbaas and Glas, with an important caveat: they were required to sign a contract that the photographs would be published exclusively by *Vrij Nederland* and that any subsequent publication would need to undergo a separate approval process. Their stated justification turned on the status of the image, its substantiveness and accuracy:

DJI [Custodial Institutions Agency] does not cooperate with the realization of proposals that uses its facilities as mere decoration.[?] By activity preventing unregulated distribution DJI averts the presentation of photographs in the wrong context or with factually incorrect captions.⁵

If the first argument was grounded in the state's prerogative to control access to space, subsequent arguments concern its prerogative to define the purpose of the images. Their statement on this point involves an important reversal of their own logic. For DJI, journalism or artistic practices produce decoration. It is implied that the commercial photographer they hired produced *information* about the detention centres. "The interest in of the State here is evident" the statement elaborates. "It is the State's task to guarantee peace and security *within* these detention facilities. Factually incorrect reports can disturb a correct execution of this task."⁶

What constitutes a "factual" photograph of the interior of a detention facility? How can a photograph disturb the peace and security *inside* the centre through public opinion about the facilities in the outside world? This phrasing implies that information even photographic information, which is so often thought to be objective, indexical in a direct and uncomplicated sense is only understood to be accurate when controlled by the state. A "fact" produced by someone who is not controlled by the system is rejected as decorative, disruptive to the wellbeing of detainees. For Glas, this logic aligns closely with the experience of actually taking the photographs once granted access. He was met at the entrance of each detention centre by the commissioner who had defended the obstruction on behalf of the state. He was asked how long he needed to work in each cell to which Glas responded two hours and then granted access for only one. In one cell, Glas was interrupted after only ten minutes. A guard knocked on the door to tell him that his time was up. This treatment was not exactly antagonistic, according to Glas's account, but it did feel like a manifestation of a broader anxiety about control of space, of representation, and of time.

This anxiety may stem in part from the unstable status that asylum detainees are accorded in the Netherlands. Placed in centres at the periphery of society, often very close to air travel hubs like Schiphol airport, such detainees are officially innocent and yet contained in the same kinds of space Dutch society reserves for criminals, their days structured according to similar rhythms of hours of free movement and lock-up times. Glas's photographs capture this structural ambivalence about detention on a formal level by focusing each photograph on the experience of spatial compression, and on a conceptual level by presenting the legal process required to gain access as part of each installation of the work.



Figure 4: Refugee Detention Center, 'air cage' for solitary confinement, location Schiphol Airport

Footnotes

1. See Hasselberg, I. *Enduring Uncertainty*. Oxford: Berghahn Books. 2016; Mavroudi, E., Page, B., Christou, A. and Griffiths, M. *Timespace and International Migration*. Cheltenham: Edward Elgar Publishing. 2017.
2. See: BOUMA, Kaya. Ook asielzoekers Rotterdam in hongerstaking. *de Volkskrant*. 07-05-2013 DE FIJTER, Nico. We zijn geen criminelen, we zijn asielzoekers. *Trouw*. 06-05-2013 KAS, Annemarie. Vreemdelingen op gesprek over terugkeer nog voor afloop procedure. *NRC*. 07-05-2013.
3. "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises." A PDF of the ECHR is available online in English here: https://www.echr.coe.int/Documents/Convention_ENG.pdf (Accessed 2019-8-30.)
4. Poptcheva, M. "Press freedom in the EU Legal framework and challenges". EPRS | European Parliamentary Research Service. Briefing April 2015. Available at <http://www.europarl.europa.eu/EPRS/EPRS-Briefing-554214-Press-freedom-in-the-EU-FINAL.pdf> (Accessed 2019-08-30.)
5. Mr. W.B. Gaasbeek's plea, State Attorney. 26 November 2015. Appeal "State of the Netherlands/Glas". Emphasis in the original.
6. *Ibid*. Emphasis ours.