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Abstract: This article analyzes the role increasingly played by oral testimony in asylum procedures at a specific Italian civil tribunal in the years 2011-2013, when the "Arab spring" and the war on Libya caused a sudden increase in the number of migrants entering Italy, as well as a peak in rejections. Drawing from ethnographic cases, I suggest that in Italy this change was based on assumptions on the scientific objectivity and neutrality of interviewing and translation techniques. While such assumptions don't hold under scrutiny, revealing all assessment techniques (both of documental evidence and oral testimony) as spaces of contestation, I argue that they are productive in allowing to cover the sharp hardening of European asylum politics under supposedly neutral technicalities. Moreover, at times of perceived "refugee crisis", the mere assessment of the oral narrative could allow easier and speedier rejections.

> For the more we ignore dependency relations between those grossly unequal in power ... the more readily will we assume that everything that needs to be understood about trust and trustworthiness can be grasped by looking at the morality of contract.
>
> (Baier 1986, 241)

Prefect Trovato: In order to understand if a gentleman [refugee] is telling us the truth or, as some do, selling some crap - I apologize for the term - he needs to be interviewed and for this we use specific interviewing techniques, which are elaborated at a European Community level … Thus, we are able to materially verify, with a reasonable degree of reliability, if this gentleman is really an asylum seeker or someone who came here for different reasons.

President: Excuse me, Prefect, do you employ cultural mediators and linguistic interpreters?

Prefect Trovato: We do not use cultural mediators because this would require a process of intermediation. We need the truth, this is why we use linguistic interpreters.

(Parliamentary Hearing 2015, 7, my translation).

This excerpt from a long interview of the president of the Italian national asylum committee by the Parliamentary commission entrusted to assess current refugee status determination procedure (RSDP), is part of a wider survey on migratory fluxes into Europe via Italy. In Italy, after applying for international protection at a Police headquarter, asylum seekers undergo an extended interview in front of a Territorial Commissions (TC) which can recognize or reject protection. Rejection, or a lesser protection, traditionally led to two levels of appeal respectively in front of one of the many civil law tribunals and Appeal Courts.[1] It is in relation to the first step of the RSDP that the issue of truth emerges, opposed to asylum seekers' cultural specificities. An understanding of the latter, which could possibly be grasped with the help of cultural mediators, is considered in this case rather as an obstacle to truth, which can only be revealed by a literal linguistic translation of the asylum seekers' narrative. Despite the long-exposed nature of the verbatim requirement in multilingual legal contexts (vis-à-vis meaning-based translation, see Inghilleri 2003; Tipton 2008), the prefect equates linguistic translation with a technical, impersonal device allowing to discern the credibility and extract the coveted objective truth from the persecution narrative simultaneously avoiding the pitfalls of cultural mis-understanding.[2]

In this article, I intend to reflect upon the role increasingly played by oral testimony in asylum procedures vis-à-vis documental evidence in the years 2011-2013, when the "Arab spring" and the war in Libya caused a sudden increase in the number of migrants entering Italy (from 4.406 in 2010 to 62.692 in 2011), as well as in a peak of first instance rejections and a clogging of the system.[3] The distinction expressed in the excerpt, between cultural

interpretation and linguistic translation, points to the crucial role of asylum interpreters and the potential relevance of a socio-linguistic analysis of the procedure. Yet, given the black-boxed nature of the latter and the absence of audio-recorded material, no trace exists of the verbal exchange between claimant and interpreter. The researcher can analyze - not without difficulties or limitations - the written transcripts produced during the interview by the very interviewer, who types in an edited and summarized version of the translator's answers. What is lost are not only crucial non-verbal forms of interaction (demeanor, silences and emotions), but also the thickness and nuances of the communicative exchange between the claimant and the translator, as well as all metapragmatic comments between translator and adjudicator. Despite those voids, an analysis of appeal transcripts can still reveal important aspects of asylum policies and practices. As in other "sensitive fields" (Bouillon *et al*. 2005), the study of RSDP requires the adoption of mixed strategies: along with participant observation inside receptions centers in the northeast,[4] the current study is based on findings from six months that I spent on the mechanics of international protection procedure in Bologna focusing on the work of a lawyer, observing the strategies she adopted when assisting pro bono rejected claimants, analyzing their files, and meeting with some of them. In the period 2013-2014, I also co-coordinated research at the local tribunal in Bologna, which allowed me to analyze over 200 asylum claims (Sorgoni forthcoming).

Piecing together these partial and fragmented materials, I illustrate how, at a specific time and location, judges largely grounded their decisions on the credibility assessment of the oral testimony, neglecting or delegitimizing other types of material evidence. Uncritically assuming linguistic translation as an "abstract matching of two sets of sentences [rather than] a social practice rooted in modes of life" (Asad 1986, 151), and erasing from their transcripts all the mediating workings of multiple interventions on the claimants' words, they presented

selections of transcribed translated narratives as "the claimants' own words". I argue that such denial of assessment techniques as spaces of contestation (rather than objective devices to reach the "truth") is productive, covering the sharp hardening of European asylum politics under supposedly neutral technicalities (Shore and Wright 1997).

Paraphrasing the title of Fassin and D'Halloiun's (2005) seminal article - and despite the persisting scarcity of data and studies at a national level (Veglio 2018) - in the next section I suggest that, at times of perceived crisis, judges at the Bologna tribunal relied on "the truth from the voice" concentrating primarily on the assessment of the credibility of the narrative. I argue that, while in a culture of suspicion more documentary and material evidence was required to supposedly produce supplementary truth, at times when rejection (rather than disbelief) becomes the political imperative, an assessment based on the mere oral testimony can allow for speedier denials. I offer a few ethnographic examples to illustrate how, to reach this primarily political goal, applicants voices ironically become feebler in the course of a procedure in which their translated words are selectively picked and reassembled in multiple written texts, presented as *immediately* (i.e. without mediation) reproducing the claimants' own words. By drawing more extensively on a single case concerning a woman from Cameroon, in the last section I show how all negative decisions taken at the various procedural steps, despite being upheld for different reasons, were grounded on the assessment of fragments of multiple translated transcriptions of the woman's sole oral testimony. In a context of growing criminalization of asylum seekers, an analysis of how a supposedly objective bureaucratic device (the prefect's "specific interviewing techniques") facilitates asylum seekers' rejection, helps uncover how institutional power's authority is reinforced through

practices of "entextualization by inscription" (Park and Bucholtz 2009, 498): i.e. the transformation of talks into official neutral texts, which obfuscate both interactional microprocesses (what happens in dense multi-vocal legal encounters) *and* political macroprocesses (wider concerns of impeding the arrival of migrants, which influence how decisions are made).

From Body to Voice

In Italy as elsewhere in Europe, international protection is granted under the 1951 Refugee Convention and the subsequent EU asylum legislation. In the Convention, the refugee status is predicated on a potentiality: as Goodwin-Gill reminds us, it is not necessary "even actually to have been persecuted. The fear of persecution looks to the future" (2014, 38). Yet, when we move from the general definition offered by the Convention to its application in adjudication practices, evidence shows that *fear* does not figure prominently in decisions, being "largely eclipsed by the objective element" (Coffey 2003, 393). Persecution thus seems to be intended not so much as a fear for a danger yet to come, but rather as an experience that has already happened in the past, and can be proved: an actuality, rather than a potentiality.

Possibly, this is one of the reasons that explains why what I call here 'secondary documentation' (produced or obtained in the host country), especially medical and psychological certification, is crucial in adjudication practices. In the absence of primary documentary/identification evidence, an assessment of the oral testimony - "the least credible and most impeachable form of evidence" (Byrne 2007, 614) – is allowed, its elusive nature traditionally counterbalanced by medico-legal reports and psychological certification obtained

in the host country, that can provide secondary supporting evidence to the applicants' narrative (Beneduce 2015; Fassin and D'Halluin 2007; Kelly 2012; Taliani 2011; Weissensteiner 2015; Wilson 2003).

As Fassin and D'Halluin argued, the important role played by medical certificates in asylum applications should be read against the emergence in the 1980s of a new moral order whereby the body became "the place in which individuals' truth about who they really are is experienced" (2005, 597). Although in Western societies the process of out-ruling physical violence as a means to regulate social order has brought about a progressive disembodiment of political order, for vast categories of people - like the poor, foreign immigrants and asylum seekers - "the field of politics has not lost touch with the body" (597). In a context of increasing suspicion surrounding asylum steadily growing across Europe, a new regime of truth appeared in which "more proof is often requested. In this new context, the signs left on the body by the torturer become evidence for the state" (598). In this new regime of truth the body did not speak for itself: a victim of persecution needed specialists' certification in order to be recognized as such. The tortured body was scrutinized and finally turned into a political resource only through a mediation, as medical certificates from doctors or psychologists became the ultimate proof in adjudication procedures. The dilemmas posed by the growing suspicion and the multiplication of control apparatuses surrounding asylum often led case workers, legal experts and asylum seekers' themselves, to found asylum applications or appeals on supposedly more authoritative psycho-medical certifications, which ended up replacing asylum seekers' voice. This produced an objectification of the asylum seekers' body,

with the paradoxical effect that the reification of a political body translated into a de-politicization of asylum seekers as subjects (Malkki 1996).

In the 1990s, a process towards a common European asylum system (CEAS) was started to ensure that all member states apply common criteria for the definition and identification of people in need of international protection. In particular, the Qualification Directive (2004/83/EC) stated that, when documentary evidence is lacking, adjudicators should assess whether:

> (a) the applicant has made *a genuine effort* to substantiate his application; … (c) the *applicant's statements are found to be coherent and plausible* and do not run counter to available specific and general information relevant to the applicant's case; … (e) the *general credibility of the applicant* has been established (Directive 2004/83/EC, art. 4¶5, my emphasis)[5]

This Directive endorsed former UNHCR (1998) indications granting specific relevance to the oral testimony as evidence, thereby acknowledging the complex nature of the procedure, the need to carefully listen to what applicants say with their own words and take it into serious consideration. And we could expect that an increased attention to the applicants' voice could contrast their depoliticization brought about by the supposedly more authoritative mediation of medical experts. As I argue in the following section, whether this happens or not partly depends on what it means to take applicants' words *seriously*. Here, I focus on the increased relevance of the credibility issue after the adoption of EU Directives: a relevance which recently raised some concern (IARLJ 2013; UNHCR 2015).

Narrative credibility is not a new criterion in refugee law. Yet, it is not easy to assess how oral testimony was evaluated locally before the adoption of a common EU system, and what relative weight it gained inside each national procedure following domestic laws. Despite some notable exceptions (Bianchini 2011; Byrne 2007; Coffey 2003; Kagan 2003; Noll 2005; Rousseau *et al.* 2002), studies focusing on credibility are in general very scarce. This is all the more true for Italy, where all main steps of the procedure are usually inaccessible to researchers, and first instance decisions or appeal judgments are not available online or in any public domain, nor are they centrally archived: each TC and appeal tribunal individually store in their local archives the asylum determinations' paper documents they receive and produce, thus generating serious barriers to both independent research and public evaluation. Despite this, existing studies indicate the increasing importance of the credibility criterion (Byrne 2007), also confirmed in the UK (Sweeney 2009, 724), Greece (Cabot 2013, 454), and the USA (McKinnon 2009, 210). The research I co-coordinated at the Bologna civil tribunal on some 230 asylum appeals reviewed between 2011 and 2013, substantiates this trend: in about 44 per cent of the decisions, credibility figured as one of the main reasons motivating rejection; in 14 per cent of those cases, it was the only reason. More interestingly, out of those 44 per cent, 42 per cent of the decisions rejected the appeal on grounds of credibility without any acknowledgment of the attached documentation (Asilo in Europa 2015). As I suggest below, this invites us to explore the changing status of secondary documents.

Of battlefields, or the elementary trick of bureaucracy

The "open sesame" role long played by medico-psychological certification (Fassin and D'Hallouin 2005), was generally recognized, until recent times. For instance, Shuman and

Bohmer (2010) argued that in asylum hearings in the global North, personal narratives were open to scrutiny and discredit unless corroborated by experts' documentation. Similarly, and based on his research in Italy, Beneduce (2015) described the common practice to ask experts to produce some 'supplementary truth' to back up oral testimonies. Yet, Shuman and Bohmer also added that the process of identifying inconsistencies in the narratives "is not to get a more accurate account of what happened but to find a technicality that justifies denying the application"; quoting Žižek (1998), they refer to this device as "the elementary trick of bureaucracy" (2010, 5). Beneduce (2015) listed cases where corroborating evidence provided via medical certification was ignored or delegitimized by decision-makers, on the only ground that the narrative was deemed incoherent. Similar cases are to be found also in contemporary France (Ticktin 2011), where recently Fassin and Kobelinsky acknowledged that "in the end, medical certificates provide nothing but presumptions of compatibility" (2012, 681 my translation) with the applicants' narrative.

The ambivalence surrounding medical certificates, which were at the same time requested and dismissed, may be related to the wider political changes which impacted on the asylum culture in the last decade. If a "culture of disbelief" stemmed from a change of paradigm emerging in the 1990s - whereby the opposition of voluntary versus forced migrations was substituted by legal versus illegal migrations (Scheel and Squire 2014) - we could argue that current European politics striving to deter the arrival of migrants in the continent is now producing a "culture of denial" (Souter 2011). The cases analyzed in my research show how, in a period of perceived crisis in Italy, a culture of denial which sought to transform an attitude of mistrust into a material action of rejection, was predicated upon a change of balance in the relative

weight of assessment criteria that the judges in Bologna assigned, with oral narratives featuring as a core criterion. A quote from a negative decision I encountered during my research can illustrate this point.

Mirabelle is a woman from Cameroon who applied for asylum in 2011 after having fled the country, where she had been persecuted with her brother and their father because of their involvement in political activities, and which had resulted in the death of the latter.[6] Both the TC member and the appeal judge found her story "not credible" mostly in relation to the political situation in Cameroon, even though their only source of information was the Foreign Office website "Travel Safe", directed to tourists. Yet, at appeal the lawyer managed to submit new evidence including a medical certification attesting signs of extreme violence, torture and rape. In her negative decision, the judge commented:

> even if it is possible that the applicant was a victim of violent events of the type related [by the doctor], it is not proven that she was persecuted for political reasons, mainly in consideration of the absolute non credibility of the narrated events. (Transcript of the decision of the review tribunal, January 2, 2012)

This excerpt shows how medical certification and the applicant's testimony can be played one against the other by decision-makers, and how the latter outweighs the former in the decision. While acknowledging the doctor's documental evidence as a proof of extreme violence perpetrated against Mirabelle, the appeal judge considered her story of political repression "non-credible". Weighing the (un)credibility of the oral testimony more than the medical certification, the judge broke the nexus linking (certified) violence with its (narrated) political purpose, thus justifying the rejection.

The fact that what the judge terms "oral testimony" is rather a document with the transcript of the translation of the claimant's first interview, is an issue I address in the next section. It should be noted that the distinction between oral testimony and written documents reflects emic categories shared by social workers, legal experts and adjudicators alike who refer to documents when dealing with material evidence (such as identity papers, medical certificates or country reports), and to "oral" testimony when addressing the persecution story, irrespective of the fact that the latter is also a document, and of the consequences this distinction bears. For the moment though, I want to stress how corroborating medical evidence appears to lose weight in the decision-making process I analyzed. In this case, the certification of extreme violence by doctors and psychologists definitely constitutes the desired hard evidence asylum seekers, medical experts, lawyers and social workers strive to obtain in order to strengthen claimants' oral testimony, but they do so to counterbalance decision makers' opposite tendency to ground rejections mainly or exclusively on the basis of oral testimony, irrespective of the availability of medical certificates or country of origin's documentation. In other words, the enduring necessity to use the signs on the body (and their relative certification) as a symbolic capital in the asylum procedure can turn into a battlefield where medical experts, asylum seekers, case workers and lawyers struggle to have adjudicatory apparatuses *take into account* the harder evidence provided by documents, *in order to contrast* the increasing tendency for such evidence to be discarded by adjudicators in favor of the major weight assigned to oral testimonies. An experienced case worker told me:

> I have been working in the asylum system for about 10 years, but in the last 3-4 years I have seen many changes… There is a growing attention to the story of

> asylum seekers… you know, who should write it and how, if it is credible… this is now a core concern. And with the new emergency, reception centers are mushrooming and all sorts of new state and non-state subjects emerge, so it is even less clear how and who should assist in the preparation of the story. Why is the story so important? Probably because it is through the assessment of the story that decisions are made on who merits protection. (Giulia, personal communication, May 2015)

Rather than engaging with the question of "what is a good story" - an issue I address in the final section - here I am concerned with the social workers' one: "why is the story so important"? My research at the Bologna tribunal suggests that judges have been basing their decisions on the mere examination of schematic and literal translations of asylum narratives, presented - in line with the prefect - as scientific and objective evaluation tools that render other types of documents *and* expertise redundant.[7] This, in turn, has been leading to quick rejections, irrespective of questions of form, plausibility or demeanor, i.e. "the social aesthetics through which the story unfolds" (Cabot 2013, 454). The negative decision on the application of a Shiite man from Pakistan can clarify this point. Despite the fact that he proved he came from a Sunni area and produced documents attesting to his persecution, he was considered "not credible" because he did not explicitly express the consequences he would have faced if repatriated, having declared: "*I don't know* what could happen to me". While a non-literal translation would recognize his recourse to a preterition - a rhetoric form that emphasizes something by omitting it - the TC adopted a literal translation concluding that, if the applicant didn't even know what he risked, there was no real danger in sending him back. Although formulated in relation to anthropological knowledge production rather than asylum decisions, the words of Viveiros de Castro resonate here: "the idea that 'to take seriously' is

synonymous with ‘to take literally’ and, further, that to take literally means ‘to believe in’ strikes me as singularly naive (or else the opposite — a case of bad faith)” (2011, 135).

Bureaucratic nightmares

So, what does it require to take asylum oral narratives seriously? Interactional socio-linguistics assume that in communicative exchanges, individuals, encounters and institutions are linked, acknowledging the wider bureaucratic and legal asymmetrical context that frame and shape them (Briggs 2007; Rampton 2010). Challenging a common assumption in the asylum context, which maintains that interviews are windows into the claimant’s inner world and tools to reveal their “true” experiences, conversation and discourse analysis demonstrates “the fragility of ‘truth’ and the problem of ‘voice’ in many dialogue interpreting contexts” (Tipton 2008, 2). The analysis also demonstrates that interview interactions in institutional settings are organized social activities where the interviewers’ identity and the institution they represent are perceived as connected by the interviewees, who mould their narratives accordingly, anticipating their potential interests and uses (Serranò and Fasulo 2011). In bureaucratic encounters like asylum adjudications, anthropologists have further argued that the fact that those who tell and those who judge do not share the same cultural background leads to mistranslations and misunderstandings which eventually cast doubts on the claimant’s credibility (Good 2004, 2007; Gibbs and Good 2013), while apparent inconsistencies and discrepancies may also be a proof of painful experiences which tend to be recalled in an interrupted way (Coutin 2001; Eastmond 2007; Ochs and Capps 1996). In addition, they have stressed how asylum story-telling is inevitably a coercive process, its investigation entailing “an incursion into the power struggles over what constitutes an acceptable text, over whose

voices have the right to be heard and therefore an investigation of narrative and symbolic inequalities" (De Fina and Baynham 2005, 3). But asylum adjudications are more complicated still - bureaucratic nightmares, as McKinnon (2009) calls them. Without overlooking the fact that people always choose what to say and how, what in asylum adjudication is called "the voice of the asylum seeker" is actually a selective transcribed translation repeatedly inserted into written documents with a long bureaucratic career over the many steps of the procedure, which all shape (and transform) those texts. The "story" of the asylum seeker is in fact the product of a long "textual trajectory" during which their words are selectively translated, and then selected, reproduced and circulated in various types of numerous documents, with subjects eventually loosing control over their own words (Blommaert 2001, 2009; Jacquemet 2005, 2011; Maryns 2006; McKinley 1997).

Far from being a neutral technical device to reach the objective truth, and just like other criteria (be it Language Analysis test, country Report analysis or the evaluation of medical certificates), the assessment of narrative credibility is also a complex procedure of a deeply sensitive and political nature.

What follows is the case of a long adjudication procedure which helps us see with some qualitative density some bureaucratic tricks at work, showing how the practice to delegitimize corroborating material evidence and ground the decision mainly on narrative credibility is productive, and in what ways the scrutiny of "oral" narratives practically operates as the medium through which an attitude of disbelief (phrased as "not plausible" or "not credible") quickly translates in actions of denial and rejection.

The story concerns an elderly woman from Cameroon who was persecuted by her relatives accusing her of witchcraft, and who fled to Italy where she applied for asylum. Ghislaine's story is quite complicated and the main problem seems to be one of cultural ignorance at each step of the procedure. As she told me when we met after the final rejection: "The judge did not believe my story. But in Africa, witches … they do exist. If I told a different story the judge would believe me, but I am a Christian, I must tell the truth" (personal communication, May 2012). Her words express well the inverse relation between truth and credibility. In the asylum procedure the two do not overlap or, in other words, a "moral economy of lying" (Beneduce 2015) is generated by the very system. A credible applicant is not necessarily one who tells the "truth"; rather they must be able to offer answers which fit local common-sense knowledge, and do so according to appropriate (local) legal forms, codes of discourse and body performances (Cabot 2013; Eastmond 2007; Knudsen 1995; McKinnon 2009; Sbriccoli and Jacoviello 2011; Sorgoni 2013).

I met Ghislaine through the lawyer I was assisting during my fieldwork in Bologna. I based my research on document analysis and interviews with lawyers, judges and claimants and, in the case of Ghislaine, I was also directly involved in informally providing her lawyer with cultural and political information on her country. If in-depth analysis of asylum files discloses the mechanics of various entextualization strategies, it also has limits especially when no audio-recording of the interview is carried out thus leaving the role of the interpreter undocumented and unquestionable.[8] Furthermore, no transcription I analyzed contained metapragmatic comments that would help imagine how body performances, emotions and demeanor were being evaluated, as aspects that may greatly affect the final decision. It is

therefore with these incomplete tools, that allow to look into the assessment of testimony-as-transcription while leaving necessarily aside that of testimony-as-performance, that I try to make sense of this particular bureaucratic encounter.

The fact that Ghislaine escaped from her country when accused of witchcraft emerges painstakingly only at the appeal. Immediately upon her arrival in Italy, she was asked to attach a statement to the Police form, summarizing the reasons of her flight. In the two-page handwritten statement, she explains that her husband's family had accused her of murdering him because she had joined "the evil church which kills people"; and that when two years later her mother died, she was accused also by her own family and taken to prison, but managed to escape. Over a year after her arrival in Italy (and the writing of this statement), she was finally interviewed by the local TC and disclosed a richer story, explaining she was charged with the murder of 5 relatives since, in the same period her mother died, also three additional family members died by accident or natural cause.

> Interviewer: According to the family members that accused you, how did the homicides actually take place?
>
> Ghislaine: George [her father's brother], who is responsible for the family, accused me to bring bad luck to my family because I had changed religion. In fact George said so because he had borrowed money from my husband that he had never returned…
>
> I: What would you risk if you returned to your country of origin?
>
> G: They kill me because they say I killed 5 members of my family.
>
> I: Is it your family who says so, or the judge?

> G: The judge says so because he was convinced by my family [she had previously explained that George had bribed the judges]. (Transcript of the TC interview, April 28, 2011)

In rejecting the claim, the TC evaluated only the credibility of the story by focusing selectively on the religious issue, affirming that "such an *alleged* fury [on the part of her uncle] against her for religious reasons … caused by her *alleged* conversion" was not credible, thus crossing out Ghislaine's active attempt to explain how the underlying economic drive had turned her into the perfect scapegoat vis-à-vis the "bad luck" afflicting her family. As she had explained, she owned a house and a shop which would pass on to George at her death. Even though her more detailed explanation had been translated and transcribed during the interview, the few selected words that were picked up and inserted in the final decision's document severely weakened the significance of her story.

Eight months later, during the appeal and with the help of her lawyer, she finally explained she was accused of witchcraft, and produced additional documentation: the death certificates of her relatives attesting to natural and accidental causes, and the decision of the consuetudinary tribunal (*jugement civil de droit local*) sentencing her to prison for an unspecified period of time. In Africanists' literature, contemporary witchcraft is described as a socio-political discourse used to regulate interpersonal disputes, usually linked to sudden deaths and/or sudden fortune, affecting mainly women and often associated to the proliferation of independent churches, which is precisely Ghislaine's case. It is considered a complex idiom which reveals social and economic relations, quickly turning a victim of unfortunate events into a culprit (Beneduce 2008; Geschiere 1995; Marie 2003). Since in the Italian procedure the

figure of the expert witness is not allowed, the lawyer also produced some passages from the above literature duly translated into Italian. Despite the documentation produced, also the appeal judge based the rejection solely on narrative credibility, finding it not-credible that she was charged with murder by a consuetudinary tribunal, or that such decision was taken "only two days after the facts", and with no explicit penalty. She treated witchcraft, the very core of Ghislaine's application, as a side-information which merited no consideration because, "as anybody knows, witchcraft is clearly not a complicated concept [being] similar to any kind of religion" (Transcript of the decision of the appeal tribunal, January 2, 2012). Some time later, the same judge explained to me that the anthropological documentation on witchcraft provided by the lawyer was "totally useless: that is not the information we need" (personal communication, June 2013). Indeed, had the judge felt "the need to take into account the cultural alterity of the interlocutor" (Jacquemet 2011, 483), she could have made some sense of revealing details in Ghislaine's story; her choice to dismiss that literature relegated those details to the background, as a disturbing noise. And it definitely speeded up the decision.

Ghislaine and her lawyer went on to the Court of Appeal, which also dismissed witchcraft, yet this time as a "false, instrumental reason" that the applicant had produced at a late stage. The Court thus confirmed the rejection, "although with different reasons":

> aside all other considerations … *the claimant herself affirms* that the sentence originating her persecution results from corrupted judges that pronounced it on behalf of a relative interested, for hereditary reasons, to acquire, via the sentence, the properties of the claimant's dead husband or, in any case, to eliminate her in order to evade the payment of his debt. These *personal facts* do not fall under the

> protective umbrella of the discussed [Refugee] Law. (Transcript of the decision of the Court of Appeal, April 6, 2012, my emphasis)

Here too, like in the case of Mirabelle, the provision of corroborating documents (in this case political and cultural informations) was neglected and disqualified. And here too denial coexisted with belief (Souter 2011, 54): the Court believed she was imprisoned by corrupted judges, but it nonetheless rejected her claim on the ground that this resulted from personal facts (as Mirabelle's rape did). Yet, what are here considered personal facts are themselves the product of a selective operation on the part of the Court, who refused to acknowledge an accusation of witchcraft as a form of persecution dismissing it as a strategic lie, therefore crossing out the deep social and political implications of her story, while emphasizing its economic aspects.

Finally, I find it useful to refer to the politics of immediation that Hull (2012, 253) defines as a tactic of power which denies the mediating role of documents "while underwriting claims of transparency". The Court produced a text in which the final decision was presented *as if* it were the natural outcome resulting from Ghislaine's own words uttered at that very moment ("she affirms"), rather than being a selection of the transcript of the only interview which had occurred a year before in front of the TC. As a matter of fact also the first judge had based her decision on previous transcriptions, having never met Ghislaine in person. Thus, all the mediating work of a series of successive documents, translations and transcripts was rendered invisible, as was the elision of important cultural traces treated, at best, as unproblematic allegations. In the end, it is by pretending to quote the "very words" of Ghislaine – which were in fact lifted out of the context in which they were uttered a year before, translated and

partly transcribed, then separated from the wider cultural, social and political discourse she had tried to explain, and finally inserted in new "objective" texts – that her "own words" were declared to reveal "the truth" that could finally be used against her. Power, Briggs noted, "lies not just in controlling how discourse unfolds in the context of its production but gaining control over its *recontextualization* – shaping how it draws on other discourses and contexts and when, where, how, and by whom it will be subsequently used" (2007, 562).

While acknowledging the limitations of the ethnographic data presented, in this paper I offer some insights on a national context where day-to-day practices of adjudication translating EU directives into specific decisions are poorly known even to the state institutions themselves, with the conviction that - particularly in a supposedly homogeneous international system - ethnographic research can uncover the specificities of local practices, and their effects. In particular, the examples discussed reveal the political nature of adopted assessment tools: although a thorough analysis of COI or medical certificates would not *per se* guarantee a fair adjudication, my data illustrate how a recourse to the mere assessment of the narrative credibility - and the parallel disqualification of other available material elements – has allowed for speedier (negative) decisions. This is all the more relevant when considering that the tendency to upgrade the narrative credibility to "the true *thema decidendum*" even at appeals where no interview occurs, is now detected also in other parts of the country (Veglio 2017, 139). The case of the Shiite man illustrates how a naive recourse to a literal translation allows un-credibility to enter the records, ready to be retrieved in future appeals. Ghislaine's determination procedure further illustrates how the nature of asylum narratives - as complex texts co-produced by many authors within institutional settings of social, political, symbolic

and narrative inequalities - is ultimately subverted so that those complex texts are rather treated as if they reproduced an immediate literal translation of asylum seekers own words. It shows how asylum seekers can be dispossessed of their own words, which are then used against them, highlighting how, at times of perceived “crises”, (un)credibility can turn into a ready-made and powerful device at the service of faster and easier rejection decisions.

Notes

Acknowledgments….

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[1] Territorial Commissions are currently 48, they are administrative boards mandated with the in-depth screening of asylum applications, each composed of four members from the bodies involved (Prefecture, Police, Local authority, and UNHCR). Interviews are carried out by one member, whereas the decisions are taken as a collective body. The second level of Appeal was suppressed by the new Law 46/17.

[2] On "the frequent disagreements between the discourse of law and the discourse of 'culture'" see Holden 2011, 2; see also Grillo 2016; Heeschen 2003; Smith-Khan 2017.

[3] Italy was a latecomer to the asylum system. Admitted to the Schengen agreement in late 1998, it had no comprehensive law on international protection and numerical data on asylum applications were contradictory (Scoppio 2001); the determination procedure was coherently disciplined only with its belated transposition of EU Directives in 2007 and 2008. On the rhetoric of the 'refugee crises' as a media and political *leitmotiv,* see De Genova and Tazzioli 2016.

[4] The sequence credibility-trust-merit (as moral dimensions of asylum) frequently connects the legal-administrative domain to that of social care (Coutin and Yngvesson 2008; Giordano 2014; Griffiths 2012; Kobelinsky 2015; Sorgoni 2015; Whyte 2015).

[5] Between 2011 and 2013 EU Directives have been revised and transposed by Italy in 2015, after the Prefect's interview. Here, the Directives and cases discussed necessarily fall under the first phase of CEAS.

[6] All the names are pseudonyms.

[7] See Campbell (2013) on Language Analysis in the UK, as a battlefield between Home Office officials regarding it as a scientific test unproblematically proving claimants' nationality, and linguistics' serious concern about a lay use of such instrument.

[8] On anthropological research in archives and the material relevance of documents, see Cabot 2012; Hull 2012; Sorgoni, Viazzo 2010; Stoler 2009.

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