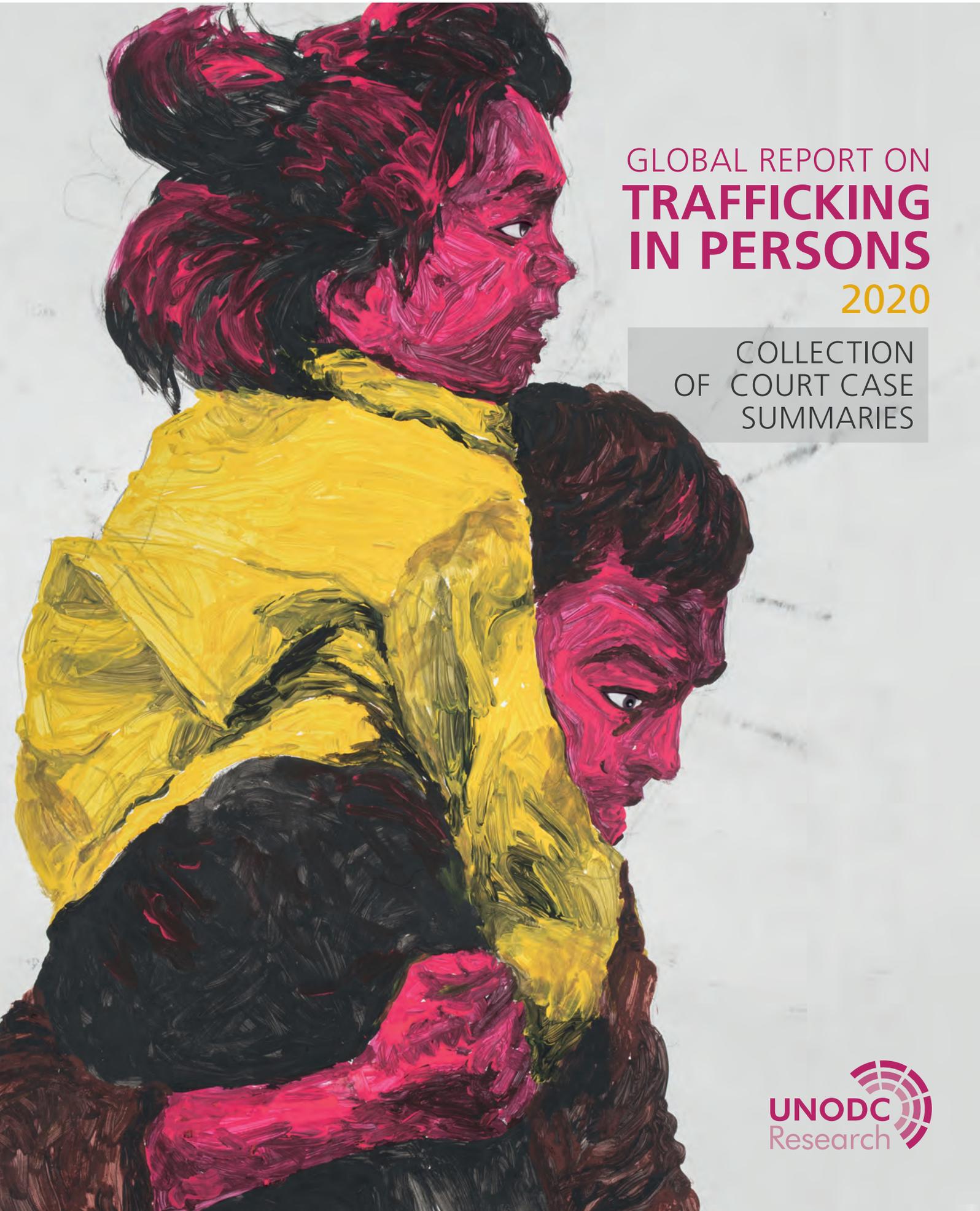




**UNODC**

United Nations Office on Drugs and Crime

An artistic painting in a thick, expressive style. It depicts two figures in profile, facing right. The figure in the foreground has dark, curly hair and is wearing a bright yellow jacket. The figure behind them has dark hair and is wearing a red garment. The background is a light, textured grey. The overall mood is somber and evocative.

GLOBAL REPORT ON  
**TRAFFICKING  
IN PERSONS**  
2020

COLLECTION  
OF COURT CASE  
SUMMARIES

*These court case narratives were provided by Member States. The content does not necessarily reflect the views or policies of UNODC, and nor does it imply any endorsement.*

## **DISCLAIMER**

The texts presented in this document comprise court case narratives provided by Member States between 2010 and 2020 which were used for analysis in the Global Report on Trafficking of Persons 2020. The court case narratives were compiled and provided by Member States. The content of this publication does not necessarily reflect the views or policies of UNODC.

In order to protect the identity of the persons mentioned in the cases, direct identifiers were removed from the original text and the cases anonymized.

Legend:

- Victim 1: In original text, victims may be identified through their initials, depending on other contextual details given. Their names and initials were deleted and replaced with “Victim”. Victims were numbered in order of appearance in the file.
- Offender 1: In original text, Offenders may be identified by full names or initials. Their names and initials were deleted and replaced with “Offender”. Offenders were given numbers in order of appearance in the file.
- Person 1: In original text, persons not considered as a victim or offender were mentioned in the narrative e.g. uninvolved family members; neighbour; etc. Their names and initials were deleted and replaced with “Person”. Persons were given numbers in order of appearance in the file.
- Restaurant X, Bar Y, Shop Z: In the original text, locations such as restaurants, bars and shops were named. Any location or business that may be identifiable from other contextual information provided (e.g. street name) was anonymized.

When minor errors occurred in the transmission of the text, those were addressed by UNODC; **all related changes to the original language are marked in red font in the text.**

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## Case 1 – Armenia, 2012

Country: Armenia  
Year of conviction: 2012  
Form of exploitation: organ removal  
Type: cross-border trafficking  
Number of victims: 6  
Number of offenders: 4

### Case description:

Court of first instance of Kentron and Nork-Marashadministrative districts of Yerevan City

31 July, 2012

Offender 1 (male) obtained a prior consent with an unidentified and residing abroad Offender 1 (male) , Offender 2 (male) and Offender 4 (male) the recruitment and transfer of persons from Armenia with a purpose of human exploitation in the form of organ trafficking (specifically –removal of kidney). According to the agreement, Offender 1 (male) will receive 2,000 US dollars for the each of recruited and transported person. Giving promises to pay 10,000 US dollars for each of the donated kidney, he recruited Victim 1 (male), Victim 2 (male), Victim 3 (male), Victim 4 (male), Victim 5 (female) and Victim 6 (male) by visiting medical clinics, placing respective announcements on the internet, using vulnerable conditions of persons. He took care of their medical examination and transportation costs, organized transfer of Victim 1, Victim 3, Victim 4 and Victim 5 to Sri Lanka via crossing Armenian state border.

Thus, in October of 2011 he visited “X” Medical center to find out Victim 1’s cell phone number, called him and learned that he wants to donate his kidney. Offender 1 using Victim 1’s social vulnerable situation, recruited him with a purpose of exploitation to take his kidney. Together they went to a medical center where Victim 1 has undergone a special medical examination the results of which Offender 1 sent to his partners abroad. Having received positive results from them on 11 November of 2011, he organized Victim 1’s transportation to Sri Lanka.

Besides, by placing an announcement on “kidney donors are required at “list.am” website, using Victim 2’s financial vulnerable situation, in October of 2011 recruited him with a purpose of exploitation to take his kidney. Together they went to the medical center where Victim 2 has undergone a special medical examination. Medical papers Offender 1 sent to his partners abroad but the reply he received was negative.

Afterwards, having got Victim 3’s contacts from “list.am” website, knowing he wants to donate his kidney, in November of 2011 he recruited him with a purpose of exploitation to take his kidney. Together they went to the medical center for analyses and sent the papers to his partners abroad. Having received positive reply, in November of 2011 and later in February 19 of 2012 he organized Victim 3’s transportation to Sri Lanka.

Continuing his criminal activities, having placed announcement on “kidney donors are required” at “list.am” website, using Victim 4’s financial vulnerable situation, in

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February of 2012 he recruited him with a purpose of exploitation to take his kidney. In February of 2012 they visited a medical center for a medical examination and sent out the results to his colleagues abroad. Afterwards, having got positive reply, he organized Victim 4's transportation to Sri Lanka.

Later, having placed "kidney donors are required" announcement at "list.am" website he used Victim 5's vulnerable situation and in February of 2012 he recruited her with a purpose of exploitation to take her kidney. In February of 2012 they went to a medical center for an examination and sent out the results to his colleagues abroad. Having got positive reply, on March 9, 2012 he organized Victim 5's transportation to Sri Lanka.

Moreover, having place "kidney donors are required" announcement at "list.am" website he used victim 6's vulnerable situation and in February of 2012 recruited him with a purpose of exploitation to take his kidney. In February of 2012 they went to a medical center for analyses and sent out the results to his colleagues abroad. Having received a positive reply, he organized person 6's transportation to Sri Lanka.

On 22 June of 2012 a criminal file along with an indictment was sent to a court of general jurisdiction of Kentron and Nork-Marash administrative districts of Yerevan city.

The Court found guilty Offender 1 for the commitment of a crime pursuant to Article 132 (parts 1, 2 and 6) of the Criminal Code of the Republic of Armenia and sentenced him for eight years of imprisonment, with a confiscation of half of the property and deprivation of right to held specific positions or perform certain activities.

## Case 2 – Armenia, 2012

Country: Armenia  
Year of conviction: 2011  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 3  
Number of offenders: 2

### Case description:

Court of first instance of Kentron and Nork-Marashadministrative districts of Yerevan City

15 February, 2012

Offender 1 (female) obtained a prior consent with her brother Offender 2 (male) from Yerevan on a recruitment, transfer, receipt and involvement in sexual exploitation a person with a purpose of exploitation. Thus, from December 15, 2007 to May 2, 2008 via phone conversations with his co-habiting wife Victim 1 (female), Offender 1 recruited her, organized her transportation to the United Arab Emirates and paid all travel-related costs. Later, on May 2 of 2008, Offender 1 organized transportation of Victim 1 to the UAE.

After Victim 1's arrival to the UAE, Offender 1 took her passport away not to let her escape. Subsequently, using the fact that her passport is not with her, as well as knowing she doesn't speak local language and is not aware of country's legislation, does not have money and cannot pay back transportation related costs; using her vulnerable situation she began to control person 3. Starting from September of 2008 she engaged her in prostitution and till May of 2009 kept her in sexual exploitation condition and possessed all the money Victim 1 received when was in forced prostitution.

Besides, person 1, with a purpose of exploitation, has recruited, transported, received and involved in sexual exploitation Victim 2 (female) and Victim 3 (female) whom she recruited at her friend's house in Yerevan by giving false promises of highly paid job in Dubai. She provided them with tickets and visas. Then on December 12, 2008 she transported Victim 2 and Victim 3 to the UAE, Offender 1 took Victim 2 to the apartment she was renting, while Victim 3 was not allowed to cross the border of the UAE due to her previous deportation from the country.

Offender 1 kept Victim 2's passport not to let her run away. Subsequently, abusing the fact that Victim 2's passport is not with her, as well as knowing she doesn't speak local language and is not aware of country's legislation, doesn't have money and cannot pay back transportation related costs; abusing her vulnerable situation she began to control Victim 2. Offender 1 forced Victim 2 into prostitution till March of 2009, kept her in condition of sexual exploitation and took all the money Victim 2 received when was in forced prostitution.

On 21 October, 2011 a criminal file along with an indictment was sent out to a court of general jurisdiction of Kentron and Nork-Marashadministrative districts of Yerevan city.

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The Court found guilty Offender 1 for the commitment of a crime pursuant to Articles 132 (part 2) of the Criminal Code of the Republic of Armenia and sentenced her for eight years of imprisonment, without confiscation of property and without deprivation of right to held specific positions or perform certain activities.

## Case 3 – Armenia, 2012

Country: Armenia  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 6  
Number of offenders: 3

### Case description:

Court of first instance of Erebuni and Nubarashen administrative districts of Yerevan City

20 December, 2012

Offender 1 (female), residing in the UAE, reached a prior consent with sisters Offender 2 (female) (from the UAE) and Offender 3 (female) (from Armenia) on recruitment, transportation, transfer and receipt of person with a purpose of sexual exploitation. By giving false promises about highly paid job at sewing factory in the UAE, she recruited and transported to the UAE Victim 1 (female), Victim 2 (female), Victim 3 (female) and Victim 4 (female). She met the recruited persons in the UAE together with Offender 2.

Then Offender 1 and Offender 2, according to initial agreement they had, by means of the threat or use of violence dangerous for life and health as well as abuse of a position of vulnerability, forced them into prostitution and took away the money they got when were in forced prostitution.

Besides, person 1, with a same purpose of exploitation gained a prior consent with Victim 5 (female) from Armenia and during 2007-2008 tried to recruit Victim 6 (female) with false promises of work as a cleaning lady in another country. Later, by false promises of highly paid job as a car salesman in Kuwait, in February of 2008 recruited and transported to the UAE Victim 7 (female). In Dubai she took away Victim 6's passport and by means of the threat or use of violence dangerous for life and health as well as abuse of a position of vulnerability, forced them into prostitution for more than a year and kept the money they got when were in forced prostitution.

The Court found guilty person 1 for the commitment of a crime pursuant to Articles 132 (part 2, points 1, 2, 4) and Article 34-132 Article (part 2) of the Criminal Code of the Republic of Armenia. According to Article 132 part 2, points 1, 2 and 4 she was sentenced for 7 years of imprisonment and according to Article 34-132 part 2, point 2 for seven years of imprisonment. According to Article 66 part 3, by partially convening sentences, the final punishment applied was eight years of deprivation of freedom.

## Case 4 – Armenia, 2011

Country: Armenia  
Year of conviction: 2011  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims: 1  
Number of offenders: 1

### Case description:

Court of first instance of Malatia-Sebastia administrative district of Yerevan City

06 July, 2011

Offender 1 (female), by fraud, abusing Victim 1's (female) confidence by false promises of a job kept her in a house and forced person 2 to purchase from her expensive clothes on credit, thus creating "artificial" debt for her. From November 2009 till August 2010, abusing position of vulnerability caused by this debt and by means of the threat or use of violence not dangerous for life and health, by means of beating and use of other forms of coercion like telling her family and relatives in case she doesn't prostitute, by threats of taking away her parents' house and leaving them all without housing, kept her in sexual exploitation through the receipt of financial benefits.

Thus, person 3 (male), elder brother of Victim 1, being imprisoned, before release from a prison, on July 23 of 2010 got acquainted with Offender 1 on a phone. Offender 1 visited him several times when he was in the prison. Person 3 talked with his family about Offender 1 and encouraged them to communicate and make friends with her. Offender 1, during her visits to person 3's family in Gyumri noticed his sister, Victim 1, a shy and modest girl who has never been to Yerevan. For several times Offender 1 invited Victim 1 to visit her at her house in Yerevan.

In November of 2009 Offender 1 invited Victim 1 to her birthday party in Yerevan at her house. Victim 1 by the demand of her brother went to Yerevan along with 7 years old niece, who was a daughter of person 3's sister. After the birthday party Victim 1 together with the niece stayed at Offender 1's house for a couple of days, where there were also Offender 1's mother and her daughter. During that period Offender 1 promised Victim 1 to find a job for her and on November 10th of 2009 sent back to Gyumri her niece and kept Victim 1 in her house. From the very first days Offender 1 started to change Victim 1's look. She took her to the hairdresser, colored her hair, bought new clothes. She agreed that Victim 1 will return the money whenever she can.

On November 15th of 2009 Offender 1 took Offender 2 to "X" hotel located on Y.M. road. By Offender 1's suggestion Victim 1 had sexual relation with one the hotel's clients. After that Offender 1 told Victim 1 that she can't find a better job than a prostitution to be able to earn money and pay the credits. Later Offender 1 sold to Victim 1 many other things at extremely high prices, thus putting Victim 1 in vulnerable position so that she was not able to get free of previous and current debts. Offender 1 demanded Victim 1 to work as a prostitute and threatened her that she will tell Victim 1's parents, brothers and relatives about her work as a prostitute in Yerevan in case she refuses to do so.

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From November 15th of 2009 till August 21st of 2010, Victim 1 under Offender 1's threats and because of the debts, started to work as a prostitute. Offender 1 was taking the money from Victim 1 that she earned working as a prostitute to pay Victim 1's credits. If she was refusing to meet the clients she used to beat her and threatened her that she would tell her brothers about her job as a prostitute. Offender 1 was beating Victim 1 if the latter was cheating her, forced her to have sexual relations with men even during periodicals [menstruation], coercing her to have a sex with Offender's friends without being paid for that. In the beginning Offender 1 was finding clients for Victim 1 then asked her prostitute friends to take out Victim 1 with them until clients got to know her and start contacting her directly via mobile.

Offender 1 made Victim 1 to buy from her also some jewellery which were later handed to Lombard and in July of 2010 a new car was bought by Offender 1.

Then Victim 1 understood that she can't stand anymore such inhuman attitude and that Offender 1 is taking her money without any justification, on August 21st of 2010 during a meeting with one of the clients she ran away and went to police where she told all that happened to her.

The Court found Offender 1 guilty according to Article 132 of the Criminal Code of Armenia and sentenced her to six years and six months of imprisonment without confiscation of property and without deprivation of right to hold specific positions or perform certain activities.

## Case 5 – Armenia, 2011

Country: Armenia  
Year of conviction: 2011  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims: 25  
Number of offenders: 3

### Case description:

Court of first instance of Kentron and Nork-Marashadministrative districts of Yerevan City

October 3, 2011

Residents of Volgograd city of the Russian Federation, the accused Offender 1 (female) her daughter Offender 2 (female) reached prior consent with an “unidentified person” on recruitment of persons with a purpose of exploitation. To achieve this, on February 3 of 2005 they established “Yerevan” CJC in Volgograd city. They gave announcements via media on offering free of charge dancing courses and subsequently providing with highly paid job.

From February 2005 till March 2008 the two accused along with an “unidentified person” (Offender 3) by giving false promises to Victim 1 (female), Victim 2 (female), Victim 3 (female), Victim 4 (female), Victim 5 (female), Victim 6 (female), Victim 7 (female), Victim 8 (female), Victim 9 (female), Victim 10 (female), Victim 11 (female), Victim 12 (female), Victim 13 (female), Victim 14 (female), Victim 15 (female), Victim 16 (female), Victim 17 (female), Victim 18 (female), Victim 19 (female), Victim 20 (female), Victim 21 (female), Victim 22 (female), Victim 23 (female), Victim 24 (female), on a provision of free of charge dancing courses, free of charge or partially paid transportation to another city for guaranteed highly paid job, signed with them an agreement, recruited them all with a purpose of exploitation and transported to Yerevan city of the Republic of Armenia.

In Yerevan, the accused persons took away girl’s passports and placed them in different apartments. The accused persons, limiting the freedom of their movement, threatening or use of violence dangerous for life and health, put them in condition of forced labour and other forms of sexual exploitation. They forced them to work as strip dancers at different night clubs in Yerevan and took from them all their earnings.

During 2005, the accused persons, applying the same method together with an “unidentified person” recruited in Volgograd and transported to Yerevan with a purpose of exploitation the following victims: Victim 1, Victim 2, Victim 3, Victim 4, Victim 5, Victim 6, Victim 7. Offender 2, personally transported to Yerevan Victim 1 and Victim 4. Offender 1 met them at the Yerevan airport and placed in a house she was renting. Offender 1 kept the victims 1, 2, 3, 4 and 5’ passports. She kept the door closed and didn’t allow the girls to go out. Offenders 1 and 2 threatened Victim 2 to sell her to other people, tied her as well as Victim 5’s hands with a cordon and beat up Victim 1. In the presence of other dancers they beat Victim 3, thus creating the atmosphere of fear, abuse their position of vulnerability, threat or use of violence not dangerous for

life and health, the accused put them in condition of forced labour and other forms of sexual exploitation. They forced them to dance at different night clubs in Yerevan for long hours and took the money they earned.

On May 1 of 2008 Victim 1 fled as she could not tolerate anymore. In order to give permission to Victim 2 to return to Volgograd, on 24<sup>th</sup> of March 2008, the accused forced her to sign an agreement certified by the notary that she is obliged to return her 3.432.000 of Armenian drams before 24<sup>th</sup> of September 2008. Only after having signed that agreement, the accused let her go home. Not being able to stand these conditions, Victim 3 ran away from the night club and returned to Volgograd with a return certificate that she got from the Russian Embassy in Armenia (as her passport was not with her). Through bank transaction the accused persons received one thousand US dollars from Victim 5's parents as a pay off the debt. On July of 2008 Victim 5 escaped from the house by jumping over the house fence.

The accused persons allowed Victim 4 to return to Volgograd on November 23 of 2005 after her mother's phone call and requirement. After being returned to Volgograd, in October of 2006, Victim 4 applied to the same "Yerevan" agency seeking for a job in Volgograd. She met with Offender 2 who with a purpose of recruitment for exploitation presented her a false story about other dancers earning 3000-4000 USD per month in Yerevan. Offender 1 who arrived to Volgograd by that time, also told her the same stories. Victim 4 refused to work in Yerevan. Offender 1 by fraud and deception recruited again Victim 4 by promising her permanent work as a dancer in Sweden, offering her free apartment, food and freedom of movement and also 800 euro per month.

In November of 2006 an "unidentified person" said there were some problems in Sweden with regard to the job, and demanded from her to cover expenses connected with the preparation of her foreign passport. He used her vulnerable situation of not being able to pay off the debt, promised her that after three months of work in Yerevan she will be then moved to Sweden, on December 12 of 2006 sent her to Yerevan.

Offender 1 met her in Yerevan. Offender 1 and 2 took her passport, threatened to use violence not dangerous to life and health, actually did so by beating her in the presence of other girls, thus creating "artificial" debts for her and finally put Victim 4 in condition of forced labour. The offenders made her to work for long hours. Till June 18, 2008 she worked as a strip dancer at different night clubs in Yerevan. The offenders used to take all her earnings. Not being able to resist offenders' psychological pressure, on 18<sup>th</sup> of June, 2008 she escaped from the night club. Offender 1 and 2 kept Victim 1 in condition of forced labour till May of 2008, Victim 2 was in forced labour till March 24, 2008;

Victim 3 was in the same situation till the end of July. Victim 4 was in forced labour for six months and in 2006 – almost a year and six months, Victim 5 was in forced labour until July of 2008; Victim 6 3-5 months, Victim 7 – until July 21, 2008.

Offenders 1 and 2, having a prior consent with an "unidentified" person recruited the following persons in Volgograd and transported them to Yerevan. These persons are: Victims 8, 9, 10, 11, 12, 13, etc (females). The Offenders signed a memorandum of agreement with them on return of money spent for their travel passports, recruited above mentioned girls and transported them to Yerevan. Offender 1 and 2 met them at the airport and placed in a house they rent. Later, taking away Victim 9, 10 and 12's

passports, they didn't allow them to go out of the house, took Victim 10 to different night clubs, and made her to work as a strip dancer.

If she refused to do so, they claimed to return the money they spent on her – 15.000 Russian Rubles. By beating Victim in the presence of other dancers, they created an atmosphere of fear, abused their vulnerable condition, threatened to use violence not dangerous for life and health, etc. Abusing their vulnerability, the Offenders put them in condition of forced labour, made them to dance at different night clubs in Yerevan and took the money they earned.

In order to terminate the contract with Victim 9 and let her go home to Volgograd, Offender 1 demanded and received from her 500 US dollars sent by Victim 9's friend via bank transfer. Offender 1 permitted to return to Volgograd Victims 12, 8 and 11 only after she received 1500 US dollars from Victim 12's parents, 15.000 Russian Rubles from Victim 8's mother, 500 US dollars Victim 11's parents.

Victim 8 in forced labour for three months; Victim 10 - for almost a year; Victim 11 - for 19 days; Victim 12 – for a year and four months, Victim 13 – for eight months.

Offenders 1 and 2, having reached a prior consent with an “unidentified person”, by fraud and deception, giving false promises about offering free of charge dancing courses in Yerevan and providing with a job and high salary starting from 1000 US dollars up to 15000 Russian Rubles, during 2007 recruited and transported to Yerevan Victims 14, 16, 17, 18, 19, 20, 21, 22, 15. Afterwards the offenders took away their passports, didn't allow them to go out of the house, beat Victim 2 in presence of other girls. The Offenders, by threatening to use violence not dangerous to life and health, involved Victims 14, 16, 18, 19, 20 in other forms of sexual exploitation, i.e. dancing for long hours at Yerevan night clubs and took all the money girls earned. Having received Victim 16's mother's bank transfer in the amount of 1500 US dollars, they let her go to Volgograd.

On May of 2008, Victims 19 and 22 escaped from the Offender's house as they were not able to stand anymore inhuman attitude, etc. During May of 2008, Offender 1 received 2000 US dollars from Victim 20's friend for her “freedom” and only after that returned her passport and let her go home. Victims 22 and 19 on May 28 of 2008 escaped from Offenders' house.

Offenders 1 and 2 kept in forced labour Victim 25 for 9 months, Victim 16 – for 9 months, Victims 14, 17, 18, 21 till July 21 of 2008, Victim 19 - for 5 months, Victim 20 – for 6 months, Victim 22 – till May 28 of 2008.

Continuing their criminal activities, during 2008 Offenders 1 and 2, having prior consent with an “unidentified person”, with a purpose of exploitation recruited and transported to Yerevan victims 23 and 24.

The offenders signed with them a job agreement and prepared for them foreign passports with a condition to pay back to offenders in Yerevan where they will work. Offender 1 met them in Yerevan and placed in a house she was renting. Then she took Victim 23's passport, kept her in the house, beat other girls in her presence, threat to use violence not dangerous to life and health, abuse vulnerable condition and put her in condition of forced labour. She made them work at different night clubs in Yerevan as

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strip dancers till 21 of July, 2008 and took all the money they earned. The Offenders kept them in forced labour till July 21 of 2008.

The Court found Victim 1 guilty according to Article 132 part 2 point 1 and 2 of the Criminal Code of the Republic of Armenia and sentenced her to 9 years of imprisonment.

Victim 2 was found guilty according to Article 132 part 2 parts 1 and 2 of the Criminal Code of the Republic of Armenia and sentenced to 7 years of imprisonment.

## Case 6 – Australia, 2012

Country: Australia  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border  
Number of victims: 1  
Number of offenders: 1

### Case description:

On 11 April 2012, an Australian Capital Territory Supreme Court jury found Offender 1 (female) guilty of one count of slavery contrary to subsection 270.3(1) of the Commonwealth Criminal Code Act 1995, two counts (one being aggravated) of allowing a non-citizen to work in breach of a visa condition contrary to section 245AC of the Migration Act 1958 (Cth) (Migration Act), two counts (one being aggravated) of allowing an unlawful non-citizen to work contrary to section 245AB of the Migration Act, and one count of attempting to pervert the course of justice contrary to section 43 of the Crimes Act 1914 (Cth).

The slavery offence related to a Victim 1 (Thai female) recruited by the offender to work as a sex worker in Canberra, under exploitative conditions. The victim was forced to pay off a debt to Offender 1 of AUD\$43,000. Offender 1 also allowed the victim and another sex worker to work in contravention of their visa conditions, and offered the victim money to keep quiet about her circumstances.

On 24 May 2012, Offender 1 was sentenced to eight years and ten months' imprisonment, with a non-parole period of four years and nine months. Offender 1's appeal against her sentence was heard on 13 February 2013. At 25 September 2013, judgment in Offender 1's sentencing hearing was reserved.

## Case 7 – Australia, 2012

Country: Australia  
Year of conviction: 2012  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 1

### Case description:

On 6 October 2011, Offender 1 (male) pleaded guilty to one count of trafficking in persons contrary to subsection 271.2(1B) of the Commonwealth Criminal Code Act 1995. Offender 1 facilitated the entry of the victim into Australia and was reckless as to whether the victim would be subject to labour exploitation.

Offender 1 was charged after the Australian Federal Police (AFP) received a referral from the Department of Immigration and Border Protection in relation to Victim 1 (Indian male) who arrived in Australia on a Temporary Business (Long Stay) (subclass 457) visa to work in a restaurant. The victim provided a statement to the AFP claiming that arrangements for his travel to Australia were organised by Offender 1 and that, upon arrival to Australia, he was subjected to exploitative conditions in the restaurant. The exploitative conditions included having to live and bathe in the restaurant, and to work approximately 12 hours a day, seven days a week with minimal and irregular rest periods. The victim stated that he had limited freedom of movement, was continually abused and that his family in India was threatened.

On 8 May 2012, Offender 1 was sentenced to 250 hours' community service and a fine of AUD\$1,000 by the New South Wales District Court.

## Case 8 – Australia, 2012

Country: Australia  
Year of conviction: 2007  
Form of exploitation: sexual exploitation  
Type: cross-border  
Number of victims: 5  
Number of offenders: 2

### Case description:

This case resulted in the first convictions for slavery in New South Wales (NSW). Offender 1 (male) owned and co-managed a brothel with his wife, Offender 2 (female). All five victims were recruited in Thailand to work in Australia between July 2004 and June 2006. During the victims' period of slavery, the offenders forced the victims to work and sleep in locked premises. The victims were not allowed to leave the brothel without being in the company of the defendants or a trusted associate. The offenders confiscated the victims' passports on their arrival and for a period of one to two months restricted their access to telephones by confiscating their mobile telephones and locking brothel telephones with a PIN code. The offenders forced the victims to work during their menstruation and during severe illnesses and infections.

Following a jury trial in the NSW District Court in 2007, the offenders were each convicted of five counts of intentionally possessing a slave and five counts of intentionally exercising a power attaching to the right of ownership over a slave contrary to subsection 270.3(1) of the Commonwealth Criminal Code Act 1995. Offender 1 was sentenced to a total effective sentence of 12 years' imprisonment with a non-parole period of seven years and six months. Offender 2 was sentenced to a total effective sentence of 11 years' imprisonment with a non-parole period of seven years.

On appeal to the NSW Court of Criminal Appeal in 2009, the convictions were set aside and retrials ordered on the basis that, on a number of occasions, the trial judge had instructed the jury in relation to the fault issue and the indicia of slavery in a way that may have confused the jury. On 30 July 2010, following a retrial, Offender 1 and Offender 2 were found guilty on all counts. On 17 December 2010, Offender 1 was sentenced to 12 years' imprisonment with a non-parole period of seven years and six months. Offender 2 was sentenced to 12 years' imprisonment with a non-parole period of seven years.

Both Offender 1 and Offender 2 appealed their convictions again. On 14 June 2012, the appeals were to be heard in the NSW Court of Criminal Appeal, but the defendants withdrew their appeals, and the court dismissed them.

## Case 9 – Australia, 2012

Country: Australia  
Year of conviction: 2007  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 3

### Case description:

The two offenders (male and female married couple) formed a plan to bring a Filipina woman to Australia to work in their shop and to provide domestic services. Offender 1 (male) and a friend subsequently travelled to the Philippines to identify a suitable woman (Victim 1) for the friend to marry to entitle her to enter Australia. Victim 1 and the friend married in February 2001. Victim 1 then applied for a visa to come to Australia and arrived in Australia in August 2002.

The marriage was a sham. When the victim arrived in Australia, she was met by Offender 1 and driven to Weipa where she was put to work in the shop, working 12-hour days for five-and-a-half days per week. When Victim 1 returned to the offenders' house (where she lived), she was required to care for three small children and do household duties. She was paid little for her duties although there was some evidence that a small amount of money had been sent to her family on her behalf. Victim 1 tried to escape on one occasion, running away to the residence of a person with whom she worked, but Offender 2 took her home, taking her passport from her. The victim spoke very little English and was culturally isolated. Eventually, when both offenders were away, she was able to make her escape from Weipa to Cairns.

Following a trial in the Supreme Court in Townsville in 2007, Offender 1 and 2 were convicted of offences including intentionally possessing a slave contrary to subsection 270.3(1) of the Commonwealth Criminal Code Act 1995 (Criminal Code); and intentionally exercising over a slave a power attaching to the right of ownership, contrary to subsection 270.3(1) of the Criminal Code.

Offender 1 was sentenced to a total effective sentence of eight years' imprisonment with a non-parole period of three years and nine months. Offender 2 was sentenced to a total effective sentence of four years' imprisonment with a non-parole period of 18 months. The offenders each appealed against their convictions on the counts of intentionally possessing a slave and intentionally exercising power over a slave. The Queensland Court of Appeal upheld their appeals in 2008, set aside the verdicts of guilty on these counts and ordered retrials.

Following a six-day jury trial, which commenced on 8 February 2010, Offender 2 was again found guilty and sentenced to four years' imprisonment with a non-parole period of 291 days. Offender 2 lodged an application to appeal against her conviction and sentence; however on 17 November 2010 she abandoned this appeal.

At his retrial, Offender 1 pleaded guilty to the charges and was convicted, resulting in a total effective sentence of 12 years' imprisonment with a non-parole period of 15 months.

## Case 10 – Australia, 2010

Country: Australia  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border  
Number of victims: 11  
Number of offenders: 2

### Case description:

Between August 2005 and March 2008, Offender 1 (female) conducted a business through which she organised the placement of 11 Thai women in brothels in Australian cities. Each victim was recruited in Thailand. A Thai facilitator arranged passports and visas and made travel arrangements. Each victim agreed that, once in Australia, she would repay a 'debt' of AUD\$53,000.

From the sum of AUD\$53,000, the defendant paid the facilitator in Thailand AUD\$20,000. After paying the rent, food, telephone, medical and other expenses of the victims, Offender 1 received a net profit of between AUD\$10,000 and AUD\$18,000. Offender 1 estimated that her net profit in relation to all the victims was between AUD\$60,000 to AUD\$70,000. As part of the arrangement, after a victim arrived in Australia on a visitor's visa, Offender 1 would assist the victim to apply for a protection visa. For the purpose of substantiating the claim for refugee status made by each victim, Offender 1 provided the victims with false factual information and coached them about the manner in which they should respond to questions posed by Department of Immigration and Border Protection officers. Once a victim had applied for a protection visa, she was entitled to work while she awaited the outcome of the immigration assessment.

On 30 March 2010, Offender 1 pleaded guilty to one offence of conducting a business involving sexual servitude contrary to subsection 270.6(2) of the Commonwealth Criminal Code Act 1995 and one offence contrary to section 234 of the Migration Act 1958 (Cth) relating to false migration documentation. On 30 July 2010, Offender 1 was convicted and sentenced to two years and three months' imprisonment.

## Case 11 – Austria, 2010

Country: Austria  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 2

### Case description:

The convicted Romanian nationals Offender 1 (male) and his wife Offender 2 (female) had been living in a major city in Austria for several years. Offender 1 earned well through illegal work in the construction sector, financing a costly lifestyle for his family. Offender 2 was a housewife, mainly taking care of the couples' three children. Offender 1 was convicted previously in his native Romania in 1996 and in 2004. Offender 2, his wife, had no previous criminal record.

Offender 1 met the Victim 1 (female) shortly after her 18th birthday during a visit to his native Romania and started a brief love-affair with the visually appealing young girl, who was working as a waitress back then. Towards the end of 2008, over the course of several phone calls, Offender 1 tried to convince Victim 1 to move to Austria, asserting that he would pay her a monthly wage of €1,000 to work for his family as a nanny and that she could lodge at his home for free. Having met his wife Offender 2 and trusting Offender 1's promises, Victim 1 agreed to move to Austria to work for the couple as a nanny. The trip was organized by Offender 1 through a friend and Victim 1 arrived in Austria in January 2009.

Only a few days after her arrival, Offender 1 urged Victim 1 to start working as a prostitute at a local brothel. He regularly accompanied her to her new working place and picked her up after work, engrossing the better part of her income. By threatening and by physically abusing her occasionally, he assured that Victim 1 would continue to comply with his orders. Eventually, Offender 1 managed to gain complete control over Victim 1.

Having been submitted to major physical abuse by Offender 1, Victim 1 was allowed to spend a couple of days in Romania in July 2010. During this time, Offender 1 repeatedly - and successfully - threatened her to kill relatives of hers if she didn't agree to come back to Austria and continue working as a prostitute for him.

In August 2010, Victim 1 eventually managed to escape the control of Offender 1 with the help of a wealthy client. Over the course of the following months, Offender 1 unsuccessfully tried to move her to return to him once more by repeated, massive threats, also towards the mother of Victim 1.

Already in early 2009, Offender 1 moved a second woman, Victim 2 (also a Romanian national) to Austria in order to work for him. Unlike Victim 1, Victim 2 knew beforehand that she was supposed to work as a prostitute in Austria and agreed due to her financial situation. She too had to pass the better part of her income on to Offender 1. However, as her performance was not satisfactory, Offender 1 let her return to Romania in April 2009.

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Offender 2 contributed to her husband's crimes by helping him to provide board and lodging for the two victims at the couple's residence. She also bought sexy underwear for the victims, took pictures of them to be used to promote their services and participated in the threats against Victim 1 and her family in order to make her come back to Austria.

Offender 1 was convicted and sentenced to seven years imprisonment, his wife, Offender 2, to three years imprisonment. Both convictions included charges of aggravated fraud.

## Case 12 – Austria, 2010

Country: Austria  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 1

### Case description:

The convicted Hungarian national, Offender 1 (male), was living in Hungary with his partner and their three children. He did not complete professional training and was making his living as a transient worker. He had two previous convictions in Hungary, none in Austria.

In November 2010, an advert was publicized in a Hungarian newspaper pretending to address Hungarian women willing to work in Austria as cleaners in a hotel for a monthly wage of €1,000. Two women, Victim 1 and her sister Victim 2, contacted the person mentioned in the advert and made an appointment. At the appointment, the offender arrived in a dark suit and showed the two sisters pictures of the hotel where they were supposed to work as cleaners. Victim 1 and Victim 2 therefore agreed to be taken to Vienna by Offender 1 in late November 2010. Offender 1 drove them directly to an area of Vienna where prostitutes offer their services on the street. He had brought suitable attire for them with him in his car and made it clear to Victim 1 and her sister, Victim 2, that he expected them to work as prostitutes and to wait for clients along the street and that he also expected them to surrender their revenues to him.

When they refused, Offender 1 pulled out a knife, held it to Victim 1's throat and threatened to kill her if they didn't comply. He also hit Victim 1 in her face with his fist. The two frightened victims then put on the attire provided by Person 1 and started walking along the street assigned by Offender 1. With the help of a passer-by, they managed to reach the nearest police station.

Offender 1 was convicted and sentenced to six years imprisonment.

## Case 13 – Austria, 2010

Country: Austria  
Year of conviction: 2009  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

The convicted Romanian national Offender 1 (male) is married. Before committing the facts, he was not (lawfully) working and did not have a previous criminal record.

In 2009, shortly after their marriage, Offender 1 and his wife, Offender 2, moved from Romania to a major city in Austria as they were both hoping for better chances to find work and to make their living in Austria. Offender 2 was working as a waitress and the couple soon met the underage victim Victim 1 (female), who had moved to Austria from Romania in 2002 together with her father. Offender 1 knew Victim 1's age and was aware of the fact that she had nowhere to stay after December 2009.

As Offender 2 income as a waitress didn't seem sufficient, the family moved to another province of Austria where Offender 2 should start working as a prostitute. They took Victim 1 with them, as Offender 1, who did not work himself, was already planning to exploit the underage victim by having her work as a prostitute and living on her income. Several times, Offender 1 sent Victim 1 to an acquaintance of his, Offender 4 asking her to have sex with that man for money and to surrender the money to him afterwards. With the help of the sympathetic client-to-be, Victim 1 received money which she could hand over to Offender 4 without actually having provided sexual services.

In April 2010, Offender 1 incited his wife, Offender 2, and Offender 3, a woman who was working as a prostitute at the same brothel as Offender 2, **to rape and take the virginity of** the underage Victim 1 in order to bring her to start working as a prostitute for him. While Victim 1 was raped by the two women with vibrators Offender 4 shouted at the victim: "You finally have to fuck, otherwise you won't have money to live".

Offender 4 told his acquaintance, who had previously helped the victim of his plans to finally make her start working as a prostitute and the acquaintance informed the police. The victim, however, did not dare to tell the police openly about what had happened to her at first. Instead, she was sent to Romania by Offender 1 to stay there until after her 18th birthday.

To make sure she would return after her 18th birthday and start working for him, Offender 1 not only asked relatives to buy the train ticket for the victim, but also massively threatened his victim several times that she or her relatives would be in great danger if she didn't come back to work for him in Austria.

Upon her return, the victim **was violently raped** by Offender 1 in order to prepare her for her job as a prostitute and finally worked at a local brothel for about ten days, having to surrender all of her income to Offender 1.

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In October 2010, Victim 1 managed to escape Offender 1 and 2, and find refuge at a friend's place. Despite still being subjected to severe threats by Offender 1, she did not return to him.

Offender 1 was convicted and sentenced to five years imprisonment.

His wife, Offender 2, and her colleague, Offender 3, were convicted for the rape only and sentenced to two years imprisonment.

## Case 14 – Austria, 2010

Country: Austria  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 10  
Number of offenders: 6

### Case description:

The six convicted persons Offender 1 (b. 1976), her son Offender 2 (b. 1992), Offender 3 (b. 1977), his partner Offender 4 (b. 1981), Offender 5 (b. 1970) and his wife Offender 6 (b. 1968) are all Bulgarian nationals coming from a particularly poor region of that country. Offender 1, Offender 3. and Offender 6 are siblings. None of them have received more than basic education in Bulgaria and only Offender 3 and his partner Offender 4 do not have a previous criminal record. All three women have been working as prostitutes already back in Bulgaria. None of the three men pursue a (legal) occupation.

As they were already working in the field of prostitution back in Bulgaria and as that field of business seemed somewhat more lucrative in Austria, the convicted persons decided to move to Vienna to operate in the sex-business here, also planning to bring more girls from their homeland to Austria in order to live from those girls' income as prostitutes.

In Vienna, Offender 6 and 5 were factually running a brothel together and Offender 4 was factually running another brothel. Together with Offender 2, they set up an organizational structure to recruit girls in Bulgaria and to bring them to Austria in order to work as prostitutes here. The recruitment of the girls was carried out in different ways. Offender 2 recruited two girls pretending to be deppely in love with them and thus making them work as prostitutes for his sake already back in Bulgaria and then in Austria. Offender 3 only brought one girl to Austria who had already been working as a prostitute in Bulgaria before and came for the better income. Offenders 4, 5 and 6 transported a total of 10 prostitutes from Bulgaria to Austria, some of them multiple times.

The prostitutes were brought to Austria between 2010 and August 2011 in order to provide a regular income for the convicted persons. Also, the prostitutes were instructed exactly on how to offer their sexual services such as to maximize the profit. All the earnings were pocketed by the convicted persons, partly for threadbare justifications, such as for the rent, for gas or electricity, even though the prostitutes were actually living in the brothels they were working in. The prostitutes were only left a pocket money to buy cigarettes and food. Leaving the brothels was generally undesired.

Four prostitutes were also physically abused by Offender 2, Offender 5, Offender 6 and Offender 4 in order to intimidate them and to suppress their desire for freedom.

Offender 1, Offender 2, Offender 3, Offender 4, Offender 5 and Offender 6 were convicted, their sentences range from one to four years imprisonment.

## Case 15 – Belarus, 2010

Country: Belarus  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case Description:

Case description: In 2010, law enforcement authorities in Belarus detained a citizen of Lithuania, Offender 1, who in the course of 2002 was engaged in trafficking from Belarus to Western Europe. Offender 1 lived in Vitebsk, he was looking for girls who were in a difficult financial situation and wanted to go abroad in search of better working and living conditions. Under an offer of gainful employment, not associated with the provision of sexual services by deception, he received the consent of the victims to travel abroad, and then shipped girls to his accomplices in the Republic of Lithuania. From there, the victims were transported by various modes of transport in the UK, where they were forced into prostitution in illegal brothel. In this case, they did not receive the remuneration for services provided, they were subject to physical and psychological violence.

During the preliminary investigation and operational-search activities, joint Belarusian, Lithuanian and British law enforcement agencies have been established, placed where the girls were kept and persons engaged in the transit of "live goods" from Belarus to Europe. In addition, the criminals involved in the sexual exploitation of victims of human trafficking, illegal arms and drug trafficking have been identified. 05.10.2011 verdict, according to which Russian traffickers sentenced to 7, and his Belarusian division - to 5.5 year of imprisonment with confiscation of property. Qualifications: Article 181 of the Criminal Code (trafficking).

## Case 16 – Belarus, 2010

Country: Belarus  
Year of conviction: 2011  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 6  
Number of offenders: 5

### Case description:

In spring 2010 the Interior Ministry, with the assistance of the Turkish law enforcement agencies, suppressed the supply chain of Belarusian women (Victims) in Turkey. A married couple, consisting of Offender 1 (female), a citizen of Belarus and Offender 2 (male), a Turkish citizen, recruited girls by deception in Belarus, and sold by their owners nightclubs in Turkey to engage in consummation [sexual intercourse]. From February to March 2010, criminals sold to Turkey 6 Belarusian women, where the latter were exploited: the bulk of the income of girls was seized by intimidation and the use of far-fetched penalties. Offender 1 from Belarus detained on charges of human trafficking. Her husband, Offender 2, and three accomplices to the information provided by the Belarusian side were detained by law enforcement agencies in Turkey also on charges of human trafficking. 24.03.2011 Belarusian trafficker sentenced to five year imprisonment. Qualifications: Article 181 of the Criminal Code (trafficking).

## Case 17 - Belarus, 2012

Country: Belarus  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 3

### Case description:

During the operational-search activities in March 2012 blocked the supply chain Belarusian girls in Germany. A citizen of Belarus, Offender 1 (male) entered into a criminal conspiracy with the citizens of Russia and Germany, permanently residing in Hamburg. At their request, in Minsk he recruited for sexual exploitation in illegal brothels in Germany two girls, at the same time for each, he was promised a reward of 1000 Euro. After that, residents of Germany arrived in Minsk in a car for the transportation of victims to the place of use. When they tried to export abroad three traffickers were caught red-handed.

18.09.2012 All three criminals were sentenced each to 7 year imprisonment with confiscation of property.

Qualifications: Article 171 of the Criminal Code (use of prostitution or creating conditions for prostitution).

## Case 18 – Thailand, 2016

Country: Thailand  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: domestic trafficking, cross-border trafficking  
Number of victims of trafficking: 121  
Number of offenders: 10 persons, 3 companies

### Case description:

#### (2) The Crackdown on Child Sex Trafficking Syndicates

The success of proactive intelligence-led measures to crack down on child sex trafficking of the Syndicates in 2016 relied mainly on information gathered by locally operating NGOs, in close collaboration with Ministry of Interior's Department of Provincial Administration Special Task Force and Royal Thai Police's Anti Trafficking in Persons Center. Prior to the investigation on the case, there was a piece of information gathered from a small karaoke bar in Prachub Kirikhan where a Thai Yai Myanmar minor was exploited for first-time sexual intercourse at a massage parlor in Bangkok. With this piece of information, the investigative team then began to hunt for a 'Big Fish' in order to rescue more minor victims by employing intelligence-led law enforcement measures and a covert operation was planned among DOPA Special Task Force, the police and NGO.

On 7 June 2016, undercover agents and informers conducted a surveillance and sting operation followed by a thorough search of the Massage parlor. Five suspects including a manager and four employees were arrested and all of 121 females, both Thais and non-Thais, were rescued for victim identification screening. As a result, nine Myanmars, aged under 18, were taken to the shelter for victim protection; twelve non-Thais with no official documents were sent to the hospital for age examination, six of whom were found under 18 years of age and subsequently were taken under protection to the same shelter.

The Multi-Disciplinary Team (MDT) and interpreters participated in the victim identification process. These fifteen underage females were presumed as potential victim of child sexual exploitation. Out of 83 non-Thai females, 21 persons were found carrying passports with work permits, 40 persons carried passport without work permits, and 22 persons carried no official documents. There were also 23 Thai adult females who confessed of solicitation for prostitution.

Based on the result of victim identification above, the police interrogators have sufficient evidence to press trafficking in persons charges against five suspects. Further investigation found financial transaction that were connected to another massage parlor, owned by the same syndicates, and 5 more suspects and 3 companies. During police interrogation, 98 witnesses were requested for pretrial testimony in the court, including 15 non-Thai victims aged under 18, and 83 non-Thai witnesses aged over 18.

This case has been tried under the new criminal procedure where the court already completed pretrial testimonies for 4 out of 15 underage victims and 2 out of 83 adult

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witnesses, for the remaining victims and witnesses, the court ruled unnecessary to testify.

In addition to the prosecution of the trafficking case, AMLO involvement at the early stage of the police investigation and interrogation has led to the temporary seizure of suspects' assets including two large massage parlors and other properties, amounting to 724,000,000 THB (20,680,000 USD). The prosecutor filed a petition to the Civil Court for the forfeiture of these assets and the case remains in process without delay.

According to the progress of the case thus far, there is no doubt that the criminal justice system as a whole vigorously responds to Royal Thai Government's Zero Tolerance policy against human trafficking by increasing the cost of punishment in excess of the benefit of crime.

- The Civil Court is considering the AMLO's temporary seizure of the defendant's asset over 720 million THB (20.68 million USD) and the Court has begun the trial since February 2017.
- On 15 February 2017, the AMLO reported suspects of money laundering offences to the Police.

## Case 19 – Thailand, 2010

Country: Thailand  
Year of conviction: unknown  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 94  
Number of offenders: 11

### Case description:

#### Transnational Organized Crime Case

The Hua Sai Police Station uncovered an offshoot of the Hua Sai trafficking case. 68 suspects were issued arrest warrants of which 47 were arrested and being under the consideration of the Human Trafficking Case Division of the Criminal Court since July 2016. 32 out of 47 defendants were indicted and scheduled for testimonies while 15 others were scheduled for pre-witness hearing in 2017. On 29 February 2016, the Civil Court ordered the forfeiture of assets of over 83 million THB (2.4 million USD) to the state. More assets seized by AMLO's Transaction Committee are still under the consideration of the Civil Court which scheduled to announce in 2017.

## Case 20 – Brunei Darussalam, 2010

Country: Brunei Darussalam  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 3  
Number of offenders: 3

### Case description:

1. Offender 1 (male) is a Thai national who works in Brunei Darussalam. Victim 1 was recruited by Offender 1, and his wife, for the sole purpose of prostitution and the place of stay was provided by the two offenders.
2. The **victim** agreed to come to Brunei Darussalam to work as a prostitute. Prior to this the victim was approached in Thailand by a Thai female who had offered her the job and told the victim all arrangements will be done by two Thai agents in Brunei Darussalam. In order to work in Brunei Darussalam, the victim was told to pay B\$7,000 to Offender 1 and his wife as part of their fees as agents and accommodation. The victim was told to pay off the said amount by working as a prostitute under the care of the Offender 1 and his wife.
3. Upon arriving in Brunei Darussalam, the victim was instructed by Offender 1 to work that very evening and supplied necessities for prostitution purposes. The victim was forced to serve two customers that night. The fees for the sexual services were fixed by Offender 1 and were communicated to both customers by Offender 1 himself.
4. The victim was forced to engage in prostitution activities whereby the customers would be charged ranging from B\$30 to B\$50. At times, Offender 1 would also force the victim to provide sexual services for free to his friends. Within two months and one week, the victim had provided sexual services to about 170 customers and earned around B\$8,000 which she had to pay to the defendant as part of the agent fees. Although the initial fee was agreed to be B\$7,000, Offender 1 forced the victim to pay him B\$8,000 because the victim had asked for daily advance money of B\$10 which totalled to B\$700 for her allowances to buy food and personal items during these two months period.
5. During this period of two months, the victim was not allowed by Offender 1 to leave the flat, except for when she had to provide sexual services to customers elsewhere. She was locked in the said flat and was not given the keys to the said flat. One lady caretaker, Offender 1 and his wife would open the door of the said flat daily for the victim to receive customers.
6. After the victim had paid off this entire amount, the victim's accommodation at the flat was no longer free and she had to pay the Offender 1 B\$450 monthly rental and to pay for utilities which include electricity and water. Offender 1 then increased this figure to B\$550 per month. The victim also had to split any income she had earned from prostitution between herself and Offender 1 and his wife.

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7. Offender 1 admitted to profiting from the sexual exploitation of three victims and was prosecuted. His sentencing was 4 years imprisonment and a fine of B\$20,000 (or 20 months' imprisonment in default of payment) with two strokes of caning. The Offender 1 failed to pay the fine and was therefore sentenced to 5 years and 8 months imprisonment and two strokes of caning.

## Case 21 – Brunei Darussalam, 2012

Country: Brunei Darussalam  
Year of conviction: unknown  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

1. Offender 1, a female employer of the victim, was charged for recruiting and receiving a person for the purpose of exploitation through forced labour and servitude as well as use of force under section 4 of the Trafficking and Smuggling of Persons Order 2004. She was also charged voluntarily causing grievous hurt under section 325 of Penal Code.
2. Offender 2, a male employer of the same victim, was charged under the Employment Order 2009 for unpaid wages.
3. The victim is a female domestic maid (Indonesian) who had been working for both defendants between September 2011 to September 2012.
4. Throughout that time, the victim was physically abused by Offender 1 by means of slapping, punching and hitting on her face, hitting on victim's mouth with a stone pestle, hitting victim with a hot iron on her face, hitting victim's mouth with a milk bottle. Offender 1 also hit the victim with a broom and umbrella, pushing victim's body and forehead to a door frame as well as hitting victim's hands and fingers with a belt buckle. The victim's nipples were also pinched and hit, and hot water was also poured on her chest.
5. Her salary of 13 months between September 2011 to September 2012 amounting to BND\$2,434.62 was not paid to her by Offender 2.
6. Offender 1 was brought to a specialist psychiatrist for observation and assessment of her mental condition.
7. Offender 1 is now facing a penalty of a fine not exceeding BND\$1,000,000.00, imprisonment for a term of not less than 4 years but not exceeding 30 years and also whipping. She also faces a penalty for causing grievous hurt which is an imprisonment for a term which may extend to 10 years with fine.
8. Offender 2 is now facing a penalty of a fine not exceeding BND\$3,000.00, imprisonment for a term not exceeding one year or both.
9. The case is still currently ongoing for trial.

## Case 22 – Brunei Darussalam, 2009

Country: Brunei Darussalam  
Year of conviction: unknown  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

1. The victim of the case is a female domestic maid (Indonesian) who came to Brunei in May 2009 to work as a domestic helper for two defendants (husband and wife)
2. During the course of her employment, investigation has found that the victim had sustained multiple bruises and also sustained a total of 54 injuries of different duration, suggestive trauma at different times
3. Throughout her employment of 22 months, the victim claimed that she was only paid once (BND\$250.00) and the rest of her salary was not paid to her by the defendants.
4. The victim was also deprived the freedom to leave the house as it was locked from the outside whenever her employers leave the house. She was not allowed to leave the house, eat or sleep without the permission of her employers. The victim was also not allowed to contact anyone [...].
5. Both defendants are now facing a charge under section 4 of the Trafficking and Smuggling of Persons Order 2004 which carries a penalty of a fine not exceeding BND\$1,000,000.00, imprisonment for a term of not less than 4 years but not exceeding 30 years and also whipping as investigation has found elements of labour exploitation.

## Case 23 – Bulgaria, 2010

**Country:** Bulgaria

**Year of conviction:** unknown

**Form of exploitation:** sexual exploitation; baby selling

**Type:** cross-border trafficking

**Number of victims:** 11

**Number of offenders:** 5

### Case description:

There was a neutralization of an organized crime group performing traffic of pregnant women to Greece with its main purpose of selling the babies and also prostitution. This case was closed with indictments of five people. Some of the participants persuaded and led away to Greece pregnant women, and the rest of these participants used to find clients for the prostituting girls and used to organize the sales of their babies.

There were a lot of operational–tracking methods with a purpose of examination of the received information, document the criminal activity of these people and revealing this crime activity. As a result of the above, at the end of 2010 on the territory of Sliven – in particular town of Nova Zagora, the organizer of the crime was arrested, known as Offender 1 (male). He used to deal with the sales of the newborn children and procurement. His wife, Offender 2 (female), was arrested as a participant of this group as well. As a result of the conducted searches and seizures in the certain addresses on the Bulgarian territory, there were documents found, certifying bank transfers from Greece to Bulgaria, medical documents in Bulgarian, French and Greek languages. Also found were: birth certificates, international passports, health documents, SIM cards, cell phones, copies of ID cards and a gas pistol. An investigation was conducted, which ref. number is: 35/09 under the Investigation department within the District Prosecutors office in town of Sliven.

The organized crime group is neutralized, the involved personnel were sentenced under the Art: 159 reading.2 in connection with Art.159b, par.2 in connection with par.1 Art 159a par.3 and par.2, point 2 reading.2 and point.6 in connection with Art. 26, par.1 of the Penal Code and Art. 321 from the PC. The following people are:

1. Offender 1 (male) – sentenced to 2 years imprisonment and a fee of 2000levs;
2. Offender 2 (female) – sentenced to 1 years and six months imprisonment and a fee from 2000 lev;
3. Offender 3 (male) – sentenced to 1 years and three months imprisonment and a fee from 1000 lev;
4. Offender 4 (male) – sentenced to 3 years imprisonment -suspension, a 5 years testing term and a fee from 3000 lev;
5. Offender 5 (male) – sentenced to 2 years imprisonment -suspension, a 4 years testing term and a fee.

So far there are 11 established victims of THB, forced to prostitution, forced to give birth and sell their children in Greece.

## Case 24 – Canada, 2010

Country: Canada  
Year of conviction: 2010  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 23  
Number of offenders: 22

### Case description:

Human trafficking for forced labour

### Significance of case:

The first forced labour human trafficking case in Canada in which convictions were secured. Sentences in the case ranged from four months to nine years imprisonment.

### Profile of the victims:

Mostly men were recruited from their native Hungary to work for a construction business. They were promised steady work, good pay and a better life. Once in Canada, the victims were treated like slaves, working long hours without pay, fed very little food, were kept under tight control, and were told their families back in Hungary would be harmed if the victims did not comply. The victims spoke very little English. There were 23 victims in total.

### Profile of the offenders:

The Domotor / Kolompar criminal organization consisted of an extended Hungarian family which was involved in a variety of criminal endeavours in Canada and Hungary. Activities in Canada involved human trafficking, welfare fraud, thefts from mail including subsequent fraudulent transactions involving cheques stolen from the mail. The offenders were both male and female and of varying ages.

### Modus Operandi of offenders:

Poor and unemployed Hungarians were brought to Canada by members of the Domotor and Kolompar families who promised them steady construction work, good pay and better lives. Once they arrived in Hamilton, Ontario, victims were coached to file false refugee claims and to apply for social assistance. Their benefit payments were eventually stolen by their traffickers. The traffickers kept their victims under tight control, in some cases determining who they spoke with, where they lived and what they ate. Victims were told that their family members back in Hungary would be harmed if they did not comply. The victims, who spoke no English, lived in their traffickers' basements and were fed very little. They were taken each day to construction sites operated by their traffickers and forced to work long hours without pay. Constant monitoring combined with threats to the victims and their families in Hungary left them with no money and the sense that they had no way out of their situation.

## Case 25 – Canada, 2011

Country: Canada  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims: 2  
Number of offenders: 1

### Case description:

Domestic human trafficking for sexual exploitation

### Significance of case:

Offender 1 pleaded guilty to human trafficking and related offences after kidnapping two adult females at gunpoint. He was sentenced to eight years and nine months imprisonment, which is the longest sentence yet handed down for domestic human trafficking for sexual exploitation in Canada.

### Profile of the victims:

Victim 1: was a 21 year old Caucasian female. The accused had known the victim for approximately one year. They had met at a strip club where the victim was an exotic dancer. They eventually started seeing each other on a regular basis but were not involved in an exclusive relationship.

Victim 2: was a 22 year old Asian female. The accused had known the victim for approximately two weeks. They had met at a strip club where the victim was an exotic dancer. They started seeing each other on a regular basis but were not involved in an exclusive relationship.

### Profile of the offenders:

29 year old male with associations to a street gang. He was born in Jamaica.

### Modus Operandi of offenders:

After a period of time, once Offender 1 established a relationship with the victims, he attended victim 1's residence, where, using a firearm, he forced the victim into his vehicle instructing her to work as an exotic dancer for him. He threatened to kill her if she refused to comply. He drove her to multiple locations across two cities and maintained control over her. He subsequently attended a strip club where he picked up victim 2. All of this occurred within a 24 hour period where he maintained control over both women using violence and threats.

## Case 26 – Canada, 2012

Country: Canada  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims: 1  
Number of offenders: 1

### Case description:

Domestic human trafficking for sexual exploitation

### Significance of case:

In 2012, Offender 1 (male) was found guilty of human trafficking and related charges and was sentenced to five years imprisonment.

### Profile of the victims:

The victim was 25 years old at the time of the offence. She had finished her university degree, had a job, and did not have any experience providing sexual services in exchange for money.

### Profile of the offenders:

Male, 29 years old.

### Modus Operandi of offenders:

After a romantic relationship developed between the victim and offender, the victim was told that if she wanted to be with the offender she had to start dancing in an exotic dance club. The victim was extensively controlled through physical abuse, death threats, threats to kill her dog, to harm her family, and to reveal her dancing to her family. The victim provided sexual services to customers in various locations in Quebec and Ontario under the offender's control for approximately eight months and handed over all of her earnings. It is estimated the offender made approximately \$200,000.

## Case 27 – Canada, 2011

Country: Canada  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims: 4  
Number of offenders: 10

### **Case description:**

Domestic human trafficking for sexual exploitation

### **Significance of case:**

This is the first human trafficking case where a person under the age of eighteen years was convicted of human trafficking. A total of 73 charges were laid against ten individuals in this case. Sentences varied between 1 and 3 years imprisonment.

### **Profile of the victims:**

There were a total of 4 victims. All were females under the age of eighteen years.

### **Profile of the offenders:**

Of the ten accused, nine were adult males and one was a male under the age of eighteen years. The underage male was the recruiter. The offenders were related to a street gang.

### **Modus Operandi of offenders:**

The victims were recruited at school and fell in love with the recruiter. They were then introduced to the main traffickers by the recruiter. The traffickers forced the victims to provide sexual services by imposing strict rules and using violence and intimidation. If the rules were not followed by the victims, they were abused by their traffickers.

## Case 28 – Chile, 2011

Country: Chile  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 4  
Number of offenders: 4

### Case description:

From April 2010 to May 2011, the Offender 1 (female) led an organization dedicated to trafficking, facilitating entry to Chile and transfer within the country as citizens of Dominican Republic, for the purposes of prostitution, deceiving them, taking advantage their state of economic distress and vulnerability in which they were, which were part within the bosom of a hierarchical structure, Offender 2, Offender 3 and Offender 4 accused, each fulfilling certain functions.

To achieve its goal, the organization was structured as follows: featured a leader who directed and coordinated the trafficking, i.e. the accused Offender 1 (female), Dominican citizen who contacted the victims and provided them to enter the country or transfer within Chile for prostitution. To this from her apartment, located in street Teatinos N° 785 apartment. No. 31, Santiago, coordinated arrival and welcome to country or destination, gave them stay, the offered and distributed. Responsible for coordinating the arrival of some victims to the country, to receive them at the airport Arturo Merino Benítez and move them to the home of Offender 1 was Offender 2 (female), who coordinated their subsequent transfer to the city of Concepción, which provided them stay. Offender 1 coordinated the transfer of victims to San Antonio, where the member of the association, Offender 3 (female), a Chilean national, was responsible for the receipt and acceptance of the victims. She was regent of the night local "X", located in Copiapó street in the district of San Antonio.

Offender 4 (female) collaborated in this activity , who took over the premises in the absence of the former and exercised control over victims. It was found that this organization since it began operating, sent more than twenty million pesos to the Dominican Republic.

On March 16, 2011, in the early morning hours, Offender 1 and Offender 2 previously organized, facilitated the entry into Chile Victim 1 (female), Dominican nationality, age 27, who previously contacted in their country of origin, role played by the accused Offender 2, who tricked the victim, taking advantage of their economic distress, indicating that work in tourism. However, once the accused in Chile Offender 2 moved Victim 1, on behalf of Offender 1 from the airport Arturo Merino Benitez latter department, located in Teatinos N°785, department 31, Santiago, to exercise prostitution the center of this city and days in the city of Concepción in Boite "X", located in street Ongolmo of that city.

On March 17, 2011, Victim 2 (female) entered Chile, of Dominican nationality from their country of origin. Once in Chile imputed Offender 2 moved, on behalf of the accused Offender 1 from the airport Arturo Merino Benitez latter department, located

in Teatinos, dept. 31, Santiago, to exercise prostitution in the center of this city and days in the city of Concepción in Boite "X", located in street Ongolmo of that city.

On April 14, 2011, the accused Offender 1 and Offender 3 previously organized, facilitated and promoted the transfer of the Victim 3 (female) Dominican nationals, who had recently entered the country from their home country. To do this, the Offender 1 the victim caught while conducting proceedings in the Department of Immigration and Migration, exchanging phone numbers and offering help. Left without offended that work, she resorted to Offender 1, who cheated advantage of their vulnerability, indicating that work in a cafe. Thus she moved to the city of San Antonio, where prior coordination was received by the defendant Offender 3, who was in charge of the local "X", located on Calle Copiapó, San Antonio, where it must prostitution permanently controlled found their freedom of movement by the other members of the organization.

On May 25, 2011, in the afternoon, when police personnel pursuant to an order of entry, search and seizure, entered the local "X", located on Calle Copiapó, San Antonio, surprised the imputed Offender 4, when kept locked in a room locked the victim and indicated.

In this case the facts were imputed to 5 people; 4 women and one man. The latter, a Chilean national, was acquitted at trial on the ground that had no involvement in the incident. The couple was imputed Offender 2. Women were two Dominican and two Chilean. They were sentenced to the following offenses and penalties: As authors of the crime of Conspiracy for crimes of trafficking: Offender 1, 5 years and one day in prison. Offender 3 to 541 days in prison and Offender 4, 300 days in prison.

As perpetrators of trafficking for sexual exploitation, for the Victim 1 and Victim 3, Offender 1 the single sentence of 10 years and one day imprisonment and a fine of 10 UTM; Offender 2 and Offender 3, 5 years and one day imprisonment and a fine of 10 UTM; Offender 4, 3 years and a day in prison and fine of 10 UTM, who was given the benefit of probation. All the victims were women of Dominican nationality, adults with serious economic problems at home, living in the poorest sectors of Dominican Republic; and also close to the pickup Offender 2.

## Case 29 – Chile, 2011

Country: Chile  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 2

### Case Description:

Throughout the first half of 2011, Offender 1 (female) contacted Offender 2 (male) and coordinated the transfer of Peruvian citizens to Chile through the passage Chacalluta, abusing for that purpose the vulnerability of Victim 1 and Victim 2, which were known to the accused, who's going to get to the city of Tacna, Peru or were paid their transfers to Arica, then, once in hosting them Arica in the building located on Calle Colombia, where the sum of \$ 10,000 should provide sexual services to different customers coming to the place, holding the accused of the money from the work of the victims. To which the accused acted in coordination with the co-defendant Offender 2 (male), who lent collaboration in the admission, transfer and contact victims being caught in flagrante form on June 8, 2011 on the street Colombia.

Offender 1 was Peruvian. She was sentenced to 541 days in jail and a fine of 10 UTM as the author of crime under art. 411 quater of C.P. in summary proceedings, i.e. acknowledging responsibility for the events, without an oral hearing has taken place. Was referred conditionally it.

The other defendant was Chilean and police assistant in the Investigations Police of Chile. He oversaw that Peruvian citizens had no objection to the border, entering Chile, since he was serving at the border crossing. He was convicted of the crime of art. 411 ter of C.P. trial in the January 16, 2013, and sentenced to three years and one day in prison and a fine of 20 UTM with the benefit of probation. [...]

The victims were Peruvian and were vulnerable, given their economic situation in Peru; Both were elderly.

## Case 30 – Denmark, 2010

Country: Denmark  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

Copenhagen City Court decision of 19 March 2010  
Defendant 1 (D1): 2 years and 2 months' imprisonment  
Defendant 2 (D2): 2 years imprisonment

A Romanian couple, Defendant 1 and Defendant 2, born 1977 and 1958 respectively, were found guilty of violating Section 262a (1) of the Danish Criminal Code. From November 2008 to 12 June 2009, the defendants had recruited and housed Victim 1, a Romanian woman by use of unseemly conduct for the purpose of prostitution through which they obtained a profit of no less than 270,000 DKK.

The victim, who is a single mother of a 2-year-old boy, came into contact with D1 and D2 in Romania, where they encouraged her to work as a prostitute. The victim left her son behind with Defendant 1 in Romania and travelled with Defendant 2 to Denmark where they settled into a hotel. The victim subsequently worked as a street prostitute under the control of Defendant 2. The money which she earned was handed over to Defendant 2.

After approx. one-and-a-half months, Defendant 1 travelled to Denmark without the victim's son. She shared the hotel room with the victim as well as took part in the control of the victim's work as a prostitute. Both defendants kept an eye on the victim when prostituting herself in the streets, and she was to ring them before and after each customer. From time to time, the defendants hit and threatened the victim, and she was given limited freedom. Further, the victim was not informed of where her son was, and Defendant 1 surveyed and limited her phone contact with her son. Defendant 1 was also found guilty of aggravated violence against the traded woman.

Defendant 1 was sentenced to 2 years and 2 months' imprisonment and Defendant 2 to 2 years' imprisonment. When imposing the sentence, the court emphasized that the offences had been committed in concert by more than one person and had taken place for a period of approx. 6 months. The court did not find that there was an inferior/superior relationship between the two defendants. Both defendants were expelled and issued a permanent entry ban. Further, 135,000 DKK were confiscated from each of the defendants, an amount corresponding to proceeds from the committed crime.

## Case 31 – Denmark, 2010

Country: Denmark  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 8  
Number of offenders: 9

### Case description:

Copenhagen City Court decision of 22 December 2010

Offender 1: 3 years' imprisonment

Offender 2: 2 years and 6 months' imprisonment

Offender 3: 2 years and 6 months' imprisonment

Offender 4: 3 years' imprisonment (additional sentence)

Offender 5: 2 years and 6 months' imprisonment

Offender 6: 1 year and 2 months' imprisonment

Offender 7: 1 year and 6 months' imprisonment

Offender 8: 2 years and 6 months' imprisonment

Offender 9: 2 years and 6 months' imprisonment

Offenders 1-9 (male), who are all from Eastern Europe, were found guilty of trafficking in human beings (8 Romanian women) committed in concert from the beginning of 2009 until September 2009. The women were very young (several of them are born 1989) and were recruited in Romania and subsequently brought to Denmark. Several of the women, who were prostitutes in their home country, knew that they were going to work as prostitutes in our country. However, one woman was brought here under the pretext of having a regular job, cf. Section 262a (1)(iv) of the Danish Criminal Code.

In Denmark, all women worked as street prostitutes and were forced to pay a substantial sum of their earnings from prostitution to the defendants who thereby obtained financial gain. The city court emphasized that a number of the women came from an area in Romania where many people live under poor conditions with no work and difficulty in supporting their families.

When the women arrived in Denmark they were already sold/owned by pimps (including several of the offenders) who were all men. On this basis, the city court found that the pimps had authority and right to decide over the women who as prostitutes in a foreign country could therefore not in reality get out the situation they were in (which the court also made a point of with regard to the women who were already prostitutes prior to arriving in Denmark). The city court also pointed out that the women were under the control of the defendants, both in terms of their residential situation and with regard to their working hours and income. Further, violence and threats of violence was used to a certain extent against the women who were referred to as a merchandise by the defendants. The city court found this conduct unseemly, cf. Section 262 a (1)(v) of the Danish Criminal Code.

With regard to the defendants' organization, the city court found that the defendants had participated in two groups whose mutual aim and objective was to obtain most possible gain from the street prostitutes. There was an implicit agreement to co-operate

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in order to reach this common goal. The groups were well-organized and structured in relation to their different competences and activities. On this basis the court found that the defendants, who were on different levels within the group hierarchies, had incurred criminal liability for the acts performed by other co-defendants in the two groups.

Offender 1 and Offender 4 were both sentenced to 3 years' imprisonment, and in the case of Offender 4, who is previously punished several times for violence, the sentence was fixed as an additional sentence. Offender 2, Offender 3, Offender 5, Offender 8, and Offender 9 were all sentenced to 2 years and 6 months' imprisonment. Offender 6 was sentenced to 1 year and 2 months' imprisonment, and Offender 7 to 1 year and 6 months' imprisonment.

When the court pronounced the sentence on the defendants, with exception of Offender 6, it particularly pointed out the number of girls, the recruiting method, and the period of time that the offence had taken place. Further, the court also emphasized the role which the defendants had played, either as controlling kingpin with regard to recruiting and housing, or collection of money from the women (Offender 1 and Offender 4), managing pimp (Offender 2, Offender 3, Offender 5, and Offender 9), responsible for renting rooms (Offender 6), or as active contributors in regard to the other defendants (Offender 7). Offender 1, Offender 2, Offender 3, Offender 5, Offender 8, and Offender 9 were all expelled from Denmark with a permanent entry ban . Offender 7 was expelled with a 12-year entry ban.

## Case 32 – Denmark, 2011

Country: Denmark  
Year of conviction: 2011  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 3  
Number of offenders: 4

### Case description:

Frederiksberg City Court decision of 4 January 2011  
Offender 1 (male): 1 year and 3 months' imprisonment  
Offender 2 (female): 1 year imprisonment  
Offender 3 (female): 2 years and 6 months' imprisonment

Two men and a woman from Eastern Europe were found guilty of trafficking in human beings. One of the men (Offender 3) was convicted for trafficking in human beings in that Offender 3, by use of coercion, had arranged the travel of several Romanian and Hungarian women to Denmark where he exploited them for prostitution during one-and-a-half years from 2008 to 2010. On the basis of witness statements given by two Romanian women and a Hungarian woman, the court took into account that these women had been offered to come to Denmark in their home countries with the purpose of earning a substantial amount of money from prostitution.

The three women had come to Denmark during the second half of 2009. Their travel to Denmark had been arranged by unknown middlemen, and upon arrival they were transported directly to the apartment rented by Offender 3. Hereafter they worked together with other women as escort girls for Offender 3 who kept half of the amount of money paid by customers. The prostitutes were to pay rent and expenses to a driver (Offender 1) and a phone operator (Offender 2), as well as refund the expenses for their travel to Denmark. The court found that by exploiting the women, Offender 3 had obtained earnings of at least 497,500 DKK. During the assessment of evidence the city court emphasized that one of the victims had seen another woman be beaten up by Offender 3 as well as from telephone interceptions it appeared that Offender 3 addressed the prostitutes in a loud and commanding tone. The punishment for Offender 3 was fixed at 2 years and 6 months' imprisonment.

Offender 1 was found guilty of accessory to trafficking in human beings in his capacity as driver for the trafficked women in connection with their work as prostitutes and receiving payment from the customers. Further, Offender 1 was found guilty of violating Section 276 of the Danish Criminal Code by having stolen clothes from shops in the value of approx. 50,000 DKK. Offender 1 was sentenced to 1 year and 3 months' imprisonment. Offender 2 was also found guilty of accessory to trafficking in human beings in that she had answered the phone at the escort bureau and received payment when a prostitute was called to a customer. Further, Offender 3 helped count and store the money. Offender 2 was sentenced to 1 year's imprisonment.

The defendants were expelled from Denmark with a 6-year entry ban. Profits in the amount of 50,000 DKK from the criminal acts were confiscated from Offender 1 and Offender 2 respectively. 497,500 DKK and a vehicle registered in Romania were confiscated from D3. The court decision was later confirmed by the High Court of Eastern Denmark.

## Case 33 – Denmark, 2011

Country: Denmark  
Year of conviction: 2011  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 1

### Case description:

Frederiksberg City Court decision of 15 December 2011  
9 months' imprisonment

Offender 1, a 36-year-old man from Lithuania was found guilty of trafficking in human beings committed against a Victim 1, a 19-year-old female prostitute from Lithuania. The offender met the victim in Lithuania and suggested that she should work as a prostitute in Denmark. The offender subsequently drove the victim to a house in Vanløse where several men from among other Lithuania were staying. The victim stayed in the house for about a week during the summer of 2011 and during that week she had sex with the men in the house. The offender was in charge of and decided with whom she should have sex, and apart from a few times she did not receive payment for this. The court emphasized that the offender must have obtained a financial gain. The court further emphasized that the offender had threatened the victim and taken her passport, and that the victim was afraid of the defendant and had felt she was pressed psychologically. The court found that the victim had been subjected to trafficking in human beings and stressed that the defendant had made use of unseemly methods by using his supercilious position towards the victim, who was mentally fragile. The court sentenced the defendant to 9 months' imprisonment. 4,500 DKK and 60 Euro were confiscated to cover court expenses. Further, the defendant was expelled from Denmark with a 6-year entry ban.

## Case 34 – Ecuador, 2011

Country: Ecuador  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 2

### Case description:

Obtained results in the rescue of a 15-year-old Colombian national who was sexually exploited by two teenagers of 17 years.

Sentenced: The Second Court of Childhood and Adolescence Family Loja, solve convicting two teenagers for the crime of Trafficking for Sexual Exploitation performed due process hearing the case being extended Institutional ballot placement for a period TWO YEARS IN THE CENTER OF OBSERVATION OF MINORS MIXED Loja.

Case description: The complaint is filed by a family of two teenagers, who indicates that they are victims of sexual exploitation by two citizens given the research, come to the location of adolescent and capture those involved.

Sentenced: The Court of Criminal Guarantees of Sucumbios resolved whose general law considered in this Judgment Guilty third in the Grade Authors of the offense defined in Article 1 and numeral 190-21 and punished with Article 190.3 of the Criminal Code., which is imposed the penalty of 9 YEARS IMPRISONMENT OF EXTRAORDINARY, but may be improved or modified it for the circumstances set out in Art not have been justified. Unnumbered 29-1 shame that meet at the Center for Social Rehabilitation Men Quito two Ecuadorian citizens. Likewise they must pay the amount of US \$ 3,000 in damages and damages caused by the infringement in favor of the prosecution.

## Case 35 – EL Salvador, 2009

Country: El Salvador  
Year of conviction: 2009  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 4  
Number of offenders: 2

### Case description:

Crime: TRAFFICKING AGGRAVATED.

Charged: Offender 1 (female) and Offender 2 (male).

Victim: FOUR VICTIMS: 2 TEENS NICARAGUAN OF 14 AND 16 YEARS AND 2 ADULTS ORIGINATING IN DOMINICAN REPUBLIC.

Account in Acts: Defendants: Offender 1 (fugitive) and Offender 2, recruited Guatemalan female adolescents between 14 and 16 years of age and adults originating in Dominican Republic, who were brought to El Salvador by deception offering highly paid jobs and once in country were imprisoned, threatened and forced into prostitution, for which they took nude photographs and underwear of them which were posted on websites in order to offer the victims between \$ 60 and \$ 150 for having sex.

Outcome of Public Hearing: In Public Hearing held in the COURT OF JUDGMENT OF SANTA KEY, is attributed to condemn Criminally Offender 2 to EIGHT YEARS IN PRISON AND CONDEMN ALL LIABILITY BASTACTRO for the crime of IS AGGRAVATED depersonas. Finding the rebel Offender 2 date the accused, who has been credited reside in the United States, so the tax representation has asked the competent judicial authority Extradition proceedings begin.

## Case 36 – EL Salvador, 2009

Country: El Salvador  
Year of conviction: 2011  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 3

### Case description:

Crime: TRAFFICKING AGGRAVATED.

Charged: Offender 1 (male), Offender 2 (female) and Offender 3 (male)

Victim: TWO TEENS GUATEMALTECA NATIONALITY OF 15 YEARS OF AGE.

Account in Acts: Defendants: Offender 1, Offender 2 and Offender 3 were processed in degree of co-authors of the crimes of: TRAFFICKING AGGRAVATED. Damage of two teenagers Guatemalan nationality 15 years of age, who in September 2009, were recruited in Guatemala, offering in return for \$ 1,000 to model jeans for a week in an alleged company owned by Offender 1, entering them to El Salvador with documents false and being moved to a house where they were imprisoned and under threats, physical attacks and verbal intended prostitution.

Outcome of Public Hearing: In Public Hearing held on January 31, 2011, Specialized Sentencing Court "A" of the City of San Salvador in which he condemned Criminally the accused: Offender 1 to nine years in prison; the imputed Offender 2 to EIGHT YEARS IN PRISON ONE MONTH and the person Offender 3 to FOUR YEARS WITH SIX MONTHS IMPRISONMENT, for the crime of AGGRAVATED TRAFFICKING, and sanctioned by Art. 367-B and 367 C of the Penal Code.

## Case 37 – El Salvador, 2009

Country: El Salvador  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 1

### Case description:

Ref. Prosecutor.

Crime: INDUCTION, promotion and encouragement ACTS OR EROTIC SEX TRAFFICKING and AGGRAVATED. Articles 169, 367-B and 367-C. Penal Code

Imputed: Offender 1

Victim: TEEN AGED 13 YEARS.

Story of Acts: The Imputed Offender 1, recruited under false pretenses to teenage victim offering job of selling cakes at a store where besides beer, located in the Congo, Santa Ana, where the deprived of liberty teen was sold , threatened, insulted and left without constantly eat, even forcing her to drink alcohol and under the influence of this, sexually exploited them repeatedly for over a month, earning money from men who paid for sex with the victim until it is in a neglect of the offender could escape the place.

Outcome of Public Hearing: The Second Trial Court of San Salvador condemn the Imputed Criminally Offender 1, to FIVE YEARS IN PRISON for Crime INDUCTION, promotion and encouragement OF SEXUAL ACTS OR EROTIC and the offense TRAFFICKING I will condemn aggravated EIGHT YEARS WITH SIX MONTHS IN PRISON, making a total of THIRTEEN YEARS WITH SIX MONTHS IN PRISON.

## Case 38 – El Salvador, 2009

Country: El Salvador  
Year of conviction: 2008  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 3

### Case description:

Crime: TRAFFICKING AND AGGRAVATED RAPE AGGRAVATED.  
Charged: Offender 1 (male), Offender 2 (male), and Offender 3 (female).  
Victim: TEEN AGED 14 YEARS.

Account in Acts: In mid-June 2008, the accused Offender 3, brought the victim from Ciudad Barrios, San Miguel to San Salvador when she was 14 years old, where she gave her to two known subjects as Offender 4 and Offender 5, who took her to a motel and then forced her to have sex with them, in return the victim was given a sum of money not given to Offender 3. Later, the victim managed to get a job in a sale of juices near the terminal of the Orient in San Salvador, is where the Offender 1, first met and began courting her, but she ignored him and one day when the victim was going to her place of residence, was abducted by two covered faces subjects those who slept with an unknown substance and boarded a vehicle which was taken to a desolate place, apparently in the jurisdiction of Apopa place where she was raped and then left abandoned, naked and bloodied, being helped by strangers. Subsequently Offender 1 continued harassing the victim, told him as she had been his wife, she went to live with him, so that one day he left his job, Offender 1 introduced her to his car and took her to the 25th. East Street, San Salvador, gave her to a woman named Offender 6, who was commissioned to dress properly to get customers, which was responsible Offender 2, while Offender 1, every day there and let the I was bringing in the evening, being Offender 1 whom Offender 2 and Offender 6 gave the money they charged for sexual exploitation of adolescent; Offender 1, was traveling in a taxi, since according to research was a taxi driver; the victim escape attempt in the sexual exploitation occasion, but it was impossible because when she was about to board the bus, the subject Offender 1, appeared and prevented her from leaving; as stated by the victim the accused Offender 1, forced her to take drugs, threatened, physically assaulted, took her to motels and raped her, this happened repeatedly, until one day she was rescued by a patrol when she was in the 25th. Street east of this city; initiating research.

Outcome of Public Hearing: The Third Trial Court of San Salvador sentenced the accused as follows: Offender 1, to 14 years in prison for the crime of Rape in minor or incompetent and 08 years in prison for the crime of Trafficking, a total of 22 years in prison; Offender 2, to 08 years in prison for the crime of trafficking in persons and the accused Offender 3, to 08 years in prison for the crime of trafficking.

## Case 39 – El Salvador, 2012

Country: El Salvador  
Year of conviction: 2011  
Form of exploitation: forced criminality, sexual exploitation  
Type: domestic trafficking  
Number of victims: 4  
Number of offenders: 5

### Case description:

Crime: TRAFFICKING AGGRAVATED, DEPRIVATION OF LIBERTY AND SUPPLY ALCOHOL ABUSE.

Charged: Offender 1 (male), Offender 2 (female), Offender 3 (female), Offender 4 (female) and Offender 5 (male).

Victims: FOUR TEENAGERS. (Aged between 14 AND 17 YEARS OF AGE.)

Account in Acts: Given information from ISNA dated March 30, 2011, research was opened, concluding that the defendants were part of a strong criminal structure dedicated to trafficking in the form of sexual exploitation, for which recruited adolescents, deprived of liberty, were threatened to take the lives of themselves and their families if they did not engage in criminal activity to which the defendants were engaged; They were also forced to take drugs and alcoholic beverages as a way to keep them under as these defendants moved from place to place victims; being in forced to have sex with a substantial portfolio of "customers" who frequented various defendants owned businesses located in Izalco and Cara Sucia accordingly; concentrating even victims in captivity houses where they managed to escape and subsequently located by staff of ISNA. As a result of a major operation in the western part of the country, they stopped to administrative detention order the defendants referrals.

Outcome of Public Hearing: After five days of Public Hearing held in the trial court of Sonsonate, dated December 14, 2012 , was established through testimony, expert and documentary evidence, criminal liability for all defendants, condemning them to pay in full the amount of \$ 7,000 in respect of civil liability and criminal convictions nature by the aforementioned crimes, as follows: Offender 2, was sentenced to 22 years with 08 months in prison; Offender 1, was sentenced to 18 years in prison; Offender 4, was sentenced to 11 years in prison; Offender 5, was sentenced to 10 years with 06 months in prison; Offender 3, was sentenced to 09 years in prison. One case is currently pending against the accused Offender 6, rebel who was recently found and captured.

## Case 40 – Israel, 2012

Country: Israel  
Year of conviction: 2012  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

The State of Israel v. Offender 1 (male) and Offender 2 (female),  
Jerusalem District Court

On February 29, 2012, in a precedential decision, the Court convicted for the first time two defendants of the trafficking offense of "holding a person under conditions of slavery" (Section 375A of the Penal Law). The victim was a Philippine housekeeper (female) who was held under conditions of slavery. Notably, the circumstances did not include physical violence.

The case involves a couple that was abusive towards their nursing care employee who came from the Philippines.

The victim's passport was withheld. During her 22-month employment period, she was denied basic rights such as breaks, vacation days, the ability to attend church and to socialize with people outside the family, her movements were supervised, she was locked in the house when they went on vacation and they substituted her cellular phone with one which could only receive incoming calls. Though her employers resided in a spacious villa, she was made to sleep on a folding bed in a hall leading to the bathroom. She worked from 07:00 until 22:00 and occasionally even longer, while being allowed only two short meal breaks. The victim was locked in the house at all times, aside from few occasions on which she accompanied the family or ran errands on their behalf, in which cases the defendants were careful to follow and watch her.

This is the first case in which the Court was asked to rule on whether this type of behavior constitutes a new form of slavery under the offense of "holding a person under conditions of slavery". Finally, on February 29, 2012, in a comprehensive ruling analyzing the offense of trafficking for slavery, the Court set a precedent and decided to convict the two defendants of holding a person under conditions of slavery and withholding of a passport (under Sections 375A and 376A respectively).

On June 10, 2012, the court sentenced the defendants to four months' imprisonment, to be served in community service, suspended imprisonment, 2,000 NIS (U.S. \$526) fine and 15,000 NIS (U.S. \$3,947) as compensation to the complainant.

The Court explained the lenient sentence in favor of the defendants with the following mitigating circumstances. One of them is their behavior towards the victim. She was not degraded nor was she exposed to violence of any kind. She was not forced to do hard labor and was not objectified by the defendants. Her daily work mainly included maintaining the defendants' household and taking care of their grandchildren. The defendants allowed her to use a cellphone and make long distance calls to her family.

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The husband bought her calling cards and transferred her salary to her family in the Philippines, at her request. Additionally, the defendants provided her with medical care and occasionally gave her small amounts of money for the holidays. Other mitigating circumstances: the defendants are elderly people, with no criminal record, who are respectable members of their community and donate to various charity organizations.

The fact that this is a precedential conviction is another circumstance in favor of a lenient sentence for the defendants, since the limits of this offence have not been set yet.

The minimum sentence provided by law to the offence of holding a person under conditions of slavery is four years imprisonment, unless the court decides there were special grounds to deviate from it, which must be noted. The Court has decided that all the above mentioned mitigating circumstances shall be noted as special grounds to impose a more lenient sentence, and sentenced the defendants, as mentioned above, to four months imprisonment.

The defendants appealed to the Supreme Court, their appeal is still pending. Their request to suspend the payment of the fine and compensation was denied by the Supreme Court.

## Case 41 – Israel, 2009

Country: Israel  
Year of conviction: 2009  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 11  
Number of offenders: 12

### Case description:

State of Israel v. Offender 1 (Tel-Aviv District Court)

The case of *The State of Israel v. Offender 1* is one of Israel's landmark cases in the fight against trafficking.

It resulted in the **conviction of five of the defendants** who developed an elaborate network of criminal activity (seven other defendants had been convicted in previous years), on charges of trafficking for the purpose of prostitution and commission of related offenses. The convictions attest to the success of Israeli authorities in effectively combatting networks aimed at bringing women to Israel. The case also included a conviction of pandering, managing a place for the purpose of prostitution, inducement of a person to engage in prostitution, money laundering (against some of the defendants) and related offenses

This Case demonstrates the serious efforts of Israeli authorities, including the State Attorney's Office, in prosecuting trafficking offenders. It involves a central trafficking figure who operated between 1999 and 2008. The case is instructive in showing that until 2006, trafficking victims were brought to Israel, whereas from 2007, they were transported to Cyprus. This illustrates that trafficking for prostitution to Israel had become too risky, even for experienced traffickers. He accordingly transported his victims elsewhere.

The main indictment was submitted against eight defendants who were charged with trafficking in persons for the purpose of prostitution, maintaining several places for the purpose of prostitution (during 1999-2006), and inducing women to leave their country to engage in prostitution and related offenses. The defendants operated a large number of brothels in the Tel Aviv and Ramat Gan area during the period until 2006, and employed the women as prostitutes, often against their will, while providing them with false identification and imprisoning them. The defendants retained a large percentage of the women's' income from these activities, and controlled the victims by threats, violence and other unlawful tactics. Once enforcement efforts in Israel increased, the group began trafficking in women from the former Soviet Union countries, and brought them to Cyprus.

The State Attorney's Office allocated great resources to this case, which is unusually large in terms of trafficking in persons cases. The prosecution efforts involved obtaining and reviewing investigation materials from Russia, the Ukraine and Belgium. The case included approximately 150 prosecution witnesses, of which two were State witnesses and approximately 28 were foreigners, including the victims, Ukraine police officers and Russian State Attorney Personnel. Most of these witnesses testified in Israel, and the State Attorney's Office provided the funding to facilitate this. Two additional witnesses testified via video conference.

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The two main defendants in this case were detained until the conclusion of procedures against them for over three years. Their detention was extended by the Supreme Court ten times. On January 12, 2012 a decision was rendered by the District Court. Of the eight defendants, one was convicted in a plea bargain in 2009 and one was a State witness in 2009. Of the six remaining defendants, one was acquitted (after his behavior was decided to be immoral but not criminal) and five were convicted of trafficking in persons for the purpose of prostitution and related offenses.

On May 10, 2012, the offenders were sentenced as follows:

**Offender 1** was sentenced to 16 years imprisonment, concurrent activation of two conditional imprisonments, accumulative to the imprisonment sentence, so that the defendant will serve an overall period of 18 years and 7 months. Furthermore, the defendant was sentenced to suspended imprisonment, ordered to pay 15,000 NIS (U.S. \$3,947) in compensation to each of the eleven victims, and fined 150,000 NIS (U.S. \$39,473).

**Offender 2** was sentenced to three years' imprisonment, suspended imprisonment, fined 20,000 NIS (U.S. \$5,263) and ordered to compensate one of the victims with 15,000 NIS (U.S. \$3,947).

**Offender 3** was sentenced to 10 years' imprisonment, suspended imprisonment, fined 100,000 NIS (U.S. \$26,315) and ordered to compensate nine victims with 10,000 NIS (U.S. \$2,631) each.

**Offender 4** was sentenced to six years' imprisonment, suspended imprisonment, fined 60,000 NIS (U.S. \$15,789) and ordered to compensate nine victims 5,000 NIS (U.S. \$1,315) each.

**Offender 5** was sentenced to 12 months' imprisonment, suspended imprisonment, fined 10,000 NIS (U.S. \$2,631) and ordered to pay 300,000 NIS (U.S. \$78,947) through forfeiture.

The court, in its verdict, rejected the defense attorneys' claim regarding the deterrence of others. The defense attorneys claimed that since the phenomenon of trafficking in persons was vastly eradicated in Israel, it was no longer necessary to create deterrence against it. The Court rejected this statement and ruled that the message which should be sent to anyone even considering depriving another person's liberty and controlling him/her is that committing offences of this kind would entail the most aggravated punishments, in the future as well as in the present.

These five defendants have submitted appeals to the Supreme Court, which is currently still pending.

## Case 42 – Israel, 2010

Country: Israel  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 3  
Number of offenders: 1

### Case description:

Offender 1 v. The State of Israel (Supreme Court)

The appellant (female) was charged with conspiracy for trafficking for the purpose of prostitution, inducement to engage in prostitution and drug delivery. The offenses were carried out against Israeli victims who were recruited by her to engage in prostitution in Ireland. She was sentenced to 30 months imprisonment and suspended imprisonment by the Tel-Aviv District Court (July, 19, 2010)) and appealed to the Supreme Court regarding her conviction and the sentence.

The Supreme Court ruled that any action the aim of which is trafficking in persons for the purpose of prostitution is a crime even if there was consent on the part of the victim, since the victim is exposed to exploitation, humiliation and trauma. In this case, the victims' freedom of movement was denied as their passports were taken by the appellant, some of them were forced to work in difficult conditions which they had not agreed to, and their dignity and freedom was infringed upon. The Supreme Court rejected the appellant's argument that in order to fulfill the elements of the offense of inducement to engage in prostitution the victim must not have worked as a prostitute beforehand. The Court ruled that this condition is not part of the elements of the offense and that there should be no distinction between a person who previously worked as a prostitute and a person who did not, since they are both entitled to their basic rights and to be protected by law. The Supreme Court therefore denied the defendant's appeal.

## Case 43 – Israel, 2010

Country: Israel  
Year of conviction: 2011  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 3  
Number of offenders: 4

### Case description:

The State of Israel v. Offender 1 and Offender 2 (Tel-Aviv District Court)

On March 3, 2011, the two offenders (married couple) were charged with TIP for the purpose of prostitution, causing a person to leave a country to engage in prostitution, inducement to engage in prostitution and pandering. Offender 1 (male) was also charged with conspiracy to commit a crime.

This case contains elements of TIP similar to those seen in previous cases, but in a more moderate, non-violent manner. The women were brought from Chile and not from the former Soviet Union, they were not subjected to any violence and they received 50% of the payment and not 10% or less like in previous cases. Furthermore, the women worked in prostitution for two days only before the Police intervened.

According to the indictment, the offender's friend made a suggestion to send women from Chile to be employed in prostitution in Israel, for \$500 each. Offender 1 conspired with two additional men (indicted separately) to traffic the women residing in Chile, causing them to leave their country for the purpose of prostitution and to employ them in prostitution in Israel, while exploiting their financial distress in their country of origin.

The offenders made all the arrangements to bring the women to Israel: paid for their flight tickets, paid for their stay in a hotel in Tel Aviv and published an advertisement offering sexual services by the women in websites and in a magazine.

Once the three women arrived in Israel, they were picked up from the airport and taken to a hotel, where they were employed in prostitution for two days. Following a suspicion that the women were in possession of drugs, the Police found out they were employed in prostitution.

The offenders had previously performed similar offences against another woman who came from Chile to Israel as a result of their actions. However, that woman changed her mind and therefore was never actually employed in prostitution, but returned to her country of origin after returning her travel expenses to the defendants.

Due to evidential difficulties in proving the offence of TIP for the purpose of prostitution, the parties reached a plea bargain. The difficulties included the following facts and circumstances: all of the women, but one victim (who gave an early testimony) returned to their origin country; the defendants were not violent and that the women were employed in prostitution for two days.

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According to the plea bargain, **Offender 1** was convicted of inducement to leave a country for the purpose of prostitution and pandering. He was sentenced to 10 months imprisonment, suspended imprisonment, and fined 5,000 NIS (U.S. \$1,315). **Offender 2** was convicted of assisting an inducement to leave a country for the purpose of prostitution and of assistance to pandering. She was sentenced to three months imprisonment, to be served in community service, suspended imprisonment and fined 5,000 NIS (U.S. \$1,315).

The medical condition of both defendants, their clean record, along with the fact that Offender 2 is a mother and sole provider for three minors, were mitigating factors in determining their sentence by the court.

Offender 1 filed an appeal for the mitigation of his sentence. The appeal was denied on February 11, 2013.

## Case 44 – Thailand, 2016

Country: Thailand  
Year of conviction: unknown  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 30  
Number of offenders: 12

### Case description:

#### The Phuket Operation - Transnational Labor Trafficking in the fishing Sector

- The success in fighting against transnational human trafficking relies mainly upon close cooperation among neighboring countries. The trust as developed between Thailand and Myanmar antihuman trafficking counterparts, together with information sharing that led to the successfully planned Phuket Operation deserve our attention.
- During Thailand-Myanmar bilateral meeting in Pu Gam, Myanmar on January 25-29, 2016, Myanmar Police Force delegates requested Royal Thai Police delegates to rescue four Myanmar workers reportedly forced to work on a fishing vessel scheduled to come back to shore in Phuket. This piece of information promptly forwarded to Anti Trafficking in Persons Division (ATPD) Sub-division 5 in Thailand for further investigation. In cooperation with Phuket Provincial Police, Immigration Bureau, Marine Police, Royal Thai Navy, the search and rescue operation throughout Phuket ports began. One Myanmar worker had managed to escape from a fishing vessel anchoring at Phuket Port was found, reporting that a group of Myanmar workers were detained in captivity in town, awaiting help.
- Following this piece of information, the Police continued to investigate and discovered another 29 Myanmar workers being locked up from outside in a house in Muang District One Myanmar female, Offender 1 who was guarding in front of the room used to detain workers was arrested on site.
- Based on the result of victim identification interviews, all 30 Myanmar workers were tentatively screened as potential victims of labor trafficking. Along with the search and rescue operation and subsequent victim identification interviews, Myanmar Embassy's Labor Attache as well as Royal Thai Police Attache at Rangoon have been in close collaboration throughout activities.
- Further investigation and interrogation can lead to the identification of twelve suspects including brokers, transporters involved in this labor trafficking ring. Two suspects were already arrested and other ten suspects were issued arrest warrants.
- Within less than three months, the ATPD police interrogators and public prosecutors who investigated the case have completed gathering all relevant evidence and forwarded their recommendation to prosecute these syndicates for labor trafficking and related charges. Until 14 April 2016, the Attorney General rendered his order to prosecute all suspects in the newly established

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Human Trafficking Case Division of the Criminal Court in Bangkok. However, one of the accused was believed to have been murdered in Pang-Nga Province.

- Subsequently, two defendants of Myanmar citizenship had been indicted and, with their confession to the trafficking charges, were each sentenced to six years of imprisonment. Because of their confession, the judge reduced their prison term by half to three years. Under the newly enacted Human Trafficking Criminal Procedure Act of 2016 that came into effect on 25 May 2016, this case has been tried in an efficient manner and the court could finalize the conviction within six months.

## Case 45 – Latvia, 2012

Country: Latvia  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

unofficial translation: Court Judgement in the name of the Republic of Latvia  
Date and place of making the court judgement: **6 January 2010 in Riga**  
Court: **Riga City Latgale County Court**

### Case description:

Court case was heard in public hearing, charge against Offender 1 (female) (personal identification code) for criminal offence according to the Criminal Law Section 165.<sup>1</sup> "Sending a Person for Sexual Exploitation" the first part (wording of the Criminal Law as on 18

Opinions, Translations and Explanations" the part two with community service of 150 hours conditionally with a term of probation for a term one year and six months. In the time period from 14 September 2009 till 13 December 2009 the family of Offender 1 acquired the status of poor family.

According to the Criminal Procedure Law Section 543 the Court decided to find her guilty according to the Criminal Law Section 165.<sup>1</sup> "Sending a Person for Sexual Exploitation" and to punish her with deprivation of liberty for two years, additionally counting the previous punishment stating the final punishment for a term two years and 10 days, serving the sentence conditionally with a term of probation for two years and 10 days.

## Case 46 – Latvia, 2008

Country: Latvia  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: unknown (multiple)  
Number of offenders: 3

### Case description:

unofficial translation: Court Judgement in the name of the Republic of Latvia  
Date and place of making the court judgement: **31 March 2010 in Riga**  
Court: **Riga City Latgale County Court**

### Case description:

Court case was heard in public hearing, charge against Offender 1 (male) born on 7 August 1983, personal identification code */number/* for criminal offence pursuant to the Criminal Law Section 165.<sup>1</sup> "Sending a Person for Sexual Exploitation" the third part and stated:

Offender 1 acting in organized group for purposes of enrichment has committed sending of persons for sexual exploitation with their consent.

In December 2008 Offender 1 together with several unknown persons (Offender 2 and Offender 3) from Germany according to mutual agreement and sharing responsibilities for purposes of enrichment created an organised group with criminal purpose to perform sending of persons from Latvia to Germany for sexual exploitation. Offender 1 as a member of organised group in Latvia had to recruit women for prostituting in Germany and transport them to Germany.

According to the mutual agreement of organised group Offender 1 was responsible for getting acquainted with women from Latvia and offering prostitution work in Germany, placing advertisements on internet about job opportunities in the field of provision of sexual services in Germany. During conversations with women Offender 1 had to explain that women in Germany should provide sexual services for payment, to inform about working conditions, and to promise good profit opportunities.

After receiving consent of recruited women Offender 1 had to contact members of organised group in Germany, to send pictures of recruited women, to inform about personal data of recruited women and when they will be transported to Germany for prostitution.

Offender 1 was responsible for transportation of recruited women to Germany by a personal car. He had to transfer recruited women to Offender 2 and Offender 3 in Germany who was responsible for organization of illegal work of recruited women as prostitutes in Germany as well as to provide accommodation for recruited and transported women.

Recruited and transported women would have to pay for transportation not less than 100 EUR from money earned by prostitution, as well as to share the earnings with

members of organised group giving them not less than 50% from earned money by prostitution. According to the criminal agreement Offender 1 as a member of organised group would receive payment for each to Germany transported woman payment of amount not less than 1100 EUR.

On 12 December 2008 Offender 1 registered an e-mail address in internet portal inbox.lv from which placed advertisements in internet portal www.intim.lv about job opportunities in the field of provision of sexual services in Germany promising earnings from 2500 EUR to 5000 EUR per month.

On 1 February 2009 a person involved in operative experiment according to the plan of operative experiment, Undercover Police Officer 1, responded to the advertisement on e-mail address. During the correspondence Offender 1 was hiding his identity and avoiding the criminal liability personated himself as V.A.

Undercover Police Officer 1 was informed about job opportunities in the field of provision of sexual services in Germany, working conditions, promises to earn from 2500 EUR to 5000 EUR per month and that she would need to share earnings giving 50% of earnings to the members of organised group in Germany.

Undercover Police Officer 1, in the framework of operative plan, agreed to go to Germany to work as a prostitute.

On 6 February 2009 Undercover Police Officer 1 met Offender 1 at café X. at the Central Station square. Offender 1 offered Undercover Police Officer 1 work of prostitute in Luebeck in Germany, offered good profit opportunities from 2500 EUR to 5000 EUR per month, informed that she would need to share earnings giving 50% of earnings to the members of organised group in Germany, as well that a woman would be transported by Offender 1's private car to Luebeck and Undercover Police Officer 1 should pay 100 EUR for the transportation. According to the operative plan she agreed to travel to Germany.

On 12 February 2009 Undercover Police Officer 1 and Undercover Police Officer 2, in the framework of operative plan, met Offender 1 at café Y at the Central Station square. Offender 1 offered Undercover Police Officer 1 and Undercover Police Officer 2 a work of prostitute in Luebeck in Germany, offered good profit opportunities from 2500 EUR to 5000 EUR per month, informed that she would need to share earnings giving 50% of earnings to the members of organised group in Germany, as well that women would be transported by Offender 1's private car to Luebeck and they should pay 100 EUR for the transportation. According to the operative plan Undercover Police Officer 1 and Undercover Police Officer 2 agreed to travel to Germany.

On 23 February 2009 Offender 1 phoned Undercover Police Officer 1 and informed that departure from Riga will be on 24 February 2009 from fish pavilion of the Central Market.

On 24 February 2009 Offender 1 met Undercover Police Officer 1 and Undercover Police Officer 2 at parking place at Maskava street in Riga where Offender 1 informed that Undercover Police Officer 1 and Undercover Police Officer 2 will be transported to Germany by a car Opel Vectra /*registration number*/.

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During court proceeding Offender 1 pled guilty in the commitment of incriminated criminal offence pursuant to the Criminal Law Section 165.<sup>1</sup> "Sending a Person for Sexual Exploitation" the third part.

Determining the punishment the court took into consideration the nature of criminal offence and the harm caused, considering identity of accused person and mitigating and aggravating circumstances.

Verifying identity of accused person, it was established that Offender 1 is not punished previously, he has declared place of residence, in the time period from September 21 2001 till 1 January 2008 he was registered as a tax payer at the State Revenue Service, from 19 June 2009 till 26 October 2009 worked in Ltd */title/* and was characterized positively, currently is working salaried work in the UK.

Conclusion:

To find Offender 1 */personal identity code/* guilty pursuant to the Criminal Law Section 165.<sup>1</sup> "Sending a Person for Sexual Exploitation" the third part, applying provisions of the Criminal Law Section 49 to punish with imprisonment of 5 (five) years with confiscation of property.

Pursuant to the Criminal Law Section 55 to determine the mentioned punishment conditionally if during probation term he will not commit criminal offences and will not violate public order.

## Case 47 – Latvia, 2010

Country: Latvia  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case description:

Court Judgement in the name of the Republic of Latvia  
Date and place of making the court judgement: **6 September 2010 in Riga**  
Court: **Riga City Latgale County Court**

### Case description:

Court case was heard in public hearing, charge against Offender 1 (personal identification code) for criminal offence pursuant to the Criminal Law Section 165.<sup>1</sup> "Sending a Person for Sexual Exploitation" the third part and stated:

Offender 1 (male) acting in organized group for purposes of enrichment has committed sending of persons for sexual exploitation with their consent.

In 2009 Offender 1 together with several unknown members of organised group in Latvia and Germany (hereafter – other members of organised group) according to mutual agreement and sharing responsibilities for purposes of enrichment created an organised group with criminal purpose to perform sending of persons from Latvia to Germany for sexual exploitation. Offender 1 as a member of organised group in Latvia had to recruit women for prostituting in Germany and transport them to Germany.

According to the mutual agreement of organised group Offender 1 was responsible for getting acquainted with women from Latvia and offering prostitution work in Germany, placing advertisements on internet about job opportunities in the field of provision of sexual services in Germany. During conversations with women, Offender 1 had to explain that women in Germany should provide sexual services for payment, to inform about working conditions, to promise good profit opportunities, to give a phone number of another female member of the organised group in Germany who had to inform recruited women about work opportunities in Germany in the field of provision of sexual services, inform about working conditions and promise good profit opportunities and clarify that in Germany women should provide sexual services for payment.

After receiving consent of recruited women Offender 1 had to contact members of organised group in Germany, to send pictures of recruited women, to inform about personal data of recruited women and when they will be transported to Germany for prostitution. Offender 1 had to inform recruited women about exact date and time of departure. Offender 1 transported them to Germany by a personal car. He had to transfer recruited women to two another members of organised group in Germany and to organize illegal work of recruited women as prostitutes in Germany as well as to provide accommodation for recruited and transported women.

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Recruited and transported women had to pay for transportation not less than 100 EUR from money earned by prostitution, as well as to share the earnings with members of organised group giving them not less than 50% from earned money by prostitution. According to the criminal agreement Offender 1 would receive payment for each to Germany transported woman and for employment of women in prostitution.

On 7 September 2009 Offender 1 registered an e-mail address in internet portal inbox.lv from which placed on internet advertisements about well-paid job opportunities in the field of provision of sexual services in Germany and indicated a phone number /phone number/. On 6 November 2009 a person Undercover Police Officer 1 involved in operative experiment according to the plan of operative experiment responded to the advertisement and contacted Offender 1 by phone. Undercover Police Officer 1 was informed about job opportunities in the field of provision of sexual services in Germany, working conditions and promises of good profit opportunities and that she would need to share earnings giving 50% of earning to the members of organised group in Germany. Undercover Police Officer 1 agreed to go to Germany for prostitution. On 6 November 2009 Offender 1 and Undercover Police Officer 1 and Undercover Police Officer 2 involved on in operative experiment met at shopping mall X. in Riga. Offender 1 offered them work of prostitutes in Germany, good profit opportunities and informed them that they would need to share earnings giving 50% of earning to the members of organised group in Germany, that women will be transported to Schweinfurt in Germany by a car and that they should pay for transportation to Germany 100 EUR. According to the plan of operative experiment the women agreed to go to Germany for prostitution. The women were informed that they will be transported to Germany by car Ford Escort /registration number/.

During court proceeding Offender 1 pled guilty.

Verifying identity of accused person, it was established that Offender 1 is born in Riga /date of birth/, citizen of the Republic of Latvia, personal identification code /number/, married, work contract work in Ltd./company's name/ as /position/, studies in first year of /educational establishment/, monthly earnings are 180 LVL, previously is not called to justice, lives /address/, has real estate /address/, credit in bank amount of XXXXXXXX, a car Mercedes Benz /registration number/ is not in his de facto possession.

Conclusion:

To find Offender 1 guilty according to the Criminal Law Section 165.<sup>1</sup> the third part and determine punishment according to the Criminal law Section 49 part one and part two and to punish with the imprisonment of 4 (four) years without confiscation of property. Pursuant to the Criminal Law Section 55 to determine the mentioned punishment conditionally, with probation term of 4 (four) years

## Case 48 – Latvia, 2010

Country: Latvia  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 3

### Case description:

Court Judgement in the name of the Republic of Latvia  
Date and place of making the court judgement: **5 October 2010 in Riga**  
Court: **Riga District Court**

### Case description:

Court case was heard in closed hearing, charge against Offender 1 personal identification code /number/ for criminal offence pursuant to the Criminal Law Section 154.<sup>1</sup> “Human Trafficking” the second part and charge against Offender 1 personal identification code /number/ for criminal offence pursuant to the Criminal Law Section 154.<sup>1</sup> “Human Trafficking” the second part.

Court stated:

Offender 1 acting in organised group according previous mutual agreement committed human trafficking. In autumn 2003 Offender 1 agreed with the citizen of the Republic of Latvia (criminal proceeding against this person was divided to separate criminal proceeding) as well as with the citizen of Germany, Offender 3, living in Germany, with the purpose of enrichment to commit human trafficking, namely abusing poor living conditions of women living in Latvia, abusing women’ trust, deliberately deceiving about work abroad, with the purpose of exploitation to recruit women and transport them to Germany to work in the field of prostitution.

Offender 1 was responsible for recruitment of women in Latvia, transportation of women to Germany, namely buying bus ticket from Riga to respective city in Germany and providing that women were on bus, receiving 1000 EUR for each recruited and transported woman.

In the beginning of December 2003 Offender 1 met Victim 1 in café /name, address/ and offered to go to Germany to work as strip dancer, deliberately providing false information and false promises of job.

As Victim 1 did not agree Offender 1 took her to a flat /address/ where she was controlled and persuaded to go to Germany to work as a strip dancer. When Offender 1 found out that Victim 1 has not taken her passport from the Passport Office Offender 1 took her to the Passport Office to receive the passport as well as Offender 1 paid for that. Offender 1 took the passport explaining that Victim 1 would receive her passport only when she would go to Germany.

On 5 December 2003 Victim 1 agreed to go to Germany. Offender 1 took Victim 1 to Riga International Bus Station where Offender 1 gave 50 LVL and Victim 1 bought a ticket with a departure date on 6 December 2003. Offender 1 kept a ticket.

On 6 December 2003 Offender 1 took Victim 1 to Riga International Bus Station and informed members of organised group in Germany about her departure.

On 7 December 2003 Victim 1 was met by Offender 3, Offender 3 took Victim 1 to a brothel /name, city/ where Victim 1 was informed that she would need to provide sexual services and the biggest part of earnings she would need to give to member of organised group.

With these activities Offender 1 committed criminal offences provided by the Criminal Law Section 154.<sup>1</sup> “Human Trafficking” the second part.

Offender 2 acting in organised group according previous mutual agreement committed human trafficking. In autumn 2003 Offender 2 agreed with the citizens of the Republic of Latvia (criminal proceeding against these persons was divided to separate criminal proceeding) as well as with the citizen of Germany Offender 3 living in Germany, with the purpose of enrichment to commit human trafficking, namely abusing poor living conditions of women living in Latvia, abusing women’ trust, deliberately deceiving about work abroad, with the purpose of exploitation to recruit women and transport them to Germany to work in the field of prostitution.

Offender 2 was responsible for recruitment of women in Latvia, transportation of women to Germany, namely buying bus ticket from Riga to respective city in Germany and providing that women were on bus, receiving 1000 EUR – 3000 EUR for each recruited and transported woman.

In the beginning of December 2003 Offender 2 offered Victim 2 to go to Germany to work in a bar, deliberately providing false information and false promises of job.

As Victim 2 did not agree Offender 2 took her to a house /address/ where she was kept for three days, given alcoholic drinks and persuaded to go to Germany to work in a bar. After receiving positive reply form Victim 2 Offender 2 took her to her place of residence and took her passport.

In October 2003 Offender 2 went to Riga International Bus Station where Offender 2 bought a ticket with a departure date on 19 October 2003 Offender 2 kept a ticket.

On 19 October 2003 Offender 2 took Victim 2 to Riga International Bus Station and travelled with Victim 2 to Germany /name of city/ where they were met by Offender 3.

Victim 2 was taken to a brothel /name, city/ where Victim 2 was informed that she would need to provide sexual services not less than three months, she would need to pay back money paid for a bus ticket, 3000EUR to Offender 2 for travelling to Germany, as well as 500 EUR every month to Offender 3 for the opportunity to work in a brothel.

To pay back money Victim 2 was working in a brothel for three months.

With these activities Offender 2 committed criminal offences provided by the Criminal Law Section 154.<sup>1</sup> “Human Trafficking” the second part.

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The Court decided:

To find Offender 1 /personal identity code/ guilty pursuant to the Criminal Law Section 154.1 “Human Trafficking” the second part and to punish with imprisonment of 5 (five) years with confiscation of property.

Pursuant to the Criminal Law Section 55 to determine the mentioned punishment conditionally with probation term of 3 (three) years with confiscation of property.

To find Offender 2 /personal identity code/ guilty pursuant to the Criminal Law Section 154.1 “Human Trafficking” the second part and to punish with imprisonment of 5 (five) years with confiscation of property.

Pursuant to the Criminal Law Section 55 to determine the mentioned punishment conditionally with probation term of 3 (three) years with confiscation of property.

## Case 49 – Lithuania, 2010

Country: Lithuania  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 8  
Number of offenders: 7

### Case description:

Offender 1, Offender 2, Offender 3, Offender 4, Offender 5 (all male) were convicted for acting in organized groups of different composition, seeking financial benefit from January 2005 till March 2006, recruiting girls from Lithuania and Latvia and transporting them to England, Netherlands, and Ireland, and under fraud, promising to give a job, find an apartment, knowing that victims would be involved into prostitution, selling them to the persons of Albanian and other origin in before-mentioned countries.

1) In January 2005 in Taurage region Offender 6 (the criminal case was heard separately) acted in an organized group with Offender 7 and performing his role became acquainted with under-aged girl, who was restricted by the officers of Great Britain and called victim "No 2". Taking advantage of the under-aged vulnerability, caused by her not full social maturity, and using fraud (falsely promising to give a job in a cafe) persuaded her to go abroad. After he gained the notary consent to go abroad of her careless parents, brought her to Vilnius. While transferring her to his accomplice Offender 1 he tenanted her temporarily in the apartment. Offender 1 executing his part of the assignment, on 30 January 2005, acting in an organized group together with Offender 6, took the victim from the airport to London, knowing that she would be involved into prostitution. From London they brought her to Birmingham, where Offender 1 sold the victim to the person of Albanian origin, who involved victim "No 2" into prostitution.

2) Offender 6 (the criminal case was heard separately) acting in an organized group with Offender 3, both seeking material benefit from human trafficking, in Taurage in February 2005 became acquainted with Victim 1. Offender 6 persuaded Victim 1 to go abroad using fraud (promising to find her a normal well-paid job and to pay for her trip). After the victim believed in the promises and agreed to go abroad, Offender 6 brought her to Vilnius by car and accommodated her at Offender 3 apartment. Offender 6 bought a flight ticket to London on 8 February 2005. Offender 3 accompanied (transported) the victim to the airport and during the flight and continued to mislead (deceive) the victim saying that the victim will live at Offender 7's acquaintance in London. After the flight to London Offender 7, knowing that the victim would be involved into prostitution and having concealed that from her, sold the victim to the person of Albanian origin.

3) Offender 1 in Raseiniai region in March 2006 got acquainted with Victim 1 and persuaded her to go to Ireland. After he recruited the girl, Offender 1 brought her to Vilnius airport on 27 March 2006, bought a ticket and, knowing that the victim would be involved into prostitution but having concealed this from the victim, explained to Victim 1 that his acquaintance Offender 8 would meet her at Dublin airport. At Dublin

airport the victim was met by the person of Albanian origin, who bought her from Offender 1 and involved into prostitution.

4) In March 2005 in Vilnius Offender 6 and Offender 7, acting in an organized group together and with other accomplices, seeking material benefit from human trafficking, became acquainted with Victim 2 using fraud (falsely promising to give a well-paid job), persuaded her to go to Ireland. Offender 5 and Offender 2 brought the girl to Kaunas on 5 May 2005 and brought her to Offender 1 and Offender 3 who transported her to Vilnius by car and accommodated in the rented apartment. On 6 May 2005 Offender 3 took the victim to Vilnius airport by car and Offender 1 accompanied her during the flight to London where he transferred her to three persons of Albanian origin (especially arrived there for this purpose), who planned to involve her into prostitution.

When victim 2 refused to go in for prostitution, she was allowed to go back to Vilnius. Nevertheless, the members of the organized group Offender 5, Offender 4 and Offender 2 and Offender 6 (the criminal case was heard separately) continued the criminal activity: they forced the victim to go abroad again using psychological pressure and fraud, revealed as systematic conversations on what a big dissatisfaction emerged among the members of the group because of such self-willed action, since they will have to reimburse the damages to Albanians; and if she would go back there for not more than two days, until they receive the money from Albanians and share with her also. On 12 May 2005 Offender 6 (criminal case was heard separately) brought her from Vilnius to London by plane and passed her to persons of Albanian origin, who involved her into the prostitution.

5) In April 2005 in cafe in Vilnius city Offender 4 acting in organized group together with Offender 6 (criminal case was heard separately) seeking benefit materially from human trafficking became acquainted with Victim 3. Knowing that she will be involved into the prostitution and using fraud offered for a girl to have a rest in the Netherlands, promised to pay the travel expenses; using fraud and promises persuaded her to go abroad. On 14 May 2005 Offender 4 brought her from home to other apartments, passed her to Offender 4 who led her to the Netherlands by international trip bus and passed her to two persons of Albanian origin, who planned to involve her into the prostitution.

6) In May 2005 Offender 2 and Offender 5. acting in organized group together and with other accomplices, became acquainted with Offender Victim 4. On May 2005 Offender 5 using a fraud: falsely promising to accomodated her abroad, to give a job in a cafe and persuaded a girl to go to England. The victim, tempted by the false promises, made up her mind to go abroad. The convicted knowing that she will be involved into the prostitution, Offender 2 took a girl to Vilnius airport, passed her to his accomplice Offender 1, who bought her a flight ticket and accompanied her during the trip, transported to London, where sold her in the airport to persons of Albanian origin.

7) In June 2005 in Riga, Latvia, Offender 1, Offender 3 and Offender 4 (criminal case was heard separately) acting in organized group together and with other accomplices, seeking benefit of the property, became acquainted with Victim 5. Seeking to sell the victim for prostitution, using fraud, invited her to Vilnius. Offenders 1, 2, and 4, and Offender 4 (Offender 4's criminal case was heard separately) brought her to Vilnius on 9 July 2005 and together convinced her to go to England, when woman was recruited, knowing that she will be involved into the prostitution, on 12 July 2005 Offender 2 accompanied victim 5 to London and right here sold her to the persons of Albanian origin, who involved the victim into the prostitution.

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8) In June-July 2005 undetermined persons of the organized group, called themselves as D.Z.D. recruited Victim 6 to go to live and work decent work abroad. They passed the victim to Offender 2 on 25 July 2005. Offender 2 knowing that recruited girl will be involved into the prostitution abroad, accompanied her during the flight, took her to London airport and right there sold her to Vaida and two undetermined persons of Albanian origin, who involved her into the prostitution.

Offender 1 was sentenced to 11 years of imprisonment.

Offender 2 was sentenced to 11 years of imprisonment.

Offender 4 was sentenced to 10 years of imprisonment.

Offender 5 was sentenced to 9 years of imprisonment.

Offender 3 was sentenced to 7 years of imprisonment.

Also the sum of 5 000 litas was ordered to Victim 4 from Offender 1, Offender 2 and Offender 5 jointly.

The Court of Appeal changed the decision of the first instance court: changed the qualification of some criminal deeds, acquitted some of the convicted of some of the criminal deeds they were sentenced for.

Offender 1 was sentenced to 10 years of imprisonment.

Offender 2 was sentenced to 9 years of imprisonment

Offender 4 was sentenced to 9 years and 6 months of imprisonment.

Offender 5 was sentenced to 8 years of imprisonment

Also where were some changes made in judicial decision of 2009, where Offender 6 was convicted. Case No 1A-66/2011.

## Case 50 – Lithuania, 2010

Country: Lithuania  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 4

### Case description:

The court concluded that Offender 1 and Offender 2 acting in an organized group in July 2008, taking advantage of vulnerability (her escape from home, weakened social relations) of the victim – under-aged - child Victim 1 (female), promising her a work as a waitress in London, the UK, attempted to transport her to London on 30 July 2008. When Victim 1 rescheduled the trip, continuing the criminal deed on 5 August 2005, taking advantage of the dependence of Victim 1 for the temporarily apartment given to her by Offender 1, they forced her to go to London, seeking her to be involved into prostitution. On 6 August 2008 they took Victim 1 into the bus going to London, the UK. In this way Offender 1 and Offender 2 organized transporting, further transferring Victim 1 to Offender 3 and Offender 4 they told Victim 1 that in bus station in London she would have to go with people who meet her. They have committed these actions acknowledging that those persons would involve Victim 1 into prostitution.

Offender 1 and Offender 2 were convicted for committing the crimes set out in art. 157 par. 1 of the Criminal Code (sale or purchase of a child).

Offender 3 and Offender 4 also were convicted for other crimes, set out in art. 260, par. 1 (acquired, with attempt to distribute and kept narcotic drugs and psychotropic substances) and 259 (bought and kept narcotic drugs).

Under art. 157 (sale or purchase of a child), Offender 1 was sentenced to 5 years and 6 months of imprisonment. The final given sentence for all these crimes was 5 years and 8 months of imprisonment.

Under art. 157 (sale or purchase of a child), Offender 2 was sentenced to 5 years and 6 months of imprisonment. The sentence was joined with the one for art. 259 (60 days in custody) and Offender 2 was sentenced to final term of 5 years and 6 months of imprisonment.

In addition, both had to pay compensation of 50 000 litas Victim 1.

The Court of Appeal in decision of 9 June 2011 changed the decision of the first instance court. Offender 2 was acquitted of some episodes of the crime set out in art. 260 par. 1 of the Criminal Code. The court joined the sentences and sentenced Offender 2 to the final sentence of 6 years and 2 months.

Also the compensation to victim 1 was decreased to 5000 litas.

## Case 51 – Lithuania, 2010

Country: Lithuania  
Year of conviction: 2011  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 4  
Number of offenders: unknown (multiple)

### Case description:

Albanian citizen Offender 1 (male) was convicted for the following:

- on 25 of October 2003 in the UK, London, seeking financial benefit, for the undetermined reward from the undermined persons bought Victim 1 and transferred her to London, for the purpose of involving her into prostitution and benefitting from it.
- in January 2004, in undetermined time in the UK, London, seeking material benefit from human trafficking, acting in an organized group with the persons towards whom the case is heard separately, bought Victim 2 and transferred her to London for the purpose of benefitting from her prostitution.
- in July 2004, in undetermined time in the UK, London, seeking material benefit from human trafficking, for the undetermined reward from the undermined persons bought Victim 3 and transferred her to London for the purpose of benefitting from her prostitution.
- in September 2004, in undetermined time in the UK, London, seeking benefit of the property, acting in an organized group with the person towards whom the case is heard separately, bought Victim 4 and transferred her to London for the purpose of benefitting from her prostitution.

The convicted Offender 1 was acquitted of other crimes:

1) For trafficking Victim 5 he was acquitted because the court concluded that Offender 1 did not committed the crime set out in art. 147 of the Criminal Code (human trafficking). There was no evidence that he did not leave the Republic of Albania in 2004 (Offender 1 was accused for the activity from 2003 till 2008) and the testimony of Victim 5 was contradict.

2) For acquiring or attempt of acquiring other 4 different persons (women) Offender 1 was acquitted because the court concluded that there was no undoubted evidence that proved his guilt (also there were contradictions in the testimonies of those women and other witnesses).

For abovementioned four episodes Offender 1 was sentenced to 4 years in prison for each of them. The sentences were joined to the final penalty of 8 years of imprisonment.

The court of appeal decided to decrease the penalty and changed the part of decision of the first instance court, sentencing Offender 1 to 5 years in prison.

## Case 52 – Lithuania, 2012

Country: Lithuania  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 7

### Case description:

Offender 1, Offender 2, Offender 3, Offender 4 seeking a victim to be involved into prostitution and to benefit from her prostitution, acting in an organized group with two other persons (towards whom pre-trial investigation is excluded and carried out separately) and with undetermined persons, agreed to commit a very severe crime - to recruit, transport and sell Victim 1 (female) for prostitution in the United Kingdom (UK) and to benefit from her prostitution. While every person executed his objective, they took advantage of Victim 1's vulnerability, i.e. her complicated financial situation, social behavior disorder, light mental disability, combined behavior and emotional disorder, narrow intellect, adaptation disorder. Also they promised her a well paid job.

In January 2011 (the day was not determined during pre-trial investigation) Offender 2, by talking to Victim 1 several times in person and on phone recruited her to go to the UK for room cleaning in the hotel. When Victim 1 agreed, Offender 2 called a person, towards whom pre-trial investigation is carried out separately (hereinafter to as Offender 5), and proposed a victim as suitable for prostitution. Offender 5 on 23 January 2011 called Offender 6 (towards whom pre-trial investigation was discontinued) and asked to go near the shopping centre. On the same day Offender 6 went near the shopping centre, took Victim 1 and accommodated her in certain apartment, where she lived till 24 January 2011. Offender 5 paid 100 litas and gave some beer for that to Offender 6. On 24 January 2011, by undetermined car Offender 6 took Victim 1 to the house to Offender 3. Offender 3 having a goal to sell Victim 1 to work as a prostitute and to benefit from her prostitution called Offender 1 and offered to buy Victim 1. On 25 January 2011, Offender 1, having a goal to find out if the victim was suitable to work as a prostitute, asked Offender 4 to bring the victim to his house. After Offender 4 brought the victim to Offender 1's home, they both examined her (looked her around) and decided that she was suitable to work as a prostitute. They promised the victim a job at a hotel, took photos of her half-naked and gave her new clothes. After that Offender 4 brought her back to Offender 3's apartment, where Offender 5 and Offender 3 sold the victim to Offender 1 and Offender 4 for 1000 litas. Offender 1 and Offender 4, after they acquired the victim, took her personal documents and kept her in the Offender 3's apartment till 27 January 2011. After that Offender 4 having agreed with Offender 7 (who is not guilty for this act) on transporting the victim to the UK, on 27 January, 2011, about 3.28 p.m. near the gas station took the victim into the minibus, which was driven by Offender 7 and Offender 8, having a goal to transport her to the UK and paid 320 litas for the transportation and on 27 January, 2011 about 9.48 a.m. carried the victim, from the Republic of Lithuania. Offender 1 together with Offender 5 met Victim 1 in the UK at on 29 January, 2011 at about 1.31 a.m. and passed her to the undetermined persons for undetermined sum of money. After that, when the victim refused to work as a prostitute and when Victim 1 was returned to Offender 1 and Offender 5, these persons sold her to the undetermined persons for 500 pounds (not less

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than 2500 litas) and arranged, that persons gained Victim 1 shall pay Offender 1 and Offender 5 10 percent from money earned by Victim 1. After gaining the victim, persons undetermined during pre-trial investigation took her personal documents and using physical abuse and threatening, held her in captivity in the place undetermined during the pre-trial investigation, where Victim 1 was forced to work as a prostitute till 17 February, 2011 when she ran away.

The court concluded that the agreement on person (recruiting, selling-buying, transporting and willing to use her in prostitution) was concluded. This was done while affecting the victim, using fraud, the vulnerability of the victim, her social status, shortage of money, her living conditions.

Offenders 1, 2, 3, and 4, were sentenced:

- 1) Offender 1 - to 7 years of imprisonment.
- 2) Offender 2 - to 5 years of imprisonment.
- 3) Offender 3 - to 6 years of imprisonment.
- 4) Offender 4 – to 5 years of imprisonment.

Plus altogether had to pay compensation of 20 000 litas to Victim 1.

The appeal against the court decision is being heard.

## Case 53 – Lithuania, 2012

Country: Lithuania  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

Case No 4-59-72/2012

Offender 1 (male) and Offender 2 (male) (I instance court decision) were accused for trafficking of victim (female) by using fraud and seeking to involve Victim 1 into prostitution and benefit from her prostitution.

Victim 1 saw on TV a message that two guys are looking for girls and messaged them. After five days of messaging she met Offender 1.

Court decided that in January 2011 Offender 1 convinced Victim 1 to travel to Germany to work as a prostitute. Offender 1 took photos of half naked Victim 1 after that from 13 January 2011, 11 a.m. till 15 January , 12. a. m. held Victim 1 in his apartment and transferred to Offender 2. Offender 2 took Victim 1 by the undetermined car to the apartments of Person 1 (the pre-trial investigation on the actions of Person 1 was discontinued), where Victim 1 was kept in captivity till 18 January 2011, 4.60 p.m., when she was released by police officers.

The court concluded that Offender 1 and Offender 2 took advantage of the vulnerability of Victim 1 as the victim's financial situation was poor, she did not have permanent place of living and income, also she had intellect and development disorders, mental and behavior disorders, other specific disorders of personality.

Offender 1 and Offender 2' activity in a group was concluded as an aggravating circumstance. Offender 1 and Offender 2 were sentenced to 4 years in prison. Also they together had to pay compensation of 15 000 litas to Victim 1. The appeal against the court decision is being heard.

## Case 54 – Canada, 2011

Country: Canada  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims: 1  
Number of offenders: 1

### Case Description:

Domestic human trafficking for sexual exploitation

### Significance of case:

The Quebec Court of Appeal upheld the decision of the lower court finding offender 1 guilty of human trafficking in addition to other related offences. He was sentenced to six years imprisonment.

### Profile of the victims:

Female victim was 18 years old.

### Profile of the offenders:

Male, 25 years old.

### Modus Operandi of offenders:

The offender met the victim in a bar and a friendship developed. At the beginning of their relationship, the offender was very kind towards the victim. He would shower her with gifts, take her out for dinner, buy her clothing, and take her to get her hair done. He drove a fancy car, flaunted bundles of cash, and told the victim he worked for his father's company. The victim was particularly susceptible to the offender's gifts as she did not have a stable income, her home life was troubled, and her parents were unable to provide her with such a lavish lifestyle. The victim asked the offender what she had to do to earn as much money as him. He subsequently suggested she try dancing in an exotic dance club. The victim agreed as she was in love with him, trusted him, and was in a vulnerable situation as she needed money. Within the next approximate seven months the victim provided sexual services for money under the control of the offender and was repeatedly threatened and assaulted verbally, physically and sexually.

## Case 55 – Mexico, 2011

**Country:** Mexico  
**Year of conviction:** 2011  
**Form of exploitation:** sexual exploitation  
**Type:** domestic trafficking  
**Number of victims:** 1  
**Number of offenders:** 1

### Case description:

On June 29, 2010, the preliminary investigation in which a criminal proceeding against Offender 1 and Offender 2, for the crime of trafficking, under Article 5, first paragraph, of the Law to Prevent and Punish Trafficking in Persons, in the form of who gets to himself a person through deception and moral violence to submit to sexual exploitation.

On June 29, 2010, he moved to the Sixth District Court of Federal Criminal Proceedings in the Federal District, in the criminal case 111/2010; on December 8, 2010, was not competent, declining competition Criminal Court in the Federal District, giving rise to jurisdictional conflict 12/2010, Judge Sixth Collegiate Criminal Court of the First Circuit, decided to declare legally competent to know the matter to the twenty-third Criminal Judge in the Federal District, where the criminal case was filed 168/2010. On June 6, 2011, judgment against Offender 1 and Offender 2 was issued, being criminally responsible for the crime of human trafficking in the form of who gets to himself a person through deception and moral violence to submit to sexual exploitation, which were imposed penalties TWELVE YEARS IN PRISON and a fine of FIVE HUNDRED THOUSAND DAYS. Acquitting repair property damage. It was appealed by the defense, settling the Penal Touch 1101/2011, in the Fifth Criminal Division of the Superior Court of the Federal District. On August 12, 2011, in order for Second instance was solved MODIFY final judgment on sentence of imprisonment imposed, imposing NINE YEARS OF IMPRISONMENT and FINE DAY SEVEN HUNDRED FIFTY.

### BRIEF STATEMENT OF THE FACTS:

Today sentenced, met the victim on April 1st of June two thousand ten, whom he began to speak in the Zocalo Puebla, who began to speak, setting a talk with it, conversation was full of praise and compliments who managed to deceive Victim 1 (female), deceived the victim saying that he liked, and proposed to go with him, he was going to take care of and that nothing would be missing, they went to different parts of Mexico, and told him that had to borrow money to stay and eat, then asked her to have sex with someone else, to show him that I wanted, while they exercised moral violence against them so that the victim failed to return home, as the sentenced him stated that his mother defended him, even if he knew he had been at home, was not going to end, because he was a minor at the United States, which meant his mother lived.

### **Case description:**

On June 29, 2010, the preliminary investigation AP / PGR / FEVIMTRA / TRA / 023/2010, in which a criminal proceeding against DEREK LORENZO DHERING CHESTNUT AND / OR Derrek LORENZO DHERING AUBURN, JOSÉ ANTONIO GUTIERREZ CASTAÑO was recorded and / O JOSE ANGEL GUTIERREZ AUBURN, for the crime of trafficking, under Article 5, first paragraph, of the Law to Prevent and Punish Trafficking in Persons, in the form of who gets to himself a person through deception and moral violence to submit to sexual exploitation.

On June 29, 2010, he moved to the Sixth District Court of Federal Criminal Proceedings in the Federal District, in the criminal case 111/2010; on December 8, 2010, was not competent, declining competition Criminal Court in the Federal District, giving rise to jurisdictional conflict 12/2010, Judge Sixth Collegiate Criminal Court of the First Circuit, decided to declare legally competent to know the matter to the twenty-third Criminal Judge in the Federal District, where the criminal case was filed 168/2010. On June 6, 2011, judgment against LORENZO DHERING DEREK BROWN AND / OR Derrek DHERING LORENZO BROWN, CHESTNUT JOSÉ ANTONIO GUTIERREZ AND / OR JOSE ANGEL GUTIERREZ CASTAÑO was issued, being criminally responsible for the crime of human trafficking in the form of who gets to himself a person through deception and moral violence to submit to sexual exploitation, which were imposed penalties TWELVE YEARS IN PRISON and a fine of FIVE HUNDRED THOUSAND DAYS. Acquitting repair property damage. It was appealed by the defense, settling the Penal Touch 1101/2011, in the Fifth Criminal Division of the Superior Court of the Federal District. On August 12, 2011, in order for Second instance was solved MODIFY final judgment on sentence of imprisonment imposed, imposing NINE YEARS OF IMPRISONMENT and FINE DAY SEVEN HUNDRED FIFTY.

### **BRIEF STATEMENT OF THE FACTS:**

Today sentenced, met the victim on April 1st of June two thousand ten, whom he began to speak in the Zocalo Puebla, who began to speak, setting a talk with it, conversation was full of praise and compliments who managed to deceive VALERIA JANETH BELTRAN CASTELLANOS, deceived the victim saying that he liked, and proposed to go with him, he was going to take care of and that nothing would be missing, they went to different parts of Mexico, and told him that had to borrow money to stay and eat, then asked her to have sex with someone else, to show him that I wanted, while they exercised moral violence against them so that the victim failed to return home, as the sentenced him stated that his mother defended him, even if he knew he had been at home, was not going to end, because he was a minor at the United States, which meant his mother lived.

## Case 56 – Mexico, 2011

**Country:** Mexico  
**Year of conviction:** 2011  
**Form of exploitation:** sexual exploitation  
**Type:** domestic trafficking  
**Number of victims:** 1  
**Number of offenders:** 1

### Case description:

On June 6, 2011, the preliminary investigation appropriated arrested in against Offender 1 (male) as likely responsible for the offenses AGAINST HEALTH and requested an arrest warrant against him for crimes TRAFFICKING IN PERSONS AND CORRUPTION OF MINORS; [...] criminal case 36/2011, in the Tenth District Court in the State of Puebla.

On June 7, 2011, the arrest warrant was issued against Offender 1, for his alleged responsibility in the commission of the crime of TRAFFICKING, refusing for the crime of CORRUPTION OF A CHILD, which was completed in the same date. On June 9, 2011 detention order was issued against Offender 1, for offenses AGAINST TRAFFICKING AND HEALTH IN YOUR MODE SIMPLE POSSESSION OF COCAINE HYDROCHLORIDE.

The September 19, 2012, judgment against Offender 1 was issued, being criminally responsible for the crime of human trafficking in the form of sexual exploitation, imposing penalties NINE YEARS IN PRISON and 750 days fine and TEN MONTHS IN PRISON, just as he pronounced a verdict of unlawful diverse AGAINST HEALTH IN YOUR MODE SIMPLE POSSESSION OF COCAINE, imposing penalties TEN MONTHS IN PRISON and a fine day.

Judgment which also was ordered to pay compensation for damage in the amount of \$ 31.200 (thirty-one thousand two hundred dollars) in favor of the victim, as requested in the accusatory conclusions were made by staff of this Prosecution in support attached to the Court AMPF.

Dissatisfied with the decision, the defense filed an appeal 07 December two thousand and twelve criminal touches 303/2012 is resolvvió where Magistrate First Unitary Court of Puebla decided to modify the sentence to clarify the fine days, leaving intact as soon resolved.

Sentenced promivió under 4/2013 before the First Appellate Court on Criminal Matters of the Sixth Circuit in the March 22, 2013, resolved to deny refuge and protection of Federal Justice without eñ sentenced interpose any remedy so it CASUSO enforceable the April 19, 2013.

### BRIEF STATEMENT OF THE FACTS:

Today sentenced, met Victim 1 (female) 16 years old when she was working at a local video games that city, engage in a dating relationship, then took her to live in Tenancingo, Tlaxcala, where he lived with He like his wife; then took her to a hotel called La Chabelita in Irapuato, where he forced her into prostitution, stripping the money he earned therefore also perform this activity took some hotels León and San Luis Potosi; indicate that the threatened and beat for further work.

## Case 59 – Norway, 2012

Country: Norway  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 4

### Case description:

Supreme Court June 9th 2010:

Gulating Court of Appeal sentenced two Albanian citizens, Offender 1 and 2 (male), to prison for respectively two years + ten months and three years + 3 months for trafficking offences. Offender 1 and 2 both appealed the sentence. Two other men convicted in the same case did not appeal their sentences.

The two men had been found guilty of transporting a 17- year old Albanian girl, Victim 1, from Albania to Norway in September 2008. She came from a destitute family. The girl used a false passport to gain entry to Norway, but the investigation did not produce evidence that Offender 1 or Offender 2 had obtained the passport. All the persons involved were not identified.

The two offenders drove the victim to Bergen, and took her to the area of this town where street prostitution takes place. There were arrested by the police shortly after arrival in Bergen.

The girl denied any involvement in prostitution, and objected to being identified as a victim of trafficking. The investigation did not prove that violence or threats were used against the victim, but that she had been in a vulnerable position, and as such was exploited by the men. The court found that Offender 2 had a more active part in events than Offender 1.

The main interest in this case concerns statements from the Supreme Court regarding the length of the prison terms. The court mentioned that in previous comparable cases more lenient sentences had been passed. However, in light of national and international developments in recent years concerning trafficking crimes, it was reasonable to increase sentences.

The court mentioned the Palermo Protocol, as well as the Council of Europe Convention on Action against Trafficking in Human Beings which Norway became Party to in 2008. The court also took into account recent reports on the harm to victims of trafficking, highlighting the study “Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficking in Europe”, published in 2006.

In addition, the court said that cases of trafficking for sexual exploitation contained elements both of crimes against personal freedom and integrity, as well as sexual crimes. Punishments for rape have increased in later years, so it was natural that trafficking crimes increased similarly, since there normally is an element of force involved in trafficking for sexual exploitation.

The Supreme Court found no reasons to reduce the prison terms. Supreme Court rulings have a very strong guiding value in Norwegian penal law, so this ruling will have a clear effect in all future cases.

## Case 60 – Norway, 2012

**Country:** Norway  
**Year of conviction:** 2010  
**Form of exploitation:** forced criminality  
**Type:** cross-border trafficking  
**Number of victims:** 4  
**Number of offenders:** 2

### Case description:

Bergen District Court October 4th 2011/Gulating Court of Appeal June 19th 2012/Supreme Court January 18th 2013

Bergen District Court sentenced two Lithuanian citizens (Offender 1 and 2) to prison for four years + six months each for trafficking offenses and theft. They were found guilty of transporting four children (15-17 years) to Norway, exploiting them for shop-lifting in Bergen and other places in 2009. The victims came from destitute families, living under harsh conditions in Lithuania.

The convicted appealed their sentence, and Gulating Court of Appeal increased the prison sentence to five years for Offender 1, making no changes to the prison term for Offender 2.

(After a further appeal, the Supreme Court upheld the sentence from Gulating in a ruling in January 2013.)

## Case 61 – Norway, 2012

Country: Norway

Year of conviction: 2012

Form of exploitation: begging, forced criminality, forced marriage

Type: cross-border trafficking

Number of victims: 4

Number of offenders: 6

### Case description:

Bergen District Court July 5th 2012

Six Romanian citizens were found guilty of trafficking and other offenses and received prison sentences ranging from 1 year + six months till three years + six months.

They had operated within an extended Roma family group, and exploited four young girls in the family, aged 13-16 years, in shop-lifting, begging and sale of false gold jewelry. For one of the victims, the case also involved forced marriage and complicity to rape committed in Romania.

The case is notable for showing how broad and expensive a trafficking investigation can become, when it is necessary to investigate events that took place within a complicated family structure in Norway, Sweden and Romania. 111 witnesses were presented to the court. Expert witnesses on Roma society had to be heard, as the defendants claimed to have acted in line with accepted cultural practices.

The sentence was appealed, which led to further expensive investigations during the autumn of 2012. However, the day before the Court of Appeal was to start proceedings in early 2013, the appeals were withdrawn.

## Case 62 – Norway, 2012

**Country:** Norway  
**Year of conviction:** 2010  
**Form of exploitation:** sexual exploitation  
**Type:** cross-border trafficking  
**Number of victims:** 1  
**Number of offenders:** 1

### Case description:

Oslo District Court December 17th 2012

The highest numbers of victims of trafficking in Norway come from Nigeria. Investigating the networks behind the trade has proved to be extremely difficult. As an example of a case that gave results, we present a recent case from Oslo.

A Nigerian woman (Offender 1) was sentenced to prison for one year + three months for one count of trafficking.

The case started when a Nigerian girl (Victim 1) was arrested by the police owing to lack of identification papers in November 2010 in an area of Oslo where street prostitution takes place. She was placed in a child welfare institution, as it was considered that she might be less than 18 years old. The child welfare authorities later informed the police that they suspected her to be a victim of trafficking, and an investigation followed.

The court found that the victim had been living in Nigeria as one of 10 children in a family with a husband and two wives. She was transported by an unknown person from Nigeria to Denmark (through Turkey and Greece) in the summer of 2010, following an agreement between traffickers and her family. The family and the victim understood that she would work in prostitution in Europe, and that expenses for passport, transportation and accommodation, amounting to € 50 000, would have to be paid before money could be sent to the family. Her passport was taken from her in Denmark.

Offender 1 then appeared, and took the victim to Norway, where she was immediately put to work in street prostitution in Oslo. When the victim complained about conditions, the offender threatened her, stating that her family would be killed if she went to the police. She earned a total of about €8 000, which she gave to the woman, before being arrested by the police.

After being placed in the child welfare institution, Offender 1 called the victim on the phone and demanded that she leave the place and return to prostitution. Her family was also contacted to persuade her to return to prostitution. The family then called the girl, instructing her not to mention the woman to the police.

The investigation eventually gave reason to suspect Offender 1 of involvement. She was at the time living in Spain, and was arrested there and later extradited to Norway, having given birth to a child in prison.

The court found that Offender 1 had been a central part of a network maintaining a steady stream of women into prostitution in Europe. The court found that having given birth to a child in prison had placed Offender 1 in a very challenging situation, and took this into consideration when deciding the prison term.

## Case 63 – Poland

**Country:** Poland

**Year of conviction:** unknown

**Form of exploitation:** sexual exploitation

**Type:** domestic trafficking

**Number of victims:** 1

**Number of offenders:** 2

### Case description:

A girl lived in a large city with her grandmother from the time she went to primary school; the grandmother was her actual caregiver. The reason for the move was an easier journey to school and better living standards in her grandmother's flat. The girl's mother lived in the country with a new partner – a man with the problem of alcohol abuse – taking care of two children from this relationship. Due to financial difficulties, she went to work abroad about one year before the described events. She only contacted her eldest daughter on the phone; the two saw each other about once a year. When the girl was 14, she found her birth father, with whom she had had no contact before. Initially, she was very happy because of meeting her father and because of the time and attention he was giving her. Later she testified that her father had taken her for trips, sometimes offered her alcohol and drugs, and started to abuse her sexually. As a result the girl experienced emotional difficulties, neglected school, had suicidal thoughts, and began self-mutilating. At the same time she was totally preoccupied with the relationship with her father. Before meeting him she never caused any educational or care difficulties and she had good contact with her grandmother and her aunt. She confided her concern about the relationship with her father to her grandmother, her aunt, and the school counsellor. The grandmother informed the girl's mother, who in turn told her father. The father started to threaten the girl and broke contact with her, telling her that she wanted to ruin his life. In response, the girl ran away from home, leaving a letter in which she explained that she saw it as the best solution to her problems. When her grandmother read the letter, she reported her missing to the police. After running away the girl went to an escort agency in another large city; she went there with her 35-year-old boyfriend. The man drove the girl to the agency and left her there, although later he testified that he had only put her on the train. Earlier the girl had contacted the manager of the escort agency on the phone, responding to a newspaper ad. During the first interview at the agency she said she was 19. When asked about her motivation to work at the agency, she said she wanted to earn money for her studies and for paying off her boyfriend's debt. The girl stayed at the agency and served clients for a few days, until the police identified the place of her stay after talking to another woman employed at the agency. The manager of the agency (Offender 1, female) and her partner (Offender 2, male) were accused – both under Article 204, section 2; the woman was additionally charged under Article 204, section 3 of the Penal Code. The woman was sentenced to 15 months of imprisonment and a fine of 5000 PLN (100 daily rates of 50 PLN; 1250 €)

## Case 64 – Poland

**Country:** Poland

**Year of conviction:** unknown

**Form of exploitation:** sexual exploitation

**Type:** domestic trafficking

**Number of victims:** 11

**Number of offenders:** 4

### Case description:

A 56-year-old man (Offender 1) made sex contacts with adult and underage females (through other women) and then urged them to talk their friends into having sex with him in exchange for material benefits. On a previously set day, he waited in his car in front of a female intermediary's apartment blocks, where he collected her and the recruited women. They went together to a glade outside the city, where he had sex with the women, paying each of them 400 PLN. The intermediaries earned 200 PLN each time. One of the intermediaries threatened some of the girls to take them away to Germany, to the forest, to beat them up, or to tell their mothers about what they did. Among other places, the woman approached the girls in front of their school. Most girls were in the lower range of developmental norms, they came from poor families, and they were 12 to 17 years old. The man had sexual intercourses with at least 11 underage girls. Two of them, in return for material gains, incited other underage girls to prostitution. Their cases were later handled by the Family and Juvenile Department of the County Court. One of the girls' mothers informed the police that she suspected her daughter had been sexually abused. Offender 2 (female), a 21-year-old intermediary was convicted of inciting three underage girls to prostitution, at short intervals, acting intentionally with the purpose of gaining material benefits, and of using unlawful threats (such as threatening to hurt them and take them away to the forest or abroad) to make them work as prostitutes, from which she gained a material benefit of at least 1000 PLN. She was sentenced to 2 years and 6 months of imprisonment and forfeiture of the financial profit gained from the criminal act in the amount of 1000 PLN. Her defence counsel made an appeal; as a result of the appeal proceedings the sentence was revoked and the case was referred back to the court of the first instance (the court had doubt whether the defendant had actually incited the girls to prostitution). The man was convicted of having sexual intercourses with two minors under 15 (Article 200, section 1) and of intentionally urging 3 adults and 3 minors to incite other persons to prostitution (Article 204, sections 1, 2, and 3). He was sentenced to 2 years and 6 months of imprisonment. His defence counsel made an appeal; the court of appeal sustained the sentence under Article 200, section 1, but acquitted him under Article 204, section 1, 2, and 3. The court found that the defendant had urged women to "contact him" and not to prostitute themselves, that he had sex with new women and not the same ones (it was an indeterminate circle of persons rather than specific ones), and the money he had paid to the intermediaries was for a service and not for prostitution. Offender 3 (female), who was just 18 at the time of committing the crime and was one of the women who had sex with the man in exchange for material benefits, was convicted of inciting other women to prostitution and sentenced to 14 months of imprisonment suspended for 1 year, a fine of 1000 PLN, forfeiture of the material gain in the amount of 1000 PLN, and supervision by a court probation officer. There was one more female defendant accused under Article 204, sections 1, 2, and 3, but her case was severed for separate proceedings because the woman had gone abroad.

## Case 65 – Slovenia, 2011

Country: Slovenia  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 4

### Case description:

#### Trafficking in human beings

In 2010 a criminal group (its members were citizens of R. of Slovenia) trafficked a citizen of Serbia, to her knowledge in order to work in the night club. Stated citizen of Serbia was later on forced into providing sexual favours to guests of the night club.

In 2011 the same criminal group has sold a person for 4.000 EUR to an undercover police officer (on the basis of the warrant, issued by the District Public Prosecutor's Office, an apparent purchase of victim of trafficking in human beings was made).

Four members of the criminal group were sentenced by the court to:

- 2 years and 4 months imprisonment;
- 2 years and 3 months imprisonment;
- 1 year and 10 months imprisonment;
- 1 year with [...] (suspended prison sentence).

## Case 66 – Slovenia

Country: Slovenia  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

#### Enslavement

Two citizens of Republic of Slovenia, Offender 1 (male) and Offender 2 (female) held a citizen of Bulgaria locked in their two apartments, where she was forced into prostitution and forced to see between 5 and 12 clients a day. The price for "regular" sex was 50 EUR and the price for anal sex was 100 EUR. The majority of that money was taken from her by the offenders. The injured party was not allowed to leave the apartment without supervision and was not able to freely decide whether or not, and if so, under what conditions, she will be providing sexual services.

Both accused were charged by the court:

- Offender 1 to 3 years and 8 months imprisonment;
- Offender 2 to 1 year and 10 months imprisonment.

The court also enforced a penalty of EUR 11,250 on each of them, as the amount corresponding to the unlawfully obtained benefit.

## Case 67 – Sweden, 2010

Country: Sweden  
Year of conviction: unknown  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims: 10  
Number of offenders: 2

### Case description:

#### Number of victims of trafficking for other purposes in Sweden 2010

In 2010, 10 individuals were deemed victims on reasonable grounds. These victims were involved in 4 different investigations.

Only one of these victims was deemed to be a victim of THB for other purposes by a court of first instance. The victim was a 31 year old man from Romania. He was lured to Sweden for the purpose of forced begging. Offender 1 (male) and Offender 2 (female), a couple from Romania were prosecuted and sentenced to three years in prison for trafficking in human beings for other purposes.

The cases of the other nine individuals [victims], (5 adult women from Poland, 3 adult men from the UK and one 14 year old girl from Romania) were dismissed.

The case of the five Polish victims involved one perpetrator, a woman with Swedish citizenship but originally from Poland, who according to the prosecutor had lured the women to Sweden for the purpose of petty thefts.

The case of the victims from the UK involved two perpetrators men born in 1985 and in 1988, from the UK, who according to the prosecutor had lured the victims to Sweden for the purpose of forcing them to work as bricklayers.

The case with the 14 year old girl from Romania involved two perpetrators, who were also her parents, a man born 1966 and a woman born 1972 from Romania, who had brought the child to Sweden for the purpose of begging.

## Case 68 – United States of America, 2010

Country: United States of America  
Year of conviction: 2010  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims: 4  
Number of offenders: 2

### Case description:

In December 2010, a federal grand jury indicted Offender 1 (male) on several charges of forced labor, sex trafficking, and other crimes related to his coercion of four foreign women to work in his massage parlor in suburban Chicago. In January 2012, Offender 1 was convicted after trial on charges of forced labor, harboring illegal aliens for financial gain, confiscating passports and other immigration documents to force the victims to work, sex trafficking by force, and extortion. Offender 1 used violence and threats of violence to force three women from Ukraine and one from Belarus to work for him without pay and, at times, little to no subsistence. Offender 1 targeted young, vulnerable women without immigration status and with few opportunities, promising them jobs, immigration papers, shelter, protection, and companionship. He recruited and groomed the victims to become part of his “Family,” which he claimed was an international organization that would provide them with support. He offered them jobs in his massage parlor, a place to live, assistance with immigration and lured each of them to enter into a romantic relationship with him. After gaining their trust, and inducing them to enter into romantic relationships with him, he forced the victims to get tattooed with his moniker, “Daddy,” which he said made them his property and allowed him to stop paying them. At the same time, he acquired the women’s passports and visas. Offender 1 then forced the women to work long hours every day and to do as he instructed them. He beat them and severely punished them if they disobeyed him. He also extorted one of his victims to pay him more than \$25,000 to leave the “Family” by forcing her to engage in videotaped sex acts, and then threatening to send the video recording to her parents in Belarus. Co-defendant, Offender 2 (female), pleaded guilty before trial to related charges and was sentenced to three years’ probation. Offender 1 was sentenced to life in prison.

## Case 69 – United States of America, 2012

Country: United States of America  
Year of conviction: 2011  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 20  
Number of offenders: 5

### Case description:

During Fiscal Year 2011, DOJ indicted the defendants Offender 1 (male) and Offender 2 (male), Ukrainian nationals operating a human trafficking organization which smuggled young Ukrainian immigrants, both men and women, into the United States and forced them to work for little or no pay. The brothers recruited workers from Ukraine, promising them jobs making \$500 per month and another \$200 or \$300 extra for expenses. The workers were told that room and board would be provided to them and that the defendants would handle all of the travel expenses, with each worker expected to earn \$10,000 after two or three years of working in the United States in the B. Organisation. Rather than arranging for the workers to travel to the United States legally, however, the brothers organized their smuggling and illegal entry into the United States from Mexico. The B. Organization transported the workers to Philadelphia, Pennsylvania, where they confiscated the workers' identification and immigration documents. The workers were put to work on custodial crews performing janitorial services for large commercial properties, including well-known retail stores, at night. Throughout their exploitation by the defendants, the workers lived up to five people in one room, slept on dirty mattresses on the floor, and were never paid. They were told that they had to work for the defendants until their debts, ranging from \$10,000 to \$50,000, were paid. The defendants used physical force, threats of force, sexual assault, and debt bondage to keep the victims in involuntary servitude. The defendants also threatened violence to the workers' families still residing in Ukraine. The defendants were convicted in October 2011 of operating an organized criminal enterprise engaged in human trafficking. In July 2012, Offender 1 was sentenced to life in prison plus twenty years, and Offender 2 was sentenced to 20 years' imprisonment. Three other members of the B. organization also were indicted in connection with the scheme: Offender 3 and 4 are awaiting extradition from Canada, and Offender 5 is currently a fugitive.

## Case 70 – United States of America, 2012

Country: United States of America  
Year of conviction: 2012  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 4  
Number of offenders: 1

### Case description:

In October 2012, Offender 1 (male), a native of Togo, was found guilty of four counts of forced labor and in February 2012 pleaded guilty to visa fraud, mail fraud and harboring aliens. The offender used force, and threats of force, to obtain the domestic labor of four minors from Togo from January 2006 to January 2011. The offender brought the four minors into the United States by giving them passports with false names and dates of birth. The offender represented on these immigration documents that the four individuals were his biological children. The offender pleaded guilty on February 24, 2012 to visa fraud, mail fraud and harboring aliens in connection with bringing the four minors to Michigan from Togo. The four victims testified at trial that the offender regularly beat them with broomsticks, a toilet plunger, sticks, ice scrapers and phone chargers if they failed to obey the offender's orders to complete household labor. Each of the victims' testimony during trial detailed the work that they were forced to do on a weekly and sometimes daily basis, spanning nearly five years. This domestic work included all of the cooking and cleaning in the house, hand-washing laundry, ironing the offender's suits, shining his shoes, washing and vacuuming his car, baby-sitting the children of his friends and cleaning his friend's home. In addition to force and threats of force, the offender used food and sleep deprivation as punishment for the minors. In March 2013, the offender was sentenced to 11 years and 3 months imprisonment and was ordered to pay his victims more than \$130,000 in restitution.

## Case 71 – United States of America, 2012

Country: United States of America  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims: 5  
Number of offenders: 3

### Case description:

United States v. Offender 1, et al. (Middle District of Florida):

In March, 2013, Offender 1 received a sentence of life imprisonment following his conviction in November 2012 by a federal jury for sex trafficking of three minors and two adults through the use of force, fraud, and coercion, as well as certain firearm offenses. Co-conspirators Offender 2 and Offender 3 pled guilty to one count of conspiracy to engage in sex trafficking of minors and by force, fraud and coercion. In December 2012, Offender 2 was sentenced to 46 months incarceration and in February 2013, Offender 3 was sentenced to time-served. As testified to by Offender 2, Offender 3, and five victims, Offender 1 ran a prostitution ring called “GMB” (aka “Get Money Bitch”) and lured several minors and young adults into his ring through a variety of ways, including promising them jobs as models. Offender 1 advertised the victims on Backpage.com and also forced the victims walk the streets to pick up “dates.” The victims were required to follow numerous rules and give all the money from their “dates” to Offender 1. To prevent the victims from leaving his ring, he inflicted severe beatings on them and threatened them with guns, creating an atmosphere of fear. Defendant transported several of the victims from Tampa, Florida up through Charlotte, North Carolina on multiple occasions for purposes of prostitution.

## Case 72 – United States of America, 2013

Country: United States of America  
Year of conviction: 2013  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 13  
Number of offenders: 2

### Case description:

Offender 1 (male) age 49, was found guilty in July 2013 of 89 counts of mail fraud, visa fraud, human trafficking and money laundering. Co-defendant, Offender 2 (male), age 78, pled guilty for his role in the criminal scheme. Offender 1 was indicted by a federal grand jury in Denver on March 1, 2012. Offender 1 and Offender 2 provided false information to the U.S. government to obtain the apparent lawful presence in the United States of foreign nationals. Among the false information provided to the U.S. government was that the foreign nationals would be employed by Adam University as nurse instructor supervisors (which were considered “specialty occupations” under U.S. immigration law and regulations) and earn more than the prevailing wage so as not to undermine the wages of U.S. workers. Adam University existed largely in name only and had no genuine need for nurse instructor supervisors. Rather than working in specialty occupations, the foreign nationals worked as nurses earning below the prevailing wage. Offender 1 also made false representations to the foreign nationals, including that they would have full time work available in Colorado. Upon their arrival, they learned that they would have to interview for positions and would not be employed by Adam University in a clinical setting. Some were unable to find full time work. Some learned that Offender 1 would not allow them to travel freely. Offender 1 threatened to cause their deportation if the foreign nationals did not provide him their labor and services. As Offender 1’s scheme evolved, Offender 1 directed that the foreign nationals find work on their own and be paid directly by the healthcare facilities. However, Offender 1 demanded that the foreign nationals pay him between \$800 to \$1,200 a month or face deportation. Offender 1 threatened to have their visas canceled if they did not pay him the money he demanded. Offender 1 used debt to help keep the foreign nationals with him. Many had gone deeply into debt to pay him for assistance in obtaining the visas. In addition, Offender 1 required the foreign nationals to sign employment contracts that provided they would owe Offender 1 \$25,000 if they left his employment. Offender 1 was convicted of 19 counts of commercial carrier/mail fraud, which carries a penalty of not more than 20 years in federal prison, per count. He was convicted of 3 counts of visa fraud, which carries a penalty of not more than 10 years in federal prison, per count. He was convicted of 9 counts of trafficking in forced labor, which carries a penalty of not more than 20 years in federal prison, per count. He was found guilty of 13 counts of forced labor, which carries a penalty of not more than 20 years per count. He was found guilty of 15 counts of encouraging and inducing aliens to enter the United States, which carries a penalty of not more than 10 years in prison, per count. Offender 1 was convicted of 30 counts of money laundering, which carries a penalty of not more than 20 years in prison per count. Each of the 89 counts also carries a fine of up to \$250,000.

## Case 73 – Argentina, 2015

Country: Argentina  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **5/08/2015**

Tribunal: **Tribunal Oral en lo Criminal Federal de Comodoro Rivadavia**

Resumen de los hechos:

#### **Comodoro Rivadavia “Offender 1 and Offender 2” – 5 de agosto 2015 – Condenatoria – LABORAL:**

Según el requerimiento de elevación, la Offender 1 (fémica) habría captado a la menor Víctima 1, de 12 años, con la promesa de traerla a la Argentina para que estudie. Que luego de trasladarla de manera ilegal, sin documentación, haciéndola pasar como hija, fue recibida por los encartados para ser explotada laboralmente haciéndola realizar tareas de servidumbre en el hogar, propinándole malos tratos y sin pagar lo acordado.

La causa se inició el 30 de mayo de 2011 a raíz de una presentación realizada ante la Comisaría de la mujer por la menor Víctima 1, quien concurrió a dicha institución luego de que la sobrina de una vecina se presentara a la Comisaría Quinta y narrara los dichos de la menor Víctima 1 respecto a supuestos golpes y abusos de la que sería destinataria.

La menor vivía en Bolivia con su mamá y siete hermanos en Bolivia; su madre le dio permiso para ir a la Argentina con su tía Offender 1 (imputada) y con el marido de ésta (imputado), Offender 2. La pareja tenía dos hijos de 1 y 5 años a los que debía cuidar. Offender 1 le había dicho a su madre que la iba a hacer estudiar y le iban a dar comida.

La imputada trabajaba en una verdulería y la víctima debía ocuparse de llevar a los chicos a estudiar, lavar la ropa a mano, cocinar y limpiar. Por otro lado, Offender 2 le hacía cosas, le hacía doler, la tocaba. Que todo esto la asustó por lo que le contó a una vecina del lugar.

Vivían todos en el mismo cuarto, durmiendo los 5 en la misma cama. Hasta que compraron una cucheta.

Que los imputados la trataban mal, le quisieron pegar con un cinturón, y le tiraban de los pelos.

Que un día Offender 2 le introdujo el pene en la vagina, y como comenzó a sangrar mucho le avisó a su vecina, y luego fueron a la policía.

La menor no sabe escribir ya que nunca fue a la escuela. Asimismo, la imputada la obligaba a identificarse como su sobrina.

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De acuerdo a lo declarado por la madre de la menor vía exhorto diplomático, no se desprende que los imputados fueran efectivamente tíos de la menor. De hecho declaró que los conoce porque son oriundos de un lugar cercano a donde ella vive.

Declararon vecinos del barrio; la jefa a cargo del Servicio de Salud Mental del Hospital Regional; la Lic. en psicología que atendió a la menor; la empleada de una institución municipal llamada “la casa” en donde se asesoraba y contenía a víctimas de violencia de género.

El Fiscal General les imputó ser coautores del delito de trata de personas menores de 13 años (145 ter por ley 26.364), agravado por la profundización del estado de vulnerabilidad de la víctima, engaño, violencia e intimidación, solicitando la aplicación de una pena de 11 años para Fermín, y 10 años para Cinthia.

**Tribunal:** resulta probado que los imputados captaron, transportaron y acogieron desde el 20 de enero 2011 hasta el 30 de mayo de 2011, con fines de explotación laboral, a una menor de 12 años.

Se les impuso penas de 11 y 10 años de prisión.

## Case 74 – Argentina, 2014

Country: Argentina  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 4  
Number of offenders: 3

### Case description:

Fecha de la sentencia condenatoria: **5/08/2015**

Tribunal: **Tribunal Oral en lo Criminal Federal de Comodoro Rivadavia**

Resumen de los hechos:

#### **La Plata– CONDENATORIO, Sexual:**

A Offender 1 y a Offender 2 se les imputó haber acogido a 4 mujeres paraguayas en Arana (partido de La Plata) para explotarlas sexualmente, promoviendo y facilitando la prostitución, con la supuesta colaboración de Offender 3 como partícipe secundario. Asimismo, a Offender 1 se le imputó el haber entregado dinero o cualquier beneficio a Offender 2 para asegurar el funcionamiento de las actividades de explotación sexual (Offender 2 era policía –subcomisario-). A Offender 2 se le atribuyó también el favorecimiento del desarrollo de las actividades de explotación sexual.

Asimismo, a Offender 2 se le imputó su autoría en el aprovechamiento económico al no ejercer las funciones que le correspondían en la prevención y represión de los ilícitos de los cuales tenía acabado conocimiento y habría recibido contraprestaciones en una modalidad de entrega semanal.

El delito de trata de personas, respecto de Offender 1, se vio agravado por el número de autores y de víctimas, en concurso ideal con el delito de promoción y facilitación de la prostitución ajena y con la infracción de sostener, administrar y regentear en forma encubierta una casa de tolerancia, todo ello en concurso real con el delito de cohecho activo. A Offender 2 se le imputó: trata de personas; triplemente agravado por número de autores, víctimas y su condición de funcionario público, en concurso ideal con el de promoción y facilitación de la prostitución ajena como partícipe necesario, todo en concurso real con cohecho pasivo e incumplimiento de los deberes de funcionario público.

A Offender 3 se le atribuyó la promoción y facilitación de la prostitución ajena, como partícipe necesario.

La denuncia que dio inicio a las actuaciones se realizó en la UFASE el 25 de octubre de 2012, quien realizó un informe preliminar y se ordenaron tareas de inteligencia que corroboraron los datos de la denuncia.

Una de las víctimas declaró por videoconferencia, y respecto de las tres restantes, se incorporaron sus declaraciones prestadas en instrucción con la presencia del asistente técnico de Offender 1.

La colaboración de Offender 2 era imprescindible, ya que aseguraba que las mujeres “trabajaran” libremente y que fueran acogidas y alojadas ya que avisaba si se iba a allanar el lugar.

Además, la dependencia policial estaba a una cuadra del prostíbulo y era un lugar en el que todos se conocían (Arana). Por lo tanto si las chicas hubieran querido escapar, las hubieran encontrado y devuelto al prostíbulo.

Respecto de Offender 3 (absuelto), el Fiscal lo destacó como empleado del lugar que estaba en la barra, a quien Offender 1 le pagaba un sueldo.

También se valoró el informe de las profesionales de la Oficina de Rescate, el que da cuenta de que las víctimas estaban en una situación de vulnerabilidad y que se abusaban de ella.

Se tuvo en cuenta que el lugar se trataba de un “restaurante” que, singularmente, trabajaba a puertas cerradas, con rejas de por medio, sin ninguna marquesina que lo identificara, tan sólo un cartel que daba cuenta de que la casa se reservaba el derecho de admisión. Además, para acceder a él era necesario tocar un timbre y esperar para ser atendido.

De acuerdo a lo relatado por las víctimas, el principal imputado les retenía el cincuenta por ciento de lo obtenido por ellas. La “jornada laboral” comenzaba a las 18:00 hs. (salvo los sábados y domingos que comenzaban a las 15 hs.) hasta las 3 o 4 am. y trabajaban de martes a domingo. Los lunes tenían “franco” y tenían controladas las salidas. Asimismo, cobraban semanalmente y debían pagar su comida.

Una de las víctimas declaró que si bien no estaba obligada a tener sexo con quien no quisiera, era una actitud que se le recriminaba y llevaba a la descalificación en público. También les gritaban si se demoraban en atender a los clientes o bien en la atención a ellos.

Los días que tenían franco podían salir con un amigo o con algún cliente, pero debían dejar un “depósito” de quinientos pesos.

El personal policial acudía al lugar en el que se ejercía la prostitución, y recibía alimentos gratis.

Las propias declaraciones de Offender 1 en su indagatoria dejaron ver que no era ajeno a las circunstancias personales de las víctimas, pues tenía conocimiento de la precaria situación económica y del contexto familiar. Expresó que había viajado en reiteradas oportunidades a Paraguay para llevar a las chicas, conoció la vivienda de cada una de ellas y mantenía un trato directo con sus familiares. Se realizan algunas consideraciones respecto a cuestiones relacionadas con la videoconferencia: por un lado se explican las dificultades técnicas propias de esta modalidad, cuestión que no debe entenderse como nulificante del acto en sí mismo. También se explica la dificultad a la hora de pretender que la víctima reconozca su firma cuando se le muestra un documento a través de la cámara web.

El tribunal tuvo por probada la participación del subcomisario Offender 2, pero no en términos de complicidad primaria, sino de co-autoría. En efecto, sostuvo que de no haber producido su omisión y, en consecuencia, haber cumplido con sus deberes o

articulado los medios para que no funcionara la casa de tolerancia, la maniobra se hubiera frustrado y las víctimas no habrían podido ser acogidas.

Es interesante que la sentencia recalca reiteradamente el carácter permanente del acogimiento, habida cuenta de que la comisión se mantiene en tanto la víctima persiste en esa situación.

Según el Tribunal, Offender 1 aportaba la infraestructura para el acogimiento de las víctimas a fin de ser explotadas sexualmente, e Offender 2, en su condición de jefe de la policía del lugar, permitía que eso se llevara a cabo brindando seguridad y tranquilidad a su socio (Offender 1). Así, se entendió que si el subcomisario es en realidad coautor del delito de trata de personas, por actuar coludido con Offender 1, no puede aceptarse la figura del cohecho ni para uno ni para otro, pues en este delito la recepción del dinero o dádiva por parte del funcionario público haga, retarde o deje de hacer algo relativo a sus funciones es ajeno a aquel ilícito o maniobra ilegal que el no funcionario pretende realizar bajo el amparo del hacer o no hacer del funcionario público. Las sumas dinerarias percibidas por Offender 2 estaban vinculadas a su participación en el delito de trata de personas mas no a la prestación económica del delito de cohecho.

Lo mismo debe suceder con el delito de incumplimiento de los deberes de funcionario público, pues si Offender 2 formaba parte de la organización delictiva que operaba en la finca de Offender 1, no podía estar obligado a denunciar lo que allí se hacía puesto que de ejecutar las leyes cuyo cumplimiento le incumbiere, se hubiese obligado a Offender 2 a auto-incriminarse.

Por otro lado, sí tuvo por acreditado que Offender 1 sostenía, administraba y regenteaba, en forma encubierta, una casa de tolerancia.

PRUEBA: testimoniales de las víctimas / testimonios de clientes / declaraciones indagatorias / testigos de actuación / material secuestrado /

Finalmente, se desechó la agravante vinculada a la pluralidad de víctimas desde que, aun cuando estamos en presencia de cuatro damnificadas, éstas se vieron afectadas en razón de maniobras distintas e independientes que sólo tuvieron en común a sus autores y en el ámbito en el que fueron acogidas hasta que los sucesos fueron descubiertos.

## Case 75 – Argentina, 2014

Country: Argentina  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 9  
Number of offenders: 5

### Case description:

Fecha de la sentencia condenatoria: **13/05/2014**

Tribunal: **Cámara Federal de Casación Penal – Sala II –**

Resumen de los hechos:

#### **Cámara Federal de Casación Penal – Sala II – “Offender 1 y otros s/ recurso de casación” – Causa 15.554 – 13-05-2014 – REVOCA ABSOLUCIÓN:**

Los imputados eran cinco. Tres hombres y dos mujeres.

El 12 de marzo de 2012, el TOF de BB los había absuelto por no haberse probado el delito.

La fiscal interpuso recurso de casación. Aquí los agravios:

- 1) la sentencia valoró arbitrariamente la prueba y omitió considerar extremos relevantes allegados al proceso.
- 2) es errónea la valoración del Tribunal en orden a que las damnificadas habrían dado distintas versiones contradictorias. En efecto, ambas damnificadas manifestaron ser captadas por dos de los imputados (identificándolos)
- 3) el hecho de que las víctimas declararan que fueron acompañadas por sus captores por el cruce de frontera hasta la provincia de Formosa, no puede verse desvirtuado por los informes migratorios, pues ellos son incompletos. En efecto, una de las víctimas dio cuenta de que Offender 1 tenía conocimiento de estas irregularidades. De hecho para Offender 1 solo se registra una entrada en fecha 17/10/2008, cuando se supone que para entrar debió haber salido, extremo no registrado pero sí corroborado por los propios dichos de los imputados. También figuran varias entradas de la otra captadora (Lourdes), y ninguna salida.
- 4) se encuentra comprobado que Offender 1 e Offender 2 se encontraban en Paraguay cuando las víctimas fueron captadas.
- 5) se omitió valorar que una de las víctimas se desmayó cuando supo que uno de los supuestos clientes era en realidad un policía que venía a rescatarla, y el relato de los preventores en orden a que ambas testigos evidenciaban malestar y lloraban.
- 6) se agravio por la arbitraria valoración del relato de los imputados, pues se sostuvo que los informes de migraciones corroboraban sus dichos, sin aclarar que eran informes parciales.
- 7) la sentencia omitió toda referencia a las multas arbitrarias que se imponían con el fin de mantener a las víctimas como deudoras. Mencionó un cuaderno secuestrado en el que se asentaban las multas.

- 8) la sentencia no valoró que el hotel en el que se hacían los pases se encontraba al lado del local X. (los imputados manifestaron que en el local no se hacían pases). Además, el subcomisario detectó en un segundo allanamiento “un acceso entre el local y el hospedaje”. También se secuestró un cuaderno en el que se asentaban los pases, con el tiempo y los precios.
- 9) en cuanto a la mentada libertad de movimiento, el Tribunal se apoyó en testigos ofrecidos por la defensa, que se trataban de personas conocidas de los hermanos Offender 1.
- 10) cuando se allanó el local, se encontraban “llorosas, nerviosas y decían que no tenían documentos y que se querían ir”.
- 11) exclusión de los testimonios de la psicóloga. La fiscal entendió que los dichos de la psicóloga contribuyen como indicios que corroboran las manifestaciones de las víctimas.
- 12) exclusión arbitraria de una denuncia realizada el 4 de abril de 2008, en la que se hizo un relato análogo al de las damnificadas en referencia a la explotación sexual sufrida.
- 13) se creó una duda a partir de la eliminación de toda prueba de cargo que corroboraba los dichos de las víctimas, dejando sus relatos huérfanos de todo apoyo
- 14) fue arbitrario el rechazo en punto a la valoración de un expediente solicitado ad effectum vivendi, que los imputados tenían por privación ilegítima de la libertad de una mujer a la que explotaron sexualmente. Recordar que al ser preguntados sobre si tenían causas pendientes, respondieron negativamente, cuando ya habían sido indagados en esa causa.
- 15) la reflexión de los jueces en orden a que no se habría probado el ardid o engaño ni el estado de vulnerabilidad. La fiscal dijo que las víctimas necesitaban el dinero, y que se les ofreció un trabajo de cuidadoras y no consintieron ser trasladadas para su sometimiento a explotación sexual. Que otro factor de vulnerabilidad fue su condición de migrantes.

El fiscal general agregó que en el caso se configuraría un supuesto de responsabilidad internacional por la violación del deber de investigar.

La defensa sostuvo que las declaraciones de las presuntas víctimas no se produjeron en el debate ni fueron debidamente controlados por la defensa, por lo que no resulta factible analizar el tono, los eventuales titubeos o gestos que acompañaron a cada afirmación. De otro lado, planteó que las declaraciones de las presuntas víctimas resultaron contradictorias entre sí. Asimismo, argumentó que la casacionista pretende la valoración de testimonios que no pudieron ser controlados por la defensa.

Lo que dijo la Cámara (Sala II):

- las conductas objeto de acusación fueron calificadas como trata de personas (con finalidad de explotación sexual), agravada por la participación de 3 o más personas. Asimismo, esta modalidad criminosa, y en particular las vivencias relatadas por las damnificadas, constituyen claramente hechos de violencia contra las mujeres.
- citan instrumentos internacionales: Protocolo de Palermo – CEDAW – Belém do Pará –
- el reclamo de la fiscal debe ser evaluado, pues –según reclama- la sentencia ha desechado pruebas útiles y válidas.

- la sentencia recurrida presenta significativas particularidades, pues los relatos valorados como “no creíbles” (los de las damnificadas) fueron incorporados por lectura, en tanto parte de los testimonios recibidos durante el debate no merecieron mención alguna en la sentencia, y por fin aquellos que fueron merituados no suscitaron análisis acerca de su credibilidad, sino que, antes bien, se evaluó su relevancia.
- los judicantes se han referido a las damnificadas de tres formas alternativas: sus iniciales; se revelaron sus primeros nombres; y se las denominó mediante el uso de los nombres impuestos para el ejercicio de la prostitución. La mención de los nombres de pila, en conjunto con sus iniciales, incumple con el deber de respetar los derechos de las víctimas (art. 6). Utilizar los nombres de “fantasía” (me pertenece), constituye una afrenta a la dignidad de estas mujeres, y representó un incumplimiento del deber del Estado argentino de abstenerse de ejercer violencia institucional contra las denunciantes.
- en cuanto al testimonio de las víctimas: la pequeña discordancia entre los testimonios de las víctimas –aunque evidente- no elimina la coherencia en todos los relatos en orden a que Offender 1 e Offender 2 estuvieron en Asunción y que fueron ellos los que realizaron la oferta de trabajo en Argentina, la que habría resultado ser un engaño (les habían prometido ser cuidadoras). En contraposición, los encartados sostuvieron que las denunciantes llegaron a Punta Alta por sus propios medios, y que habían pedido trabajar en el local X..
- frente a esta contraposición, el a quo le dio preeminencia a los dichos de los imputados. Sin embargo, no se valoró la versión de una de las víctimas en torno a que había entrado a Argentina junto con Offender 2, circunstancia corroborada por el registro migratorio (entraron el mismo día por el mismo lugar, con menos de un minuto de diferencia)
- La versión de que una señora le avisó al otro Offender 1 de la llegada de dos mujeres que querían trabajar en el local, no encuentra apoyatura alguna en la causa.
- corresponde recordar que las denunciantes mencionaron en qué hotel se hospedaban Offender 1 e Offender 2 lo que fue confirmado por ellos mismos. No podían tener conocimiento de esto pues no tuvieron acceso a la causa.
- la psicóloga sindicó que una mujer que se encontraba en el local el día del allanamiento sostuvo que Offender 1 les había anticipado lo que debían decir si llegaba la policía, y afirmó que ella había decidido prostituirse pero que las denunciantes no sabían que venían a ejercer la prostitución. Esto da cuenta de la situación de coerción vivida.
- las fuerzas de seguridad que participaron del allanamiento del local nocturno refirieron que una de las denunciantes se desmayó cuando supo que venían a buscarla, y que también ambas se encontraban nerviosas y gritaban para su rescate.
- otro elemento que acompaña las declaraciones de las damnificadas, es la denuncia efectuada – meses antes – por una mujer que logró escaparse de ese prostíbulo dirigido por los hermanos Offenders. Esta mujer declaró cómo fue captada, que no tenían libertad, siempre conducidas y vigiladas por Offender y por otro de seguridad. También dijo que era constantemente multada. Que una de las chicas logró escaparse, pero que la recapturaron, la golpearon y la pusieron a trabajar de nuevo aunque vomitaba sangre.

- También hubo otro testimonio de otra mujer que había sido explotada junto con la denunciante mencionada precedentemente.
- los partícipes de las tareas de investigación, manifestaron que las mujeres eran llevadas al domicilio y al local, siempre acompañadas. Que tampoco veía a las “alternadoras” salir del local X. junto con clientes. Otro expreso que en la puerta había una persona que vigilaba el ingreso y egreso de personas en el local. Estas declaraciones se contraponen con las de los testigos aportados por las defensas, en tanto los jueces no dieron razón alguna para dar preeminencia a los testimonios de personas vinculadas por lazos de amistad o de negocios con los imputados, frente a los concordantes dichos del personal policial actuante.
- La investigación tomó nuevo impulso en noviembre de 2008 a partir del requerimiento de una Fiscal de Paraguay, quien solicitó la determinación del paradero de sendas denunciadas, brindando datos específicos referidos a que se encontrarían sometidas a explotación sexual en el local X.. Todo ello culminó en el rescate de las damnificadas y la identificación de 3 de los imputados y otras 9 mujeres de nacionalidad paraguaya.
- corresponde indicar que la decisión de excluir pruebas relevantes e incorporadas lícitamente al juicio (la denuncia efectuada en abril por la víctima que se escapó, con base en el precedente Benitez -329:5556-) resultó arbitraria, pues se ha aplicado al presente un precedente que se refiere a una situación de hecho sustancialmente distinta al caso resuelto por el máximo tribunal. En “Benitez” los testimonios incorporados no habían sido controlados por la defensa durante la instrucción y aquella parte se opuso oportunamente a su incorporación. Por el contrario, en este caso la defensa consintió la incorporación de la denuncia de aquella mujer y de las testimoniales de las damnificadas.
- Así, se concluye que la falta de libertad denunciada por las damnificadas cuenta con múltiples indicios que respaldan sus dichos, así como que ninguna de ellas poseía sus documentos de identidad.
- es menester agregar que es plausible que las mujeres recién rescatadas hubieran preferido no involucrar en un primer momento a quien participaba de las maniobras de captación en el lugar en que vivían sus familiares, por miedo a padecer represalias. Así, parece razonable que estas mujeres no quisieran denunciar a alguien que se encontraría cerca de sus seres queridos, sin estar ellas allí, ni poder evaluar si era seguro efectuar la acusación. Por eso es que el testimonio pudo haber variado una vez que fueron restituidas a su país de origen, cuando involucraron a “Offender 3”, la que ya se encontraba en aquel momento imputada por trata de personas.
- tampoco aparece justificada la credibilidad absoluta asignada a los relatos de los imputados, pues –más allá de los elementos que desmienten sus indagatorias respecto de la forma en que llegaron a BB las dos víctimas- se advierten afirmaciones que resultaron ser falas, tales como las que hicieron 3 de ellos en orden a que no se encontraban imputados en causas penales. También se comprobó que no desconocían aquella imputación, pues ya habían sido indagados y contaban con la defensa del mismo abogado que ejercía la defensa en esta causa. El Tribunal rechazó la incorporación de copias de ésta causa como prueba de cargo, sin invocar la potencial afectación del derecho de defensa de los imputados.
- existen elementos que permitirían colegir que el engaño existió. La situación de vulnerabilidad fue reconocida por el propio imputado en su declaración indagatoria.

- RESULTA ARBITRARIA LA SENTENCIA QUE CONSIDERÓ ATÍPICAS LAS CONDUCTAS DE LOS HERMANOS OFFENDERS, que fueron calificadas por la recurrente como constitutivas del delito de trata de personas mayores de 18 años, mediante engaño y aprovechamiento de una situación de vulnerabilidad, con la participación esencial de los otros tres imputados.
- Respecto de las dos imputadas, habrían cometido los hechos en el contexto de su propia victimización por el delito de trata de personas lo que impone que opere a su favor lo dispuesto en el art. 5 de la ley 26.364.
- la sentencia recurrida evidencia graves defectos en la valoración de la prueba, cuya relevancia es decisiva para dirimir la controversia planteada. Ello invalida a la sentencia recurrida como acto jurisdiccional e impone su descalificación conforme a la doctrina de la Corte en materia de arbitrariedad, toda vez que exhibe defectos graves de fundamentación y de razonamiento, que redundan en menoscabo del debido proceso.
- se anuló parcialmente la sentencia recurrida en cuanto absolvió a los 3 imputados hombres, y remitió la causa a su origen a fin de que, por quien corresponda, se dicte un nuevo pronunciamiento conforme a derecho.
- sin embargo, la Cámara resaltó que la fiscalía incurrió en un error al admitir que el Tribunal de juicio dispusiera y ejecutara la producción de prueba en el debate ajena al principio de inmediatez y contradicción y de un modo diferente a lo que inicialmente pretendía. Así, la fiscalía aceptó recortar las facultades probatorias y la defensa se vio impedida de contra-examinar las exposiciones para eventualmente refutarlas.

## Case 76 – Argentina, 2014

Country: Argentina  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: unknown (multiple)  
Number of offenders: 7

### Case description:

Fecha de la sentencia condenatoria: **20/05/2014**

Tribunal: **Tribunal Oral en lo Criminal Federal de Mar del Plata**

Resumen de los hechos:

#### **Mar del Plata – CONDENA – SEXUAL:**

Pudo detectarse la existencia de una organización encargada de captar personas de nacionalidad dominicana y trasladarlas hasta mar del plata, o en algunos casos recibirlas allí, con la finalidad de someterlas a explotación sexual en el local “dulcinea”, para lo cual contaron con el aporte esencial de autoridades policiales.

En el debate se acreditó la iniciación de dos cauces investigativos independientes en la justicia federal de Mar del Plata y en la ciudad de Neuquén que posteriormente se acumularon en función de la conexidad detectada.

También se detectaron maniobras ante la DNM para obtener fraudulentamente la residencia de algunas de las ciudadanas extranjeras.

Es importante destacar que para pedir el decomiso de los bienes no sólo lo fundó en el art. 23 del C.P. sino también en el art. 26 de la Convención contra el Crimen Organizado y en el art. 6 del Protocolo de Palermo.

A una de las víctimas se le prometió falsamente un trabajo en una fábrica de shampoo o un restaurant. Se la explotó sexualmente en Mar del Plata y en Neuquén. A otra se le prometió trabajo en una peluquería (sólo a título de ejemplo, ya que hay más víctimas).

La víctima denunciante viajó acompañada por una de las imputadas. El trayecto se inició en República Dominicana, ingresaron a Perú, y posteriormente ingresaron a Argentina por Villazón.

Se valoró especialmente el testimonio brindado por las profesionales de la Oficina de Rescate; el del personal de la PNA que participó de las tareas de investigación y el allanamiento; informes del Ministerio de Desarrollo Social de Neuquén y por el Centro de Atención a la Víctima.

Se detectaron mecanismos coactivos como sanciones, multas y generación de deudas dinerarias.

Una de las víctimas relató que le ofrecieron (junto a otras 9 personas) la posibilidad de viajar a España con promesa de conseguirle una visa. Para solventar el viaje desde

República Dominicana entregó la escritura de su vivienda. Cuando llegaron al aeropuerto de Santo Domingo para viajar a España, el sujeto que las captó les informó que primero pasarían por Argentina durante 10 días, ya que allí la visa era más fácil de conseguir. Una vez en Argentina, el sujeto que las recibió las trasladó hasta Mar del Plata, donde las obligaron a prostituirse, con la amenaza de que si no lo hacían iban a perder sus casas en Dominicana. Tampoco se les permitía salir por ninguna circunstancia.

Se les cobraba multas en caso de quejas de los clientes, 400 pesos para la policía, y 300 para comida. Según la denunciante, pasó un período de tres meses en el que nunca le pagaron, ya que le decía que debía cubrir los gastos ocasionados por el viaje y la estadía. Pasado ese tiempo, y con la ayuda de un sujeto que acudió al lugar, logró escapar.

Una de las víctimas declaró a través del sistema de videoconferencia.

Les hacían grabar videos de saludos para sus familiares. También les tomaban fotografías en una peluquería para que sus familias piensen que trabajaban allí.

“las víctimas de trata no se reconocen a sí mismo como víctimas, principalmente las víctimas de trata de explotación sexual. Necesitan disociar la situación vivida para seguir adelante, es una separación del cuerpo y la psiquis”. El Tribunal pudo corroborar que las testigos que no han declarado mediante videoconferencia, y tal vez no hayan recibido la debida contención, no se reconocieron como verdaderas víctimas de explotación, como así tampoco percibieron el aprovechamiento en el que incurrieron los diferentes actores de la grave situación de vulnerabilidad atravesada y del condicionamiento moral provocado, esto último evidenciado en la audiencia mediante las permanentes miradas hacia el lugar en donde se hallaban los imputados en busca de obtener algún signo de aprobación, llegando incluso al extremo de expresar su descontento con las detenciones de los nombrados.

“Corresponde agregar que sin perjuicio de no haberse recibido los testimonios a través de un psicólogo conforme dispone el art. 250 quáter del CPPN, debe rechazarse el planteo de nulidad efectuado (...) toda vez que no se advierte vulneración al derecho de defensa (...) garantizándose la posibilidad de que formulen todas las preguntas que hayan considerado pertinentes, si bien a través de la presidencia del Tribunal, pero garantizando el derecho de defensa de sus asistidos.”. El Tribunal fundó esta decisión en que el art. 250 quáter utiliza la fórmula “en cuanto fuere posible”, y que no se sanciona con nulidad dicha omisión. Además, sostuvo que los testigos escuchados por videoconferencia estuvieron asistidos por personal capacitado de la Oficina de Trata, habiendo sido interrogados por la presidencia del Tribunal, dando cumplimiento a lo que dispone la ley, motivo por el cual no correspondía dictar la nulidad por la nulidad misma.

El Tribunal también tuvo por acreditada la presentación de material documental en el marco de tres expedientes administrativos ante la Dirección Nacional de Migraciones de Mar del Plata, con la finalidad de regularizar la situación migratoria de dos ciudadanas dominicanas. La falsedad histórica de esa documentación se deriva principalmente de contratos aportados en dichos expedientes, en donde figura una supuesta oferta laboral como empleada doméstica en una empresa inexistente.

Ahora bien, respecto de una de las imputadas, el Tribunal entendió que le era aplicable el art. 5 de la ley 26.364. Ello así, al advertir que ella no era sino otra víctima del

sinistro engranaje que implica el delito de trata de personas, tratándose una persona tanto o más vulnerable que aquella a la que sedujo en su país con una realidad distorsionada sobre su actividad laboral en la Argentina. La imputada no era una empresaria de la actividad prostibularia, sino que ella misma era una mujer tratada, explotada alternativamente por propietarios de distintos cabarets. De hecho, cuando la imputada fue detenida se encontraba ejerciendo la prostitución en el local de Neuquén. Asimismo, la encartada también era una migrante que había dejado su país acuciada por una situación personal, familiar y económica sumamente difícil. “La aplicación de una pena en este caso, significaría volver a victimizar a una mujer que ya ha sufrido los embates de la violencia de género en su país y en el nuestro, donde no conoció otra realidad que la de someterse a la explotación inescrupulosa de terceros. En ese sentido se expresa la ley 26.485 de Protección Integral a las Mujeres que complementa e integra el texto de la Convención de Belem do Pará, cuando en su artículo 16, que reglamenta los derechos y garantías mínimas de los procedimientos judiciales y administrativos, establece que deberá garantizarse a las mujeres los siguientes derechos y garantías “...h) A recibir un trato humanizado, evitando la revictimización”

Se secuestró la suma de 1500 dólares y cerca de 85000 pesos, al igual que un vehículo Mitsubishi Outlander. En otro local se encontraron 5000 pesos sólo en uno de los ambientes.

Respecto del funcionario policial, se entendió que su aporte esencial se deriva de la asidua concurrencia al local representando autoridad pública y manteniendo un trato familiar con uno de los imputados principalmente, agravando la situación de vulnerabilidad de las víctimas, quienes habiendo perdido todo lazo de contención, perciben la estrecha relación de los encargados del lugar con quien debiera auxiliarlas. Su actitud permitió agravar el condicionamiento psicológico de las víctimas, en una actitud manifiestamente contraria al deber institucional derivado de su condición de funcionario público. En concreto se le adjudicó coaccionar con su presencia a las víctimas, agravar su situación de vulnerabilidad. El imputado percibía con sus sentidos la explotación económica de la prostitución ajena, y en vez de cumplir con su rol institucional, se convirtió en un aliado de peso en la trama delictiva. El quebrantamiento del deber no solo lo afecta a él, o a las relaciones de funcionario con el Estado, se afecta la confianza en la defensa del orden jurídico y el desarrollo de la idea del estado de derecho que está en cabeza suya.

A uno de los imputados se le reprocho ser el requirente para que las víctimas inicien sus trámites migratorios y así obtener la residencia en el territorio nacional. Todo ello bajo el manto de una ficción, ya que se denunciaban falsos trabajos y servicios domésticos, cuando en realidad, las mujeres serían explotadas sexualmente.

Se decomisó un inmueble, el automóvil y dinero.

## Case 77 – Armenia, 2013

Country: Armenia  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

Offender 1 (female) — who has been residing in the city of Trabzon, Republic of Turkey, with a temporary residence status since 2000 — having learnt from her acquaintance Offender 2 (female) about the latter's intent to depart again for Turkey in August 2011 with the purpose of engaging in prostitution, with the help of Offender 2 and upon prior agreement with her, and by way of deception, under the pretence of offering a job of a caregiver with a monthly earning of USD 700-800, covering also accommodation and food expenses, recruited in the city of Gyumri, Victim 1 (female) — who was in a difficult financial situation — with the intent of exploitation of prostitution, and exploited the latter in the city of Trabzon after transporting her to Turkey on 5 August 2011 with the help of Offender 2.

Pursuing her criminal intent, Offender 1 — for the purpose of putting and keeping the victim in a situation dependent on her — sold her various clothes at incomparably high prices on condition that the money would be paid off later, thus showing false compassion, and on the same day, as if for the purpose of resettling yet actually to engage in prostitution, transported her to Hotel X, a place of gathering for prostitutes. With intent to crush the victim's obstinacy — who was outraged and wanted to return to Armenia after having learnt that she had been deceived and transported to Turkey to be, in fact, engaged in prostitution — and to engage her in sexual exploitation, Offender 1 informed her that the clothes sold to her by instalment belonged to a Turk merchant whom she had already paid for, and thus abusing the victim's position of vulnerability, preconditioned by the fact that she was obliged to pay the mentioned debt, that she did not speak the language and the location was unfamiliar to her, as well as using other forms of coercion, in particular, threatening that she would inform the victim's mother that her daughter was engaged in prostitution in Turkey, forced the latter to engage in prostitution in the mentioned hotel and kept her for about four months in exploitation of prostitution and received about USD 7500 earned by prostitution.

Offender 2, who had repeatedly been in the Republic of Turkey with the purpose of engaging in prostitution — having an aim to depart for Turkey again after her deportation to Armenia at the end of July in 2010, upon the expiry of the one-year deportation period, and expecting to receive her acquaintance Offender 1's assistance in engaging there in prostitution and also to cover her travel expenses partially at the expense of someone else — reached prior agreement with Offender 1 through a telephone conversation and recruited in the city of Gyumri, the victim — with whom she had got acquainted through her friend and who was in a difficult financial situation — by way of deception, under the pretence of offering a job of a caregiver with a monthly earning of USD 700-800, covering also accommodation and food expenses, with the intent of sexual exploitation by Offender 1. Offender 2, partially covering her travel expenses with money obtained for the jewellery pawned by the victim, personally

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transported the latter to the city of Trabzon, Turkey, on 5 August 2011 and handed over to Offender 1, who, in her turn, abusing the victim's position of vulnerability — preconditioned by the fact that she did not speak the language, the location was unfamiliar to her and she did not have money — subjected her to sexual exploitation for about four months and seized the money earned by prostitution.

Upon the Court criminal judgment of 7 February 2013, Offender 1 was found guilty under points 2 and 6 of part 2 of Article 132 of the Criminal Code of the Republic of Armenia and was convicted to imprisonment for a term of eight years.

Offender 2 was found guilty under points 2 and 6 of part 2 of Article 132 of the Criminal Code of the Republic of Armenia and was convicted to imprisonment for a term of seven years.

## Case 78 – Armenia, 2014

Country: Armenia  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims: 3  
Number of offenders: 1

### Case description:

Offender 1 (female) has known minor Victim 1 (female), born in October 1996, as an inhabitant of the same district; they both attended the same school. Since May 2012 their relationship became closer and they often went for a stroll together. During this period they decided to earn money by prostitution and in order to find clients they walked around the Yerevan National Academic Opera and Ballet Theatre and the complex known as the “Cascades”, where they got acquainted with men of Iranian origin and offered them sexual services for certain remuneration. Reaching an agreement, each time they went with men of Iranian origin to their apartment, where the offender, the accused-on-trial, took from them AMD 10,000 in advance for each act of sexual service, kept the money with her, and then only Victim 1 had sexual intercourse with that man. In the beginning, the offender would give the entire sum to Victim 1 after leaving the apartment, but later she started keeping AMD 3,000 to 4,000 out of 10 000 earned Victim 1 by prostitution, reasoning that she was the one finding clients for Victim 1, going with her to apartments of Iranians and taking in advance and keeping the money to be paid for the service.

In the course of the summer of 2012, the offender repeatedly otherwise promoted Victim 1 to prostitution, by way of finding clients for Victim 1 to engage in prostitution, keeping for security purposes the money received in advance from the clients for the sexual intercourse, accompanying her to foreign clients and not leaving her alone for security purposes, thus receiving property benefit, i.e. receiving AMD 3,000 to 4,000 out of each AMD 10,000 earned by minor Victim 1 by prostitution.

At the same period of time, i.e. in the summer of 2012, the offender, by chance, got acquainted in the vicinity of the National Academic Opera and Ballet Theatre in Yerevan with Victim 2 (female) who at that time was still fifteen years old. Concealing her real name, the offender introduced herself as “Ani”. Victim 2 said that she was sixteen years old and was engaged in prostitution for AMD 5,000. The Offender offered minor Victim 2, to continue engaging in prostitution by joining them, reasoning that thus she could earn more, buy clothes and receive other benefits. The same day the offender and Victim 1 got acquainted with two men of Iranian origin around the complex in Yerevan known as the “Cascades”, and they went to their apartment together, where the offender took AMD 20,000 in advance from these men, and Victim 2 and Victim 1 had sexual intercourse with them for this amount. The Offender did not share the money, earned by prostitution, with Victim 2, reasoning that she had to buy clothes for her with that money. In the upcoming days, the Offender, according to the agreement, met with Victim 2 in the vicinity of the National Academic Opera and Ballet Theatre and the complex known as the “Cascades” in the city of Yerevan and, regularly finding Iranian clients for her, accompanied her to the client’s place, took money in

advance from the client, after which gave directions to Victim 2 to have sexual intercourse with these men and seized the money earned by Victim 2 by prostitution.

In the summer of 2012, she gave Victim 2 the agreed AMD 10,000 after having another sexual intercourse with a man of Iranian origin, but upon leaving this man's apartment she demanded her to return the money. As Victim 2 refused to return the money, the Offender tried to forcibly take it from her, and when Victim 2 ran away so as to keep the amount of AMD 10,000 earned by prostitution, the Offender chased her, caught her, pulled and after knocking her down grabbed the money.

In the course of the summer of 2012, minor Victim 2, under the direction of the Offender, engaged in prostitution for about 20 times, and the Offender, upon receiving the money, did not share the money with her in about six of the cases, reasoning that she had to buy clothes with that money, whereas in the rest of the cases gave her AMD 2,000 to 3,000.

In the summer of 2012, the Offender got acquainted with minor Victim 3 (female) and, having learnt that she was sixteen years old and was engaged in prostitution, decided to engage her as well in prostitution and seize the money she earned. The Offender offered minor Victim 3, to engage in prostitution, motivating her by telling that she could earn more money with them and could buy clothes. Minor Victim 3 agreed. After that, the Offender, for the purpose of finding clients for Victim 3, walked around the Yerevan National Academic Opera and Ballet Theatre and the complex known as the “Cascades”, got acquainted with men of Iranian origin and offered sexual services for money. Then, the Offender accompanied the Victim 3, to the apartment of these men, where Victim 2 had sexual intercourse with them for AMD 10,000. The Offender kept the received money with her, reasoning as if she would later buy clothes for her with this money and take her to places of entertainment.

In the summer of 2012, Victim 3, repeatedly engaged in prostitution under the direction of the Offender, but the money earned by Victim 3 in such way was seized by the Offender.

Besides, in the same period of time, i.e. in the summer of 2012, the Offender got acquainted with minor Victim 4 through Victim 2 around the complex known as the “Cascades” in Yerevan and, learning that she was not a virgin, offered to join her in engaging in prostitution to earn money and live a prosperous life; Victim 4 agreed to the offer. After that, for about seven times the Offender walked around the National Academic Opera and Ballet Theatre and the complex known as the “Cascades” in Yerevan with the purpose of finding clients for Victim 4, where the Offender got acquainted with men of Iranian origin and offered the sexual services for money. Then, the Offender and minor Victim 4, went to these men’s apartments, where Victim 4 had sexual intercourse with them for AMD 10,000. It was the Offender who always seized the money, reasoning that she would buy clothes for her with that amount. the Offender introduced herself as “Ani”, while Victim 1 introduced herself as “E.”.

Upon the Court criminal judgment of 9 January 2014, the Offender was found guilty under points 1 and 4 of part 2 of Article 132.2 of the Criminal Code of the Republic of Armenia and was convicted to imprisonment for a term of 10 years.

## Case 79 – Armenia, 2013

Country: Armenia  
Year of conviction: 2013  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 2

### Case description:

In July 2011, Offender 1 (male) reached prior agreement with Offender 2 (female), with whom he had a love affair, to recruit Victim 1 (female) and Victim 2 — minors under the age of 18 — for the purpose of sexual exploitation and to organise, passing the state border of the Republic of Armenia, their transportation to the Russian Federation, with the intent to exploit them there for prostitution; subsequently he recruited Victim 1 with delusive promises of marrying her, taking her for permanent residence to the city of Volgograd, Russian Federation — where his parents resided — to live a prosperous family life there, and by abusing the trust of the relatives and friends of Victim 1 through presenting them — as proof of those promises — his accomplice Offender 2 as his aunt's daughter. For this purpose, upon prior agreement with Offender 2, at the same time they attempted to recruit also Victim 2, Victim 1's friend, with delusive promises of taking her to the city of Volgograd, Russian Federation, and living a prosperous life together with them; however they failed to complete the execution of their criminal intent under circumstances beyond their will, since Victim 2 refused to leave for the Russian Federation.

On 10 July 2011, the Offender 1— to execute the criminal intent and upon prior agreement with Offender 2— transported Victim 1 for the purpose of exploitation through Bagratashen border check point of the Republic of Armenia to the city of Mineralniye Vodi, Russian Federation, where they took her passport so as to prevent her escape, then — through the use of violence against Victim 1, beating her and threatening to use such violence — tried to engage her in prostitution and exploitation, forcing her to practice prostitution and transfer them the money she earned; however, following her persistent refusal, they engaged her in another form of exploitation — forced labour; they exploited her and kept her in exploitation from 12 July 2011 till 28 July, forcing her to engage in farming in the village of Nagutskoe, adjacent to the city of Mineralniye Vodi.

Upon the criminal judgment of the Court of First Instance of Shengavit Administrative District of 3 June 2014, the Offender was found guilty under points 2, 4, 7 of part 2 of Article 132.2 of the Criminal Code of the Republic of Armenia and was sentenced to imprisonment for a term of 11 years. With regard to charges under points 1, 2 and 7 of part 2 of Article 132.2 with reference to Article 34 of the Criminal Code of the Republic of Armenia, the Offender was acquitted.

## Case 80 – Armenia, 2014

Country: Armenia  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 6  
Number of offenders: 3

### Case description:

With intent of trafficking in persons — to recruit, transport, transfer, harbour, receive people for the purpose of exploitation, as well as to engage them in sexual exploitation, i.e. exploitation of prostitution, and to keep them in such state — Offender 1 (male), joining his younger sister Offender 2 (female), residing in the United Arab Emirates, and Offender 3, head of an organised group established for the purpose of human exploitation, became member of the mentioned organised group provided that he would receive USD 600 for each girl sent to the UAE; then, with the purpose of executing their criminal intent, they distributed their roles respectively, namely Offender 3, managing the actions of the criminal group, personally covered the expenses for the transportation of the recruited persons to Dubai, their visa expenses, received them in the city of Dubai, took their passports, organised their sexual exploitation, while Offender 1 and Offender 2 performed the actions aimed at recruiting women and transporting them to Dubai, transferring, and harbouring. In particular, for an extended period of time, i.e. from June 2008 to December 2012, the members of the organised criminal group with the direct participation of Offender 1 — by means of deception, abuse of trust and the position of vulnerability —recruited, for the purpose of exploitation, and transported to the city of Dubai, UAE, Victim 1 (female) and Victim 2 (female), recruited Victim 3 (female), as well as in the same manner and for the same purpose attempted to recruit Victim 4 (female) and Victim 5 (female); however they failed to complete the commission of the crime under circumstances beyond their will.

Thus, Offender 1 and Offender 2, members of the organised criminal group headed by Offender 3— with intent to recruit a person for the purpose of exploitation, by means of deception and abuse of trust — recruited Victim 1 in June 2008 for the purpose of sexual exploitation, i.e. exploitation of prostitution, giving delusive promises of earning large amounts of money in the city of Dubai, United Arab Emirates through prostitution, under the control of Offender 3. Later, Offender 1, taking Victim 1's passport, sent its copy to the electronic address mentioned by Offender 2 and about 15 days later received in the same manner an entry visa to UAE for Victim 1, after which she also received the amount sent from Dubai through bank transfer; with this money she bought a Yerevan-Dubai flight ticket for Victim 1, then on 27 June 2008 — personally seeing off Victim 1 from "Zvartnots" Airport and organising the transportation of a person through passing the state border of the Republic of Armenia — transported Victim 1 to the city of Dubai, UAE for the purpose of sexual exploitation, i.e. prostitution.

Afterwards, in December 2009 Offender 1 and Offender 2, members of the organised criminal group headed by Offender 3 — again with intent to recruit a person for the purpose of exploitation, by means of deception and abuse of trust — recruited Victim 2 for the purpose of exploitation of prostitution, giving delusive promises of providing

her with a highly paid job of a waitress in the city of Moscow, RF. Subsequently, Offender 1 — in the same manner, i.e. sending a copy of Victim 2's passport by electronic mail — received the entry visa to UAE for Victim 2, after which bought a Yerevan-Dubai flight ticket with an amount sent from the city of Dubai through bank transfer, and then on 7 January 2010 — personally seeing off Victim 2 from "Zvartnots" Airport and organising transportation of a person through passing the state border of the Republic of Armenia — transported Victim 2 to the city of Dubai, UAE, for the purpose of sexual exploitation, i.e. prostitution.

Besides, in December 2012, Offender 1 and Offender 2 — with the same intent, again by means of deception and abuse of trust, giving delusive promises of earning large amounts of money through prostitution abroad — attempted to recruit Victim 4 in the town of Ijevan, for the purpose of sexual exploitation, i.e. prostitution; however, they failed to complete the commission of the crime under circumstances beyond their will, since the Victim 4, after consulted with her mother, refused their offer.

Later, in December 2009, Offender 1 and Offender 2, members of the organised criminal group headed by Offender 3 — again with intent to recruit a person for the purpose of exploitation, by means of deception and abuse of trust, giving delusive promises of providing with a highly paid job of a waitress in the USA — attempted to recruit Victim 5 in the town of Ijevan, for the purpose of sexual exploitation, i.e. prostitution; however, they failed to complete the commission of the crime under circumstances beyond their will, since Victim 5, initially having given her consent, after consulting with her acquaintances and becoming aware that it would not be possible to be issued an entry visa to the USA visa in one day, refused the offer of Offender 1.

Within the scope of the trial, the prosecuting attorney dropped the charges brought against the accused-on-trial with regard to the episode on Victim 3 and made a statement about refusing to conduct criminal prosecution against the accused-on-trial with regard to that episode.

Upon the criminal judgment of the First Instance Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of the city of Yerevan of 31 May 2014, Offender 1 was found guilty under point 1 of part 3 of Article 132, as well as under point 1 of part 3 of Article 132 with reference to Article 34 of the Criminal Code of the Republic of Armenia, and was sentenced to imprisonment for a term of 11 years and 6 months.

## Case 81 – Armenia, 2014

Country: Armenia  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 4  
Number of offenders: 10

### Case description:

Offender 1 (male) and Offender 2 (female) — joining an organised group operating in the United Arab Emirates, with the motive of gaining material benefit — assumed and performed their role of recruiting women (a woman — in the case of Offender 2) by means of deception and abuse of trust, transporting them abroad for the purpose of engaging in prostitution and transferring to other members of the criminal group, after which the members of the group, abusing the position of vulnerability of the recruited women, exploited them for the purpose of prostitution and gained material benefits for an extended period of time.

Thus, in January 2009, Offender 1, member of the organised criminal group — with the intent of trafficking, i.e. recruiting persons for the purpose of exploitation, by means of deception and abuse of trust, under the pretence of providing with a job of a domestic servant or another job at a bakery in the city of Dubai — recruited Victim 1 (female) in the town of Abovyan, Armenia, for the purpose of exploitation. Upon obtaining the consent of the latter, Offender 1, with the intervention of the head of the organised criminal group operating in Dubai, first obtained an entry visa to the United Arab Emirates for Victim 1, and then on 2 February 2009, with the amount of money received from the same person for travel expenses, saw her off to Dubai from "Zvartnots" Airport of Yerevan. Another member of the organised group received her there, took her passport, and since then up until August 2009 — abusing the position of vulnerability of Victim 1 due to her lack of knowledge of the language, impossibility to move freely in a foreign country without a passport, as well as to pay back the amount spent for her transportation to Dubai — the group members engaged Victim 1 in prostitution, subjecting her to sexual exploitation and receiving the money she was earning in that way.

Once again, in the summer of 2009, Offender 1 — with the intent to commit trafficking, i.e. to recruit a person for the purpose of exploitation, by means of deception and abuse of trust, under the pretence of providing with a job of a domestic servant with a salary of USD 500 in the city of Dubai, UAE — recruited Victim 2 (female) in the town of Alaverdi for the purpose of exploitation. Upon obtaining the consent of the latter, Offender 1 first received from the head of the organised criminal group an invitation to the UAE for Victim 2, and on 4 August 2009, as the travel expenses were covered by the head of the group, saw Victim 2 off to Dubai from "Zvartnots" Airport of Yerevan. Other members of the organised group received Victim 2 there, took her passport, and since then up until August 2009 — abusing her position of vulnerability due to her lack of knowledge of the language, impossibility to move freely in a foreign country without a passport, as well as to pay back the amount spent for her transportation to Dubai — the group members engaged Victim 2 in prostitution, subjecting her to sexual exploitation and receiving the money she was earning in that way.

For her part, in February 2009, Offender 2, reaching prior agreement with other members of the organised group, for the purpose of exploiting a person, with material interest — first in the region of Akhalkalak, Republic of Georgia, and then in the city of Yerevan, by means of deception and abuse of trust, under the pretence of providing with a highly paid job at a photo studio in Spain, yet in reality for the purpose of engaging in prostitution in the city of Dubai, UAE — recruited Victim 3 (female), citizen of the Republic of Armenia; sent a copy of her passport to the head of the group via electronic mail for the purpose of transporting her from Yerevan to Dubai and handing her over to the head of the group, who in turn organised and sent, in the same manner, from Dubai to Yerevan the invitation to UAE for Victim 3. Offender 2 and the other member of the group told Victim 3, by deception, that the employer from Spain, as it was agreed, had arrived in Dubai, where he would directly receive Victim 3 and accompany her to Spain. On 24 February 2009, Offender 2 transported Victim 3 through "Zvartnots" Airport to Dubai, where she transferred her to another member of the organised criminal group, who in turn took Victim 3's passport, transferred it and handed over Victim 3 to the head of organised group for the purpose of exploitation in the form of prostitution. Abusing Victim 3's position of vulnerability due to her lack of knowledge of the language, impossibility to move freely in a foreign country without a passport, as well as to pay back the amount spent for her transportation to Dubai, the members of the organised group engaged Victim 3 in prostitution up until March 2011, engaging her in sexual exploitation and keeping her in such state, and receiving the money she was earning in that way.

Upon the criminal judgment of the First Instance Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of the city of Yerevan of 25 May 2014, Offender 1 was found guilty under point 1 of part 3 of Article 132 of the Criminal Code of the Republic of Armenia and was sentenced to imprisonment for a term of 11 (eleven) years.

By partially adding the imprisonment imposed by the criminal judgment for a term of 11 (eleven) years, upon application of parts 4 and 6 of Article 66 of the Criminal Code of the Republic of Armenia, to the imprisonment imposed on Offender 1 for a term of 11 (eleven) years and 7 (seven) months by the criminal judgment of the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of Yerevan of 2 May 2013, final punishment for a term of 12 (twelve) years was imposed on Offender 1.

Offender 2 was found guilty of commission of the crime for which, prior to the amendment of 9 April 2011, liability was envisaged, but with the current edition liability is provided for by point 1 of part 3 of Article 132 of the Criminal Code of the Republic of Armenia, and punishment was imposed thereon for a term of 10 (ten) years in the form of imprisonment. By partially adding the imprisonment imposed by the criminal judgment for a term of 10 (ten) years, upon application of parts 4 and 6 of Article 66 of the Criminal Code of the Republic of Armenia, to the imprisonment imposed on Offender 2 for a term of 10 (ten) years and 6 (six) months by the criminal judgment of the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of the city of Yerevan of 2 May 2013, final punishment for a term of 11 (eleven) years was imposed on Offender 2.

## Case 83 – Australia, 2013

Country: Australia  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: 16 April 2013. Because the original conviction was an unreported judgment, Australia has provided a case reference for the Court of Appeal judgment on the defendant's appeal against sentence, which was handed down on 18 October 2013.

Court: Supreme Court of Queensland (conviction) (Boddice J); Queensland Court of Appeal (appeal against sentence) (Holmes, Muir and Fraser JJA).

#### Fact summary:

On 16 April 2013, Offender 1 (female) pleaded guilty to one count of trafficking in children contrary to subsection 271.4(1) of the Commonwealth *Criminal Code Act 1995*. Offender 1 also pleaded guilty to 19 charges under Queensland's *Criminal Code Act 1899*, including maintaining a sexual relationship with a child. Due to the number and gravity of the charges under Queensland criminal law, the Commonwealth Director of Public Prosecutions referred the prosecution of the Commonwealth trafficking offence to the Queensland Director of Public Prosecutions (Queensland DPP).

The charges relate to Offender 1's daughter, who was brought to Australia from Thailand in 2006 to reside permanently. Offender 1's daughter was subsequently subjected to sexual exploitation in the illegal sex industry in Brisbane. The Offender's name is suppressed to protect the identity of her daughter.

Following her guilty plea, Offender 1 was sentenced to nine years' imprisonment, with a non-parole period of four years. Offender 1 appealed against her sentence, and on 18 October 2013 it was reduced to seven years' imprisonment, with a non-parole period of three years and six months.

## Case 84 – Australia, 2012

Country: Australia  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 3

### Case description:

#### Fact summary:

On 11 April 2012, an Australian Capital Territory Supreme Court jury found Offender 1 (female) guilty of one count of slavery contrary to subsection 270.3(1) of the Commonwealth *Criminal Code Act 1995*, two counts (one being aggravated) of allowing a non-citizen to work in breach of a visa condition contrary to section 245AC of the *Migration Act 1958* (Migration Act), two counts (one being aggravated) of allowing an unlawful non-citizen to work contrary to section 245AB of the Migration Act, and one count of attempting to pervert the course of justice contrary to section 43 of the Commonwealth *Crimes Act 1914*.

The slavery offence relates to a Thai woman recruited by the Offender to work as a sex worker in Canberra, under exploitative conditions. The victim was forced to pay off a debt to the Offender of \$43,000. The Offender also allowed the woman and another sex worker to work in contravention of their visa conditions and offered the woman money to keep quiet about her circumstances.

On 24 May 2012, the Offender was sentenced to eight years and ten months' imprisonment, with a non-parole period of four years and nine months. The Offender's appeal against her sentence was heard on 13 February 2013. On 25 October 2013 the appeal was allowed and the Offender was re-sentenced to six years and 10 months' imprisonment, with a non-parole period of three years and six months.

## Case 85 – Australia, 2013

Country: Australia  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 11  
Number of offenders: unknown (multiple)

### Case description:

#### Fact summary:

On 11 August 2010, Offender 1 (female) was charged with conducting a business involving sexual servitude contrary to subsection 270.6(2) of the Commonwealth *Criminal Code Act 1995* (Criminal Code), organising or facilitating the entry of a person into Australia reckless as to whether the person will be exploited contrary to subsection 271.2(1B) of the Criminal Code, and several offences under the *Migration Act 1958*. The charges relate to 11 women from Malaysia who worked for Offender 1 as sex workers under very harsh circumstances. Offender 1 was charged following the Australian Federal Police's Operation Burlywood investigation into human trafficking, sexual servitude and migration-related offences, and committed for trial on 13 September 2011.

On 27 March 2013, Offender 1 was convicted of one count of conducting a business involving sexual servitude contrary to subsection 270.6(2) of the Criminal Code, four aggravated counts of allowing non-citizens to work in breach of their visa conditions contrary to subsection 245AC(2) of the Migration Act, and two counts of allowing non-citizens to work in breach of their visa conditions contrary to section 245AC of the Migration Act.

On 5 July 2013 Offender 1 was sentenced to six years' imprisonment, with a non-parole period of three years.

## Case 86 – Azerbaijan, 2013

Country: Azerbaijan  
Year of conviction: 2013  
Form of exploitation: forced labour  
Type: unknown  
Number of victims: 14  
Number of offenders: unknown (multiple)

### Case description:

The accused persons – Offender 1 and Offender 2, in an organized group containing other persons, involved and trafficked 14 persons through the state borders of the Republic of Azerbaijan for exploitation purposes, and committed crimes of trafficking in human beings initiating cruel, inhuman and degrading treatments and intimidating with the application of force dangerous for life and health of the trafficked persons and forced labor making them work through restricting their freedoms with intimidation and threats of applying force.

Offender 1 was charged with the provisions 144-1.2.1, 144-1.2.5, 144-1.2.7, 144-1.2.8, 144-2.2.1 and 144-2.2.6 of the Criminal Code and sentenced to eight years and six months of prison in accordance with the decision of Baku Court on Grave Crimes dated to February 25, 2013.

Offender 2 was charged with the provisions 144-1.2.1, 144-1.2.5, 144-1.2.7, 144-1.2.8, 144-2.2.1 and 144-2.2.6 of the Criminal Code and sentenced to 9 years of prison in accordance with the decision of Baku Court on Grave Crimes dated to November 29, 2013.

## Case 87 – Azerbaijan, 2013

Country: Azerbaijan  
Year of conviction: 2013  
Form of exploitation: forced labour  
Type: unknown  
Number of victims of trafficking: 12  
Number of offenders: unknown (multiple)

### Case description:

**The accused person – Offender 1**, in an organized group consisting of other persons unknown to investigation, involved and trafficked **12 persons** through the state borders of the Republic of Azerbaijan for exploitation purposes, and committed crimes of **trafficking in human beings** initiating cruel, inhuman and degrading treatments and intimidating with the application of force dangerous for life and health of the trafficked persons and **forced labor** making them work by restricting their freedoms with intimidation and threats of applying force.

Offender 1 was charged with the provisions 144-1.2.1, 144-1.2.5, 144-1.2.7, 144-1.2.8, 144-2.2.1 and 144-2.2.6 of the Criminal Code and sentenced to 9 years of prison in accordance with the decision of Baku Court on Grave Crimes dated to December 19, 2013.

## Case 88 – Azerbaijan, 2014

Country: Azerbaijan  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 3  
Number of offenders: unknown (multiple)

### Case description:

**The accused person – Offender 1**, in a group of persons who were on preliminary arrangement, involved and trafficked 3 women through the state borders of the Republic of Azerbaijan re-committed a crime of **trafficking in human beings** with the intent of financial gain taking advantage of vulnerable situation of those women as being financially disadvantaged.

**Offender 1 was charged with the provisions 144-1.2.1, 144-1.2.2 and 144-1.2.5 of the Criminal Code and sentenced to 4 (four) years of prison in accordance with the decision of Baku Court on Grave Crimes dated to August 20, 2014.**

## Case 89 – Azerbaijan, 2015

Country: Azerbaijan  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 9  
Number of offenders: unknown (multiple)

### Case description:

**The accused persons – Offender 1 (female) and her sister Offender 2 (female),** organizing a stable criminal group-organized gang consisting of other persons to commit several crimes, involved and trafficked women through the state borders of the Republic of Azerbaijan for sexual exploitation and re-committed a crime of **trafficking in human beings** against 9 persons by sexually exploiting them within a period from September 2011 to October 2013.

**Offender 1 and Offender 2 were charged with the provisions 144-1.2.1, 144-1.2.2, 144-1.2.4-1 and 144-1.2.5 of the Criminal Code and sentenced individually to 8 (eight) years of prison in accordance with the decision of Baku Court on Grave Crimes dated to December 16, 2014.**

## Case 90 – Azerbaijan, 2015

Country: Azerbaijan  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

**The accused persons – Offender 1 (male), his father Offender 2 (male) and Offender 3 (male), field inspector of the police station No. 2 of Khazar district of Baku city,** in a group of persons who were on preliminary arrangement, took away the ID document of citizen of China, Victim 1 (male) and committed a crime of unlawful acts with documents for the purposes of forced labor and trafficking in human beings through application of force to make him conduct some work by restricting his freedom with intimidation of using force except for cases specified by law.

Offender 3 also committed a crime of abuse of power in line with the above criminal deeds.

**Offender 1** was charged with the provisions 144-2.2.6 and 144-3.4 of the Criminal Code and sentenced to eight years and six months of prison and a fine of 2,000 manat in accordance with the decision of Baku Court on Grave Crimes dated to June 4, 2015.

**Offender 2** was charged with the provisions 144-2.2.6 and 144-3.4 of the Criminal Code, so there was appointed imprisonment for 8 (eight) years for him in accordance with the decision of Baku Court on Grave Crimes dated to June 4, 2015, however the article 70 of the CC was applied and a trial period of 2 (two) years was appointed for Offender 2 who was conditionally sentenced to imprisonment.

**Offender 3** was charged with the provisions 144-2.2.5, 144-2.2.6, 144-3.4 and 308.1 of the Criminal Code, so there was appointed imprisonment for 8 (eight) years for him in accordance with the decision of Baku Court on Grave Crimes dated to June 4, 2015, however the article 70 of the CC was applied and a trial period of 2 (two) years was appointed to Offender 3 who was conditionally sentenced to imprisonment.

## Case 91 – Belgium 2012

Country: Belgium  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case description:

#### Fact summary:

In this case in Tongeren, a Nigerian network of traffickers in women was dismantled. The organisation also had branches in the Netherlands and in Spain and was active in large-scale money laundering activities and credit card fraud. One of the victims was a Nigerian minor. The offenders were convicted of human trafficking and smuggling. The victim, who was then a minor, was a civil party.

The girls were recruited in Nigeria under all sorts of pretexts and were transported illegally into Belgium via Greece in order to work as escort-girls in the prostitution world. They had to pay back the travel costs through prostitution. The defendants took advantage of voodoo rituals to instil fear in the victims. The Nigerian girls were forced to submit to extreme forms of sex on dirty mattresses and had to work day and night. There was virtually no hygiene; even the customers complained about the filthy premises and the unpleasant odours.

#### *Launch of the investigation*

In the context of monitoring hidden forms of prostitution, the police's attention was drawn to certain websites on which African women presented themselves as escort-girls. After analysing the content of the site, investigators found potential indications of human trafficking. Based on the reviews written by numerous customers on forums accessible to the public on certain websites, the police were able to determine that the housing of the African women was precarious and that they were probably working as irregular aliens. The police began surveillance of the neighbourhood, a judicial enquiry was initiated and the appointed investigative judge authorised the police to conduct wiretaps and a bank investigation.

It was clear from the investigation that the main offender had set up and ran an escort and illegal and clandestine prostitution business in Lanaken, where he lived. The sexual services of the African girls were offered through ads on websites and in the classified ads section of newspapers. In order to receive customers for sex, the main offender rented an apartment in the name of a Nigerian straw woman. In this way, he was not directly involved in the rental of the apartment. According to the police, control of this apartment by the first-line services was not able to establish a link with him.

#### *Victims' statements*

The victims were staying irregularly in Belgium. It is precisely this precarious and dependent situation that leaves these victims no other choice than to let themselves

*These court case narratives were provided by Member States. The content does not necessarily reflect the views or policies of UNODC, and nor does it imply any endorsement.*

be exploited. The statements of the victims illustrated in detail how they were manipulated, deceived and intimidated. One of the victims was physically abused and locked in a room when the defendants discovered that she had withheld part of the money earned from the customers. When she refused to spontaneously hand over the money, the defendant struck her in order to try to take the money from her hands. He locked her up in the room where she was then staying and took away her telephone to prevent her from communicating with the outside world. He would return later, after work, to sort things out. In the meantime the victim was able to escape with the help of the neighbour.

## Case 92 – Belgium, 2012

Country: Belgium  
Year of conviction: unknown  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 2

### Case description:

In this case, Offender 1 (female), the manager of a Belgian-Moroccan bar, a former prostitute, sexually exploited several young Moroccan and Brazilian women, one of whom was a minor, in a prostitution bar, in the judicial district of Dendermonde, between 2006 and 2009. The offender was convicted of human trafficking for sexual and labour exploitation and was also involved in crimes related to drugs and marriages of convenience. A Moroccan victim acted as civil party.

The victims were gradually forced into prostitution. In the majority of cases, they were offered employment in Morocco as domestic help or in a restaurant. Girls who were residing irregularly in Belgium or who had had extensive difficulty finding employment also received proposals of this type. Most of the victims were unaware that it was prostitution that they were being recruited for and expected to arrive at a restaurant. Once they had arrived at the bar, the manager gradually pushed the boundaries of the victims with drinks and drugs. She told them that prostitution would solve all of their financial and residency problems. In order to obtain residency papers, they had to enter into a marriage of convenience, for which they had to pay through prostitution. Many victims agreed to this proposal.

The offender showed a clear preference for victims staying in the country irregularly. In case of conflict with the victims, she threatened to call some Albanian friends. One of the Brazilian victims confirmed that the manager did call a Moroccan friend after an argument and that this friend came to the prostitution bar and violently threatened anyone who dared to contradict the offender.

Various investigative measures were taken in this case, such as wiretapping and questioning customers. The financial investigation showed that the amount of electronic banking transactions reached 304,611 euros, 290,903.50 euros of which the defendant had transferred to her personal bank account. Based on the calculation of the assets of criminal origin, confiscation of 2.5 million euros was requested during the trial.

### *Underaged Brazilian victim*

Through various sources, the police had found evidence of the presence of an underage girl in this bar. Various victims spoke during the testimony of a drugged young Brazilian, aged 16, whom they recognised in a photograph. She had come from Goiás but since 2008, she had not had a fixed domicile and was staying irregularly in Belgium. She used a fake Portuguese identity card as ID. The police tried several times to find her. Finally one of the victims with whom she had

developed a friendship, put her into contact with the police. The police then referred her to a specialised support centre.

In her testimony, she explained that she had arrived by aeroplane in Paris in September, 2007. At the time, her mother was living in Belgium and had asked her to travel there. However, when her mother returned to Brazil in September 2008, the girl lost her footing. Compatriots staying in Brussels took pity on her, but ultimately she became addicted to cocaine.

In late October 2008, she walked into the offender's bar together with a girlfriend, by chance. The offender, the manager of the bar knew that she was a minor, but still approached her to ask her to come and work for her. She then worked at the bar for 3 to 4 weeks. At first, it was limited to simply having a drink with the customers, but it quickly turned into prostitution. The manager of the bar (offender) truly exploited her drug addiction. If she was able to get her customers to drink several bottles of champagne, she would be given a free line of cocaine to sniff in private. After she had received her dose, she returned to the customer and prostituted herself. She had 5 customers a day. In 20 days' time, she received 3,000 euros from the manager.

### ***Victims' statements***

During questioning, several Moroccan victims initially denied that they had any connections with prostitution. It was only after irrefutable confrontation with the facts that they confessed, with much shame and emotion. They were ashamed that their families would find out and asked for discretion, as it would hardly be acceptable in their culture and religion.

A Moroccan victim explained, with much emotion, that she had left Morocco on the basis of lies that the offender had told her in order to be able to support her family. In Morocco, the offender had proposed that she come to work in her restaurant in Belgium. She promised to draw up an employment contract. The offender knew her family in Morocco well, and she knew that her son was sick and she could not afford treatment.

The victim borrowed 6,000 euros from a neighbour to pay an Algerian human smuggler who is well-known in Tangier, who also provided false French and Spanish passports. The victim travelled to Spain by boat using a false Spanish passport. After having passed the border check, she had to return the passport to the smuggler. In Spain, a driver was waiting to take her to Belgium. After that she heard nothing more from the smugglers. She heard later in the news that the Algerian smuggler had been caught and arrested several months later in Spain. She still needed to repay the loan from her neighbour.

When she arrived in Brussels in December 2008, the victim discovered to her astonishment that it was not a restaurant, but a bar. The offender then told her that she would tell her the truth. She said she would have to drink with the customers, preferably champagne, and later go upstairs with them. She would be able to earn a lot of money this way. The victim was shocked and asked what she meant by 'go upstairs with them', to which the defendant replied that everything would come in good time, and that she would explain it along the way. She gave her the necessary outfits, which removed any doubt in her mind. The victim felt very bad and realised that she had been tricked and deliberately drawn into the prostitution world based on

these lies. As she had absolutely nowhere else to go in Belgium and did not have a penny to get home, she had no other choice but to work as a prostitute. At first, she was accompanied by Brazilian girls, who were also in the country irregularly and was gradually acquainted with all of the aspects of drinking with customers and the subsequent sexual relations for which there would be a fee. If the customer came back downstairs too quickly, the defendant would ask if he had been satisfied. Among the customers there were also three police officers who were not required to pay anything.

### ***Court's decision***

With regard to human trafficking, the court found that all of the elements constituting the offence were present. The offender was indeed actively recruiting young women residing irregularly in order to put them to work in her bar. Once they had arrived there, they were exploited: they had to engage in prostitution and perform various tasks for the defendant, working seven days a week, 24 hours a day. In the case of police control, the young women had to use a special hiding place designed for this purpose.

In addition, the majority of the victims – Moroccans and Brazilian – were staying irregularly in the country and the offender used fraud with regard to several of them: one of them was promised a job as a housekeeper, another one believed she would be working in a restaurant and a third, in a café

The health conditions inside the bar were also very bad: the toilets and showers did not work and the young women were housed in deplorable conditions: the housing inspection declared the rooms uninhabitable, particularly due to the dangers of CO2 poisoning, electrocution and explosion.

The court also ordered the confiscation of assets of equivalent value in the amount of 2,437,557 euros, corresponding to the revenues earned through the offences of trafficking and exploitation of prostitution.

## Case 93 – Belgium, 2012

Country: Belgium  
Year of conviction: 2012  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 50  
Number of offenders: 6

### Case description:

A well-known catering-restaurant chain systematically exploited, as the principal contractor and through a system of subcontractors, victims working in the restroom facilities on the highway. The facts in this case occurred in 2008 in the judicial district of Ghent. The judge at the Ghent labour tribunal prosecuted both the principal contractor and the subcontractor. The case was preceded by various related cases in another district which are all in deadlock. In the different cases, this catering company, as the organiser, developed a cascading system of exploitation, adapting and refining the system after each inspection made by the labour inspection and by the police. Since 2005, the catering company had been organising, in different districts and through various subcontractors (each time with a changed structure) a tailor-made system aimed at exploiting restroom staff. During inspections by front line services, it turned out that these persons were not aware that they were working under self-employed status.

The victims were working 7 days a week, from 7 am to 9 pm or 10 pm. No agreements were concluded regarding remuneration, but in practice they received a gross wage of around 1,200 euros per month. For 15 hours work a day, 30 days a month, we can calculate that the victims ended up earning less than 3 euros an hour. If someone worked less, their wages were reduced proportionally.

In this case, six defendants were prosecuted: the managers of the cleaning company, the cleaning company itself as well as the contracting company (which subcontracted the cleaning of the toilets in the restaurants along the motorways to a subcontractor, the cleaning company).

The cleaning company used seconded self-employed workers. The secondment forms included a number of irregularities and the secondment as a self-employed worker was not compliant (in particular owing to the fact the people concerned had never previously worked as a self-employed worker in their country of origin). Being in possession of a secondment form did not hide the fact that, in reality, the staff were put to work as salaried employees. The court found that this was indeed the case: the people concerned did not know that they were working as self-employed workers, had no activity as a self-employer worker in their country of origin, had no VAT number and did not invoice their services to the cleaning company. In reality, they worked under the authority of the cleaning company, which determined the place, the manner and the times of the work and provided the necessary equipment as well as meals and transport to the place of work.

The court considered that it was indeed a question of trafficking in human beings: the cleaning company recruited the workers, was responsible for bringing them to

Belgium, took care of their accommodation and their transport to the place of work, where they were made to work in conditions contrary to human dignity. The staff worked fifteen hours a day without a break, often seven days a week, several weeks in succession. The court considered that the fact of working so many hours a day, without a break, and for long periods is, in itself, contrary to human dignity. Furthermore, the pay was totally insufficient.

At the same time, in a detailed statement, it considered that the principal was the accomplice of the acts. The court considered that several elements in the case showed that the principal, despite being fully aware of the facts, turned a blind eye to the way in which the subcontractor made the staff work. The court therefore considered that the principal's knowledge of the cleaning company using foreign workers to do the work under the status of self-employed worker, without checking that this status was compliant and that proper work conditions were applied with regard to working hours and wages, meant that he consciously took the risk and accepted that his collaboration with this subcontractor could lead to the use of foreign workers for this job, without respecting the applicable rules (such as the rules regarding work permits and social security) and the minimum rules in terms of working hours and wages.

The court subsequently gave both companies significant fines (18,000 and 96,000 euros respectively, increased to 99,000 and 528,000 euros according to an indexation system evolving over time) as well as prison sentences of up to four years and fines for the managers.

### ***Victims' profiles***

The workers are mainly of Russian ethnic origin, around fifty years old and most of them come from Kazakhstan, as does the family of the business owner. They have German passports, obtained in Germany at the time of the world wars, when they had the opportunity and right to obtain a German passport. Their mother tongue is Russian, but they also speak German as a result of their German citizenship and their time in Germany (generally in the area around Berlin and former East Germany). The declining economy and the high rate of unemployment, together with the vulnerability resulting from their age and origin, mean that they have trouble finding work on the German labour market. They are therefore willing to accept any job at any wage.

In order to provide for their basic needs, they tolerate deplorable working conditions, like staying abroad for long periods, and the long work hours (seven days a week). Interviews with these workers showed that they are very submissive as regards their boss. Afraid of being dismissed, they refuse, whether or not resolutely and at the request of their boss, to sign their statements, and they do not want to express an opinion about their situation as to whether or not they are victims of trafficking in human beings. Their jobs and the low wage they earn are more important to them than collaborating with the competent authorities.

### ***Victim statements***

Most victims were recruited by word of mouth in the former Eastern bloc countries or these were their countries of origin. Some are found through classified advertisements published in a Russian newspaper in Germany or Moldavia. Belgian applicants were denied. The victims' statements say it all: 'You ask me what the

contract I signed says. For me, it is a work permit, I don't know any more about it. You tell me that I have documents saying that I am working as a self-employed person. That's not true. I'm not selfemployed, I work for Company X. You show me a contract between Company X and my alleged own company. For me, it's a work permit. I have no company at all. If this is the case, I'll go back to Moldavia.' At the end of his statement, the victim stated that he did not want Company X (the subcontractor) to find out that he had declared that he had received 1,200 euros. In the past, other people had apparently been dismissed by the company for having made such statements.

### ***False secondment papers***

From the secondment papers, it transpired that fifty seconded self-employed workers were active in Belgium. Sixteen of them gave the same residence address in Germany. The investigation report by the social inspectorate shows that key questions can be asked as regards the legitimacy of the secondment.

### ***Service station ends its collaboration as a new principal contractor***

During new inspections of car park restrooms next to the highways, the social inspection services noted that the owners of a reputable service station had copied the same system with the same subcontractor. The social inspection services informed the managers that this was illegal. The managers declared that they had gotten into contact with the subcontractor through the catering chain: 'We asked them what they did to maintain their restrooms. They were apparently satisfied with the people from that company. That's why they also started to work for us.' Following the intervention of the social inspectorate, the directorate of the service station immediately decided to end the contract with Company X.

### **Dubious subcontractor**

The subcontractor is a German company, and the manager of the company is of Kazakh origin. His wife also runs a travel agency. The company is active all over the world. Some victims worked in Germany and in Belgium. Since 2005, the company has been under contract with the catering company in the regions of Liège, Turnhout and later on Ghent. The case revealed that the German subcontractor has made a profit of more than 1.2 million euros in Belgium.

### ***International cooperation***

The secondment papers were sent to Germany to check their authenticity. A rogatory commission was also sent to Germany. It was apparent from interviews with the local health insurance administrator in Germany that the secondment papers were issued without checking whether the persons concerned had any entitlement to them. For the local administrator an indication of membership of the local social security organization was sufficient. No checks were therefore made as to whether the applicant had previously been active in Germany and whether they could pursue this activity upon their return. The local administrator was unaware that assignments had been given to self-employed workers. In Germany, the company concerned can oppose cancellation of an administrative procedure time and time again. This happened in this case. Due to these administrative procedures, the secondment papers have not yet been formally withdrawn.

*These court case narratives were provided by Member States. The content does not necessarily reflect the views or policies of UNODC, and nor does it imply any endorsement.*

### ***European exploitation phenomenon***

This case is situated in a larger European phenomenon, accompanied by enormous profits. Late 2004, the German investigators ended these activities. At the height of its activities, the company was managing sixty German locations (all German highway concessions) and its turnover from German restroom ventures reached around 10 million euros. The claim against the company concerns illegal labour, fiscal fraud, offences against labour legislation, social security fraud and similar charges. Following the action taken by the German police, the manager of the company disappeared from circulation, but a new German company is now active led by the same rogue business manager. This shows that the operation of restrooms on the main European highways is a lucrative activity associated with high earnings.

## Case 94 – Belgium, 2014

Country: Belgium  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 40  
Number of offenders: unknown (multiple) persons, 1 company

### Case description:

In this Ghent human trafficking file concerning facts committed in 2013 and 2014, Hungarian Roma women, including one minor, were sexually exploited by a Hungarian Roma network. One of the recruitment methods used was the 'lover boy' technique. None of the victims joined a civil action. The defendants were, in addition to human trafficking, also convicted of participating in a criminal organization and money laundering with a forfeiture judgment of 405.980 euro.

### *Criminal network*

The prostitution network consisted of two Hungarian Roma families who, in an organized and violent way, forced young Roma women into prostitution. The victims were sexually exploited in Austria, Belgium, the Netherlands, Switzerland and the United Kingdom.

Three female defendants acted as 'procurers' in the criminal system. As intermediaries, they collected the money of the prostitution victims and did not hesitate to use violence if the victims did not yield enough money. In addition, they searched employment in the window prostitution bars for their victims and took care of their livelihood.

One of the main defendants was also a drug dealer who supplied drugs to some of the codefendants, prostitution clients and victims.

### *Start of the file*

In 2012, the Ghent local police had already investigated a number of persons of Hungarian origin who were suspected of human trafficking. Between January 2012 and March 2013, the controls of the Ghent local police revealed a steep increase in the number of young Hungarian prostitutes in the neighbourhood of the Ghent South quarter. That was confirmed by the official figures regarding the 'waitresses' in the various window prostitution establishments. In 2009, four Hungarian women were registered. That number increased to 141 in 2012 and even to 283 in 2013. They all appeared to be victims of Roma origin who were in a very precarious situation.

At the end of March 2013, the Ghent police received a rogatory letter from the Amsterdam police regarding one of these Hungarian Roma prostitution victims who was under the control of one of the Hungarian pimps, who was also known to the Dutch police. In April 2014, the Ghent public prosecutor's office decided to start an integrated investigation together with the members of the local and the federal police. This time, the victims' statements were not the starting point of the investigation,

because the victims were too afraid to talk as long as their pimps had not been arrested. In this stage of the investigation, the victims actually denied the acts of violence that had been committed against them. During the investigation preliminary to prosecution, the prostitution network was mapped out and the so-called financial 'plucking team' identified the criminal money flows.

### ***Investigation***

The telephone tap supplied objective evidence of violence committed against the victims. Some conversations even included orders to control certain girls, and to beat and threaten them. Furthermore, the extensive internet investigation and the telephone tap revealed that the offenders used Facebook to select the victims on the basis of their pictures and to communicate with them and with each other.

Detectives conducted searches and arrested people in several countries simultaneously. In Belgium, just one search yielded 32 false passports. During a search in Hungary, evidence was found that the prostitution network also recruited girls in the United Kingdom.

### ***International cooperation***

Europol supplied important information, namely that several offenders were also known for human trafficking in other European member states.

Within Europol and Eurojust, Belgium, the Netherlands and Hungary signed an agreement to create a Joint Investigation Team (JIT) at the end of 2013. At the beginning of 2014, an investigation against the same Hungarian network was also initiated in the United Kingdom.

### ***Financial investigation***

The detectives succeeded in having the movable and immovable properties of the offenders in Hungary identified and in having these criminal proceeds seized quickly and efficiently thanks to the JIT cooperation.

The defendants/accused persons earned 198,000 euro per month through prostitution activities. One of the main accused persons alone made a monthly profit of 94,500 euro at the expense of six prostitution victims. These were the absolute minima on the basis of the calculation of the criminally acquired assets. The court used these figures as motivation of its decision regarding the total confiscation of 405,980 euro.

The detectives screened the financial modus operandi of the prostitution network on the basis of data obtained from telephone tap, observations and money transfers. The procurers checked how much the victims 'yielded' on the basis of the condoms used. They handed the proceeds in cash over to cash couriers who brought the proceeds by car to Hungary, where they were mainly invested in real estate. In addition, the offenders also made international money transfers to Hungary in the name of the victims via the regular financial offices.

One of the victims explained in her statement how she had to transfer the money to Hungary via a financial office for the defendant: "I did it in my own name, but not only [transferred] to him: sometimes to his sister, sometimes to a female relative or to an acquaintance of his. These sums clearly did go to him... He beat me really bad

one evening because he thought I was lying, as I did not send any money to (him at) his home for his return trip."

### ***Victims***

The victims were young Hungarian women of Roma origin. Almost all of them were in a very precarious situation: single mothers, girls who had lived in an orphanage or a shelter until they reached the age of 18 ...

The victims were recruited on the pretext of earning large amounts of money here in Belgium. Some girls became victims of the so-called 'lover boy' modus operandi or were psychologically coerced to use drugs (speed and coke) to 'perform' better and to suppress the pain and the aversion. At the same time, they were also urged to sell drugs to clients and to use these drugs together with them. Other victims were made to believe that they had to pay back high debts in exchange for their employment, transport, housing and livelihood.

The offenders constantly repeated to all the victims that they were never to divulge who they were working for. They had to say that they worked independently, without being forced by a pimp or an intermediary, and they were never to mention the identity of the members of the organization. They were also not to divulge how they had arrived in Ghent.

From various statements, it appeared that even after the arrest of the offenders, the victims were still coerced or cowed into remaining silent. Silence was imposed even from behind bars.

### ***Minor victim***

One of the victims was a seventeen-year-old girl who prostituted herself in Ghent for one night. She used a false identity card of an adult. Via a social network site, she had presented herself and shown her pictures, after which she received a positive reaction. Only when she arrived in Belgium, the main defendant discovered that the girl was a minor. He nevertheless put her work in order to earn proceeds so that he could recover her travel costs. The fact that she was a minor was however the reason why he sent her back to Hungary the next day. The main defendant was afraid of the reaction of the police if they were to discover that a minor was working as a prostitute. However, on the basis of the telephone tap, the police was later able to determine the victim's identity and actual age.

### ***Victim status***

The court recognized forty victims of human trafficking on the basis of the results of the telephone tap. Nearly half of the victims were never located. Most victims made meaningless statements when they were intercepted by the police. At first, the victims did not have much confidence in the police with whom the initial contact was made.

Seventeen victims were later interrogated in Hungary. After the earlier statements they made in Belgium, some victims were interrogated again and made relevant statements after their fear had subsided.

Several victims had already been located and registered as victims of human trafficking in other countries before.

## Case 95 – Belgium, 2014

Country: Belgium  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 22  
Number of offenders: 3 persons, 4 companies

### Case description:

The Liège's criminal court was led to judge a major prostitution case in Liège.

Three defendants and four companies were prosecuted for various offences: trafficking in human beings for the purposes of sexual exploitation with regard to 22 victims, recruitment and exploitation of prostitution with regard to 161 prostitutes, running a brothel (three defendants and two companies), running a hotel for prostitution (three defendants and a company). Some of them also faced charges of false entries, money laundering, tax fraud and insurance fraud.

The main defendant bought the vast majority of window brothels in Liège in order to create, as he confirmed, a "Villa Tinto" [brothel] type of complex like the one in Antwerp. In reality, he did not have any such concrete plans. On the contrary, following the departure of the Belgian prostitutes who refused the conditions imposed on them by this defendant, he brought in numerous young women of African origin with Belgian or Spanish papers to come and work for him. He recruited these young women in Antwerp and Brussels. When he arrived, the shifts were reduced, which allowed him to bring in an extra tenant; none of the buildings were renovated despite the promises he made; fake employment contracts were established, etc. Extra payments were regularly demanded for cleaning, showers, etc., even though the rent included these services.

The companies set up were aimed at concealing the profits from prostitution. His partner, the co-defendant, served as a frontman within this framework. The third defendant took care of running the window brothels and collecting the rent for the main defendant.

The court accepted the charge of trafficking, recruiting and exploitation of prostitution and running a brothel with regard to two of the three defendants as natural persons. It also accepted the charge of running a hotel for prostitution against the main defendant.

As regards the companies, as legal entities, the court found them not guilty of the charge of trafficking or the other offences relating to prostitution. Since the defendants (natural persons) only took advantage of the legal and material frameworks of the legal entities for their own interest, the court considered that the moral element was lacking in the point in case, i.e. the existence of a personal and particular intention as regards the legal entity.

The court accepted the charges of a financial nature as regards certain defendants.

The prison sentences varied from one to three years.

In appeal, the court has also convicted the companies for trafficking.

## Case 96 – Canada, 2013

Country: Canada  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

Date of conviction: **2013-12-03**

Court: **Cour du Québec, Montréal, Québec**

Fact Summary:

### Type

Domestic human trafficking for sexual exploitation

### Significance of case

Offender 1 was found guilty of human trafficking specific and related offences by a judge. As a result, Offender 1 was sentenced to six years in prison. This is one of the longest sentences imposed in Canada for human trafficking for sexual exploitation.

### Profile of the trafficker(s)

Offender 1 is the trafficker in this case. He is male and was over the age of 18 years at the time of the offence.

### Profile of the victim(s)

The three victims in this case are female and were over the age of 18 years at the time of the offence.

### Modus Operandi of the trafficker(s)

The victims in this case had experiences with prostitution prior to meeting Offender 1. At the beginning of each relationship, Offender 1 was very respectful and nice towards the victims. Offender 1 recruited the victims by making them believe they were in romantic relationships with him. With time, Offender 1 imposed himself in the victims' lives and eventually gained control over them in order to recoup the money the victims earned through prostitution. The victims were forced to prostitute mainly within adult entertainment establishments, namely exotic dance clubs. Offender 1 psychologically controlled the victims by using, for example, humiliation and verbal abuse. He also used control tactics such as violence (physical abuse), intimidation, and threats. Offender 1 set rules and quotas that the victims had to follow and also monitored them while they were at the clubs. The victims were forced to constantly be at the clubs and also hand over all the money that was earned. One victim handed over between \$3,000 and \$4,000 per week and when she wanted to leave, Offender 1 advised that she owed him \$10,000. One victim became pregnant and Offender 1 forced her to dance and also continued to be violent with her.

## Case 97 – Canada, 2014

Country: Canada  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Date of conviction: **2014-05-22**

Court: **Ontario Court of Justice**

Fact Summary:

### Type

Domestic human trafficking for sexual exploitation

### Significance of case

Offender 1 was found guilty of human trafficking specific and related offences by a judge. There is minimal case law in Canada to provide guidance pertaining to the *Criminal Code of Canada's* human trafficking specific provisions. The way in which the judge interpreted the *Criminal Code of Canada's* definition of exploitation in human trafficking situations is very meaningful. This understanding will provide reference and assistance to other similar human trafficking cases currently before the courts.

Ultimately, the judge rendered that Offender 1 did exercise control, direction or influence over the victims for the purpose of exploitation. Offender 1 control methods were absent of any overt threats or violence. However, it was the judge's opinion that Offender 1's behaviour, by any reasonable criteria adopted, showed his intention to control and did control the two victims with the concomitant element of threats and, in the case of one of the victims, by his use of deception in permitting her to think he was her boyfriend. Overall, the judge felt that Offender 1 created a context of fear and control over the victims and was, as a result, impossible for them to think they could walk away safely.

### Profile of the trafficker(s)

Offender 1 is the trafficker in this case. He is male, black, Canadian Citizen, and was over the age of 18 years at the time of the offence.

### Profile of the victim(s)

The two victims in this case are female, Caucasian, Canadian Citizen, and were over the age of 18 years at the time of the offence. Both victims had minimal experience prostituting prior to meeting Offender 1. The two victims are friends who grew up and

went to school together, their upbringing was likely troubled by difficult family relationships. Both victims were emotionally vulnerable.

### **Modus Operandi of the trafficker(s)**

The victims met Offender 1 while he was selling drugs on the street. They began a conversation and before long were in a hotel room consuming crack cocaine, a first for one of the victims. One victim fell in love with Offender 1. For approximately one week, the victims provided sexual services to clients in several hotels under Offender 1's control. Offender 1 set up an advertisement for the victims' sexual services and provided them with a phone so clients could call. Offender 1 also set rules: the victims were not permitted to leave the premise without him; they always had to be within his sight; they could not talk to other people; the nature and cost of their sexual services was determined by him; they could not service black customers; and all money they earned was to be handed over to him. Offender 1 also controlled the victims' passports. While the victims provided sexual services to clients, Offender 1 would stand outside the hotel room and would advise through knocking on the door when the time paid for was over. Offender 1 insisted the victims call him "daddy" and would have them kiss a diamond ring he wore. The victims could only wear certain clothing and were permitted on occasion to eat, but only if enough money was earned from providing sexual services to others. Offender 1 used fear of unspoken consequences and possible harm to control the victims.

## Case 98 – Canada, 2014

Country: Canada  
Year of conviction: 2013  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **2013-06-26**

Court: **Supreme Court of British Columbia**

Fact Summary:

### Type

International human trafficking for forced labour

### Significance of case

Offender 1 was found guilty of human trafficking specific and related offences by a jury. This is the first time in Canada an individual has been convicted of section 118 (trafficking in persons) of the *Immigration and Refugee Protection Act*. Offender 1 organized the victim's coming to Canada by means of fraud and deception.

### Profile of the trafficker(s)

Offender 1 is the trafficker in this case. He is male, Asian, and was over the age of 18 years at the time of the offence. Offender 1 was born in Hong Kong and came to Canada when he was a teenager. Offender 1 eventually obtained permanent residence status and is now a Canadian Citizen. Offender 1 has a Canadian University degree and has previously been employed in the computer, immigration, entertainment, security, and real estate industries. Offender 1 is married and has three children.

### Profile of the victim(s)

The victim in this case is female, Asian, and was over the age of 18 years at the time of the offence. The victim was born and grew up in the Philippines. She graduated from high school and attended one year of college. She has three children, who were aged three, 18 months, and eight months when she first left the Philippines in 2000 to work as a caregiver. The victim worked in various countries as a caregiver in order to support her children. She sent almost all of the money she earned as a caregiver back to the Philippines.

### Modus Operandi of the trafficker(s)

In 2007, the victim entered into a two year contract to work for the Offender 1 family in Hong Kong to take care of their children. After approximately one year, Offender 1

told the victim the family was moving to Canada and invited her to join to continue taking care of the children. Offender 1 told the victim a second domestic helper would be employed to take care of the chores, similar to their arrangement in Hong Kong. The victim was told she would work eight hours per day and would be paid as per Canadian law. Offender 1 advised the victim that he would assist her in becoming a permanent resident of Canada once she had been in the country for two years. The victim agreed to come to Canada so that she could continue to earn money to send back to her family. Offender 1 arranged for the victim's travel documentation. When in Canada, Offender 1 did not hire a second domestic helper and the victim was required to assist with chores such as cooking, cleaning in addition to looking after the children. Offender 1 paid the victim less than what she would have been entitled to according to British Columbia law. When the victim came to know that she was in Canada illegally, because she had no friends or relations in Canada, she was socially isolated with limited available options to resolve her situation. The victim's employment in Canada arose from the initial deception from Offender 1 that she would have the same working conditions as she did in Hong Kong.

Please note: On 2015-03-03, an appeal was allowed in this case. It was determined the expert was not appropriately qualified to provide his opinion during the trial. As such, the convictions have been set aside and a new trial has been ordered.

## Case 99 – Canada, 2014

Country: Canada  
Year of conviction: 2013, 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 7  
Number of offenders: 3

### Case description:

Date of conviction: **2013-09** (two offenders) and **2014-01** (one offender)

Court: **Ontario Court of Justice**

Fact Summary:

### Type

Domestic human trafficking for sexual exploitation

### Significance of case

Offender 1, a young offender, was found guilty by a judge of human trafficking specific and related offences; she was sentenced as an adult to 6.5 years in prison. This is the first time in Canada a judge has convicted a young offender of human trafficking and is one of the longest sentences imposed in Canada for human trafficking for sexual exploitation. Two additional young offenders pled guilty to human trafficking specific and related offences, one of whom was sentenced to the maximum three years in prison. The second young offender is awaiting sentencing.

### Profile of the trafficker(s)

There are three traffickers in this case, all of whom are female, Canadian citizen, and were either 15 or 17 years of age at the time of the offence. Offender 1 was the ring leader in this case; she was just 15 years old at the time of her arrest. Offender 1 had a difficult upbringing and had been exposed to prostitution, drugs and alcohol, and criminality in her home life.

### Profile of the victim(s)

There were seven victims in this case, all of whom are female, Canadian citizen, and were between the ages of 13 to 18 years at the time of the offence. None of the victims had previous experience in prostitution prior to meeting the traffickers.

### Modus Operandi of the trafficker(s)

Offender 1 and her co-traffickers befriended the victims and lured them through Facebook and other social media sites to a private residence. The youngest victim believed she would be attending the residence for a friendly sleepover. The victims were drugged, forced to dress in minimal clothing, obliged to pose for pornographic

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photos, and required to lie about their age to clients. As added control, the traffickers confiscated the victims' personal belongings and used violence and threats to ensure compliance. The traffickers set up the dates and arranged travel for the victims to meet their clients for sexual purposes in exchange for money. The traffickers collected the money resulting from the victims' sexual services.

## Case 100 – Canada, 2014

Country: Canada  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **2013-08-21**

Court: **Ontario Superior Court of Justice**

Fact Summary:

### Type

Domestic human trafficking for sexual exploitation

### Significance of case

Offender 1 was found guilty of human trafficking specific and related offences by a judge. As a result, Offender 1 was sentenced to six years in prison; one of the longest sentences in Canada for human trafficking for sexual exploitation. This was the first conviction by a judge in Canada under the trafficking of a person under the age of 18 years offence.

### Profile of the trafficker(s)

Offender 1 is the trafficker in this case. He is male, Black, Canadian citizen, and was over the age of 18 years at the time of the offence. Offender 1 was born in St. Vincent and the Grenadines and immigrated to Canada when he was a young teenager. Offender 1 dropped out of school when he was 16 years old and has worked in the food, retail, and delivery industries. There is no history of Offender 1 being subjected to abuse, nor had issues with anger or serious medical issues. Despite marijuana and alcohol use, Offender 1 has a supportive family. Offender 1 father was deported from Canada some time ago due to criminality.

### Profile of the victim(s)

The victim in this case is female, Caucasian, Canadian citizen, and was 17 years old at the time of the offence. The victim has been diagnosed as bipolar, has a learning disability, and may suffer from Fetal Alcohol Spectrum Disorder. The victim's biological parents are deceased, but she has some support from her step/adoptive father. The victim was a ward of the Children's Aid Society for a number of years. The victim had no experience in prostitution prior to meeting Offender 1.

### **Modus Operandi of the trafficker(s)**

The victim and a friend traveled from Ontario to Quebec to meet some new people, including Offender 1 who paid and arranged for their travels. The victim was introduced to Offender 1 when she arrived in Quebec and stayed with him in an apartment with other individuals. The victim believed Offender 1 wanted to have a romantic relationship. The victim's friend left the situation, but the victim remained as she did not have money to return home. Offender 1 soon after told the victim that she belonged to him and would be working for him. The victim told Offender 1 she was only 17 years old and tried to resist; as a result, the victim was threatened and physically assaulted. Offender 1 intentionally damaged the victim's identification documents and forced the victim to provide sexual services to a man for money. Offender 1 made this arrangement and kept the money the victim earned. The victim was subsequently moved throughout various cities in Quebec and Ontario over a two-month period during which time she was prostituted by Offender 1 and forced to have sex for money with more than 100 men. Offender 1 took all the money the victim earned and only provided her with enough to buy food and clothing. Offender 1 took photos of the victim wearing minimal clothing in order to advertise her on the internet, determined the content of these ads, and arranged the hotel rooms where the victim provided the sexual services. Offender 1 used force to ensure the victim complied with his demands.

## Case 101 – Czechia, 2012

Country: Czechia  
Year of conviction: 2012  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 22  
Number of offenders: 3

### Case description:

Date of conviction: **15/5/2012**

Court: **Ceske Budejovice Regional Court**

The defendant actively sought out people from socially disadvantaged environments under the promise of regular wages of 80–150 CZK per hour and accommodation, for the performance of construction work. The jobs were performed at various construction companies that would pay the defendant a proper wage for the work done and did not participate in the active exploitation of such persons. In order to disguise the activity the offender, they used the identity of the existing companies on behalf of which the employment contracts were concluded. The offender used a different person who was not identified in the final judgment for the signing of these contracts. With the exception of one company, which provided its identity to the offender for a bribe, none of the associated companies were aware of the abuse of their company details. The construction work of the trafficked persons (total of 22 people) was performed from Monday to Saturday, 7am to 6pm with an hour break for lunch, but they often worked on Sundays from 7am to 1pm as well. The offender did not conclude written employment agreements with the trafficked persons and did not pay for their social security and health insurance. Instead of the promised wages of 150 CZK per hour he paid the persons a total of 150 CZK per day, stating that he would pay them the remainder of the wages in the future. When the persons refused to work, they were threatened by the offender with physical violence, which in some cases actually occurred. The personal documents were also taken from the workers. The offender committed the said conduct at least from the beginning of 2007 until April 2009 and allegedly achieved a net profit of over 11 million CZK through such conduct. There were two other accused offenders who engaged the trafficked persons in other jobs. These accused persons performed the supervision of the trafficked persons at the instruction of the principal accused person, through their accommodation and employment activities; they were also responsible for the record-keeping of the employees and daily distribution of the daily payment of 150 CZK. The victims found themselves in distress by the fact that they lacked any place to stay and had no steady source of income. In addition to the distressful situation, the accused also used deceit by misleading the trafficked persons – persons coming from socially disadvantaged environments – regarding the income conditions that the accused intended to provide them with. The accused used such deceit not only to negotiate new employees, but also to retain the existing workforce when in the event of non-payment of wages he used the secondary insolvency as an excuse despite the fact that all of his invoices for the performed work were paid. The accused thus through these false assertions put the trafficked persons also in a dependency. The dependency in workers was also induced by removing the personal documents of the trafficked persons, which particularly

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restricted the movement of the foreign nationals from their place of work. The court imposed the punishment by prison judgments of ten years to the main perpetrator, which however was subsequently reduced under the appellate proceedings to prison judgments of eight years and six months. The principal accused was also imposed the punishment of forfeiture of their personal vehicle Mercedes-Benz ML 320 CDI 4-Matic. However, this judgment was subsequently revoked by the Supreme Court under the appellate proceedings. According to the court it was not demonstrated that the car in question was purchased from the proceeds of criminal activity. One of the co-accused was sentenced to a prison judgment of four years, while the second co-defendant was sentenced to a prison judgment of three years, with the conditional suspension for the period of four years.

The conviction came into the full force and effect on 15 May 2012 and thus it became the first ever conviction in human trafficking for the purpose of labour exploitation in the Czech Republic.

## Case 102 – Czechia, 2014

Country: Czechia  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 20  
Number of offenders: 3

### Case description:

Date of conviction: **2014**

Court: **Ústi nad Labem Regional Court**

In this case from Usti nad Labem region, a group of three accused Ukrainian citizens who allegedly enticed at least twenty Romanian workers for the purpose of employment provision in the territory of the Czech Republic, whom they promised high earnings (CZK 12,000–18,000), free tuition, accommodation and transport. The Romanian workers were provided with jobs in the meat processing plant and in agriculture – harvest of asparagus upon their arrival in the Czech Republic. However, according to the indictment, contrary to the agreed employment conditions the employees were not provided with suitable accommodation and the workers were allegedly supposed to work in the asparagus fields for 12 hours a day and 18 hours a day in the meat processing plant without the provision of break during their work. The agreed wages were paid only in part – differing from person to person, however on average it was only few hundred crowns a week (usually CZK 200–500), in some cases, the wages were not paid at all. The

Romanian workers were obligated to pay for the transport and food themselves. A portion of the

employees had no written employment contracts concluded, while they concluded them with others (specifically agreement with the performance of work). However, these contracts were written in Czech language, which the foreign employees naturally did not understand. The accused also detained the personal documents of the workers. If they refused to work and requested the return of their personal documents, the workers were threatened with violence, which actually occurred in two separate cases.

## Case 103 – Czechia, 2013

Country: Czechia  
Year of conviction: 2013  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 8  
Number of offenders: unknown

### Case description:

Date of conviction: **12.11.2013**

Court: **Brno Regional court**

In summer 2007 people from Poland were recruited, under the promise of job provision in the Czech republic with the salary ranging from 80 – 250 CZK per hour and accommodation free of charge, 8 Polish nationals, misusing their difficult financial as well as social situation of being unemployed. The victims were transported to Brno, Czech Republic, to a rooming house where their passports, mobile phones were taken by the perpetrators and they were left there 3 days without food and money. These workers then had to work 11 – 12 hours a day, including Saturdays and Sundays. If they refused to work, they were threatened by violence and forced to continue. The workers did not get paid as they were promised, they just randomly received money ranging from 100 – 1000 CZK, out of these money they had to buy food and meet all other vital needs. In case the workers demanded their salaries they were rejected and promised they will get paid in the future, what increased their dependence even more, taking into consideration that they were in a foreign country without knowing the environment and language and with insufficient funds. They were also physically attacked or threatened by it if they did not stop complaining about their conditions. The perpetrators were acting consciously with the intent from the beginning of using the workforce without paying them.

## Case 104 – Czechia, 2012

Country: Czechia  
Year of conviction: 2012  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 3

### Case description:

Date of conviction: **2012**

Court: **Ústi nad Labem Regional Court**

In December 2009, in the city Hradec u Kadaně, the defendants together with mother of one of them misused difficult financial as well as social situation of 2 Czech citizens, which was caused by the fact that one of the victims had her child taken away from her custody by the organs of social protection of children (OSPOD) and both the victims lived in the flat of the man's father in poor conditions together with other people and they were also without any money. The defendants promised to provide them with well-paid job in Great Britain with a chance to use the earned money to solve their situation; they promised them also free accommodation if they lived together with the defendants in Great Britain. In January 2010 they left to UK together with the defendants who were driven by the intent to use them after they get the job so that they take their earned money. They accommodated them in a flat in Birmingham and got them a job after three weeks in a bakery in Luton, where they worked 12 hours shifts, plus they had to commute 4 hours total per day. The defendants took parts of their wages away from them, what amounted to much more than provision of food and accommodation - as they lived in one room and they were not given enough food or no food at all. At the same time they threatened them that if they do not submit, they will evict them, moreover one of the defendants physically attacked the male victim. This lasted till April 2010 when the victims escaped from the place of work and left to London, where they contacted Czech Embassy.

## Case 105 – Czechia, 2012

Country: Czechia  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 5

### Case description:

Date of conviction: **10/5/2012**

Court: **Supreme court in Prague**

### **The case of THB for the purpose of sexual exploitation**

The defendants, 3 Czechs and 2 Slovaks, have at minimum since 2009 misused bad social and economic situation of at least 2 Slovak girls from Trebisov who were in material need. The same being true in the case of Czech girls and women - in the years 2004 – 2006. They promised all of them a job in the Czech Republic to lure them out of their place of residence, they accommodated them in their house and then they forced them to involve in street prostitution. The defendants were guarding the girls permanently so that they could not escape or seek help. The girls also had to hand them immediately all the money they earned, if they refused to obey, there were also cases of physical violence from the side of the defendants.

## Case 106 – Denmark, 2010

Country: Denmark  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **March 19, 2010**

Court: **Copenhagen City Court**

- Offender 1 sentenced to 2 years and 2 months' imprisonment**
- Offender 2 sentenced to 2 years' imprisonment**

A Romanian married couple, Offender 1 and Offender 2, born in 1977 and 1958 respectively, were found guilty of violation of the Danish Criminal Code section 262 a (1) committed against a Romanian woman, Victim 1, in the period from November 2008 to 12 June 2009. The defendants had by the use of unseemly conduct recruited and given home to the woman for the purpose of exploitation through prostitution, which had given them a profit of no less than 270.000 DKK.

The injured party, Victim 1, a single mother of a 2-year old son, came into contact with Offender 1 and Offender 2 in Romania where they encouraged her to work as a prostitute. Victim 1 then left her son with Offender 1 and travelled to Denmark with Offender 2 where they lived together in a hotel room. After this, Victim 1 worked as a prostitute on the street under the directions of Offender 2. The money she made was handed over to Offender 2.

About 1½ month later Offender 1 travelled to Denmark without Victim 1's son. Here she shared a hotel room with Victim 1 and took part in the management of the prostitution of Victim 1. Both the defendants were following Victim 1 when she was on the streets prostituting herself, and she had to call them before and after every customer. At some occasions the defendants slapped and threatened Victim 1 and her freedom of action was limited. Victim 1 was not told where her son was and Offender 1 was monitoring and limiting the telephone contact that Victim 1 was allowed to have with her son.

Offender 1 was also convicted for violation of the Danish Criminal Code section 245 (1), for hitting, on 12 June 2009, Victim 1 several times in the head and on the body with a piece of wood and for attempting to stab Victim 1 with a knife which hit her in the leg.

Offender 1 was sentenced to 2 years and 2 months' imprisonment and Offender 2 to 2 years' of imprisonment. From each of the defendants was confiscated 135.000 DKK. Furthermore both defendants were permanently expelled from Denmark.

In determining the penalty the Court emphasized that the criminal offenses were committed by multiple people acting together and over a period of approximately a half year. The Court did not find that there existed a hierarchy between the two defendants.

## Case 107 – Denmark, 2010

Country: Denmark  
Year of conviction: 2010  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 8  
Number of offenders: 9

### Case description:

Date of conviction: **December 22, 2010**

Court: **Copenhagen City Court**

- Offender 1 sentenced to 3 years' imprisonment
- Offender 2 sentenced to 2 years and 6 months' imprisonment
- Offender 3 sentenced to 2 years and 6 months' imprisonment
- Offender 4 sentenced to 3 years' imprisonment (consecutive sentence)
- Offender 5 sentenced to 2 years and 6 months' imprisonment
- Offender 6 sentenced to 1 year and 2 months' imprisonment
- Offender 7 sentenced to 1 year and 6 months' imprisonment
- Offender 8 sentenced to 2 years and 6 months' imprisonment
- Offender 9 sentenced to 2 years and 6 months' imprisonment

The defendants, Offender 1- Offender 9 (male), were found guilty of human trafficking in violation of the Danish Criminal Code section 262 a, committed jointly against 8 victims (Romanian women) in the period of beginning of 2009 to September 2009.

The Romanian women, who were very young (several born in 1989), were recruited in Romania and transported to Denmark. Several of the women, who were prostitutes in their home country, knew that they were going to work as prostitutes in Denmark. However, one of the women was transported to Denmark under the impression that she was going to have “normal” employment, cf. the Danish Criminal Code section 262 a (1) (4). All of the women worked as street prostitutes and were forced to give a substantial amount of their earnings from prostitution to the defendants who obtained an economic benefit.

The City Court emphasized that a number of the women came from an area in Romania where there were unfavorable conditions, no employment and where it was difficult to provide for a family. Upon arrival in Denmark the women were already sold or owned by procurers (including some of the defendants), whom were all men. Under these circumstances the City Court found that the procurers had authority and the right to dispose of the women, who as prostitutes in a foreign country had no actual way of escaping of the situation (which the City Court also emphasized with regard to the women who were already working as prostitutes before arriving in Denmark). Furthermore, the City Court emphasized that the women were under the control of the defendants both in terms of accommodation as well as working hours and earnings, just like violence and threats of violence to some extent was used towards the women, who by the defendants were referred to as commercial goods. The City Court found the

conduct of the defendants unseemly, cf. the Danish Criminal Code section 262 a (1) (5).

With regard to the organization of the defendants, the City Court found that the defendants had been participants of two groups who had the common purpose and aim to get as much profit from the work of the prostituted women who worked on the streets as possible and that there was a tacit agreement among the defendants to collaborate with this goal in mind. The groups were well organized and structured with regard to the capacities and fields of activities of the persons involved. Against this background, the City Court found that the defendants, who were on different levels in the groups' hierarchy, had incurred a joint criminal responsibility for the actions carried out by co-defendants in the two groups.

The penalty for Offender 1 and Offender 4 was fixed to 3 years' imprisonment (the penalty for Offender 4, who had several convictions for violence, was fixed as a consecutive sentence). Offender 2, Offender 3, Offender 5, Offender 8 and Offender 9 were all sentenced to 2 years and 6 months' of imprisonment. Offender 6 was sentenced 1 year and 2 months' of imprisonment and Offender 7 was sentenced 1 year and 6 months' of imprisonment.

As to the assessment of the sentences for all the defendants the City Court emphasized as aggravating circumstances the number of women, the way the women were recruited and the period of time. In addition to this the City Court emphasized that the roles of the defendants as either the leading man in regards to recruitment, accommodation or collection of money from the women (Offender 1 and Offender 4), leading procurers (Offender 2, Offender 3, Offender 5 and Offender 9), responsible for renting rooms (Offender 6) or as active participants in relation to the other defendants (Offender 7 and Offender 8) were all considered aggravated circumstances. With regard to 2 of the defendants the City Court emphasized as extenuating circumstances that one of the defendants was exploited by Offender 1 (Offender 6) and another was a prostitute in the group.

Offender 1, Offender 2, Offender 3, Offender 5, Offender 8 and Offender 9 were all permanently expelled from Denmark. Offender 7 was expelled with refusal of entry for 12 years.

## Case 108 – Denmark, 2011

Country: Denmark  
Year of conviction: 2011  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 3

### Case description:

Date of conviction: **January 4, 2011**

Court: **Frederiksberg City Court**

- Offender 1 sentenced to 1 year and 3 months' imprisonment
- Offender 2 sentenced to 1 year's imprisonment
- Offender 3 sentenced to 2 year and 6 months' imprisonment

Offender 3 (male) was found guilty of human trafficking in accordance with the Danish Criminal Code section 262 a (1), committed against multiple Romanian and Hungarian women. Offender 3 had by use of threats, violence, exploitation of delusion, abuse of authority or exploitation of the vulnerable position of the women, arranged for the women to travel to Denmark, where he in the period from September 2008 to 20 April 2010 exploited the women through prostitution.

Based on testimony given by two Romanian women and one Hungarian woman, the Court found that these women in their homeland were offered the opportunity to go to Denmark and make good money through prostitution. The three women arrived in Denmark within the last six months of 2009. Their travel to Denmark was arranged by unknown agents and by arrival they were transported directly to an apartment rented by Offender 3. After this, they worked together with other women as escort girls under the management of Offender 3 who kept half of the customer payments. The prostitutes had to pay rent and expenses to a driver and a telephone lady and they had to pay back the travelling expenses from their travel to Denmark. The Court found that Offender 3 by the exploitation of the women had achieved a profit of no less than 497.500 DKK.

With regard to the assessment of the sentence the Court emphasized that one of the victims had witnessed another woman being beaten by T3, just as it was evident from the phone tappings that Offender 3 spoke in a loud and commanding tone to the prostitutes.

Offender 3 was also found guilty of falsification of documents in accordance with the Danish Criminal Code section 171 by having shown a fake identity card in connection with the arrest.

The sentence of Offender 3 was fixed to 2 years and 6 months' imprisonment.

Offender 1 was found guilty of assistance to the violation of the Danish Criminal Code section 262 a (1), in accordance with section 23, by being the driver of the trafficked women during their work as prostitutes and having received payments from the costumers.

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Offender 1 was also found guilty of violation of the Danish Criminal Code section 276 by stealing clothes in stores for a total amount of approximately 50.000 DKK.

The sentence for Offender 1 was fixed to 1 year and 3 months' imprisonment.

Offender 2 (female) was also found guilty of assistance to the violation of the Danish Criminal Code section 262 a (1), in accordance with section 23, by attending the phone of the escort bureau and taking payment each time a prostitute were send to a customer. In addition she helped Offender 3 count and store the money. Offender 2 was sentenced to 1 year of imprisonment.

50.000 DKK was confiscatet from Offender 1 and Offender 2 respectively. 497.500 DKK and a Romanian registered car were confiscated from Offender 3 which was subsequently upheld by the Eastern High Court.

The defendants were all expelled from Denmark and banned from entering for 6 years.

## Case 109 – Denmark, 2012

Country: Denmark  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 2

### Case description:

Date of conviction: **August 22, 2012**

Court: **Hjoerring City Court**

- Offender 1 sentenced to 2 years and 6 months' of imprisonment**
- Offender 2 sentenced to 2 years and 6 months' of imprisonment**

Offender 1 (male) and Offender 2 (male) were found guilty of human trafficking in violation of the Danish Criminal Code section 262 a (1) (1) and (3) committed against 4 Thai women in the period from 2009 or 2010 to 7 December 2011.

The women were picked up in Danish airports and driven to massage clinics or brothels where they were deprived of their passports and forced to work as prostitutes, some of them subject to threats of violence against them or their families or threats of being reported to the police for illegal residence.

Two of the women got in contact with Offender 2 before they arrived in Denmark.

During Offender 2's stay in Thailand one of the women had arranged with him that for the price of 200.000 DKK she would obtain the travel to Denmark and a residence in Denmark, where she was to work as a prostitute at one of Offender 2's brothels.

Another woman, who during 2006 had worked as a prostitute at Offender 2's brothel, had via gambling in relation to this work obtained a dept to Offender 2. By means of threats against the woman and her family in 2009 or 2010, Offender 2 was subsequently able to get the woman to return to Denmark to pay him back by working as a prostitute at different massage clinics.

Offender 2 was additionally found guilty of running a brothel in accordance with the Danish Criminal Code section 228 (1) (3) in relation to one of the Thai women conducted during 6-7 months in 2006.

With regard to the assessment of the sentences the Court considered the defendants to have taken equally part in the violations of the Danish Criminal Code section 262 a (1) (1) and (3), but each with its role.

Offender 1 and Offender 2 were both sentenced to 2 years and 6 months' imprisonment.

Both of the defendants were permanently expelled from Denmark.

Offender 2 had stayed in Denmark for about 18 years and had a 25 year old son in Denmark.

Offender 1 had no children and had his closest relatives, besides his wife, in Thailand.

## Case 110 – Denmark, 2014

Country: Denmark  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 17  
Number of offenders: 11

### Case description:

Date of conviction: **April 16, 2014**

Court: **Copenhagen City Court**

- Offender 1 sentenced to 2 years and 6 months' imprisonment
- Offender 2 sentenced to 2 years and 6 months' imprisonment
- Offender 3 sentenced to 2 years and 6 months' imprisonment
- Offender 4 sentenced to 2 years' imprisonment
- Offender 5 sentenced to 2 years and 6 months' imprisonment
- Offender 6 sentenced to 2 years and 6 months' imprisonment
- Offender 7 sentenced to 2 years and 6 months' imprisonment
- Offender 8 sentenced to 2 years and 6 months' imprisonment
- Offender 9 sentenced to 2 years and 6 months' imprisonment

Offender 1- Offender 9 were found guilty of human trafficking in accordance with the Danish Criminal Code section 262 a (1), committed against 17 Romanian women from the beginning of January 2012 to the end of May 2013. The offence was committed in association with further three people specified by names, whose cases were processed separately, plus several unidentified co-offenders. The Court found that the defendants by the use of unseemly conduct had exploited the women through prostitution.

The women were primarily recruited in Romania. The defendants arranged for the women to travel to Denmark where the defendants were housing them on separate addresses where they in various periods were induced to work as prostitutes on the streets of Vesterbro in Copenhagen. The defendants kept the passports or identification papers of the women and decided the place of residence and the working hours of the women and made them hand over their earnings to the defendants and the co-offenders.

A number of the defendants were currently or formerly married to, or cohabiting with, the women. The Court found that when the women arrived in Denmark they were already sold to, owned by, cohabiting with or belonging to procurers, who were mostly men and therefore had authority and decided over the women. The women could not escape the situation and were under control with regard to transportation, residence, working hours and earnings, just as violence and threats of violence were used to some degree. Thus, the women did not have full freedom of action and movement and were locked in prostitution for the purpose of earning money to the defendants.

As for the organization of the offence, the Court found that the defendants – who were related in different ways – had all been part of a group with the shared goal of profiting the most possible on the prostituted women. The court also found that there had been a preceding agreement between the defendants, or at least a tacit agreement, that the

group worked together with this end in view. Despite the loose structure of the group, the Court found that the group had been organized and structured with regard to the qualifications and working areas of the defendants, and that they had incurred a joint criminal responsibility for the actions that were carried out by other co-defendants in the group. The defendants were in this way aware of the actions in the group as a whole.

The defendants were sentenced to 2 years and 6 months' imprisonment, except for Offender 4 who was sentenced to 2 years' imprisonment. With regard to the assessment of the sentences for all the defendants the Court emphasized the number of injured women, the manner of recruiting, the period of time and each defendant's role as directly controlling procurer in relation to one woman. With regard to Offender 4 the Court found it a mitigating circumstance that the defendant herself was part of the group of prostitutes.

All defendants – except from Offender 4 – had previously been sentenced to 2 years' conditioned imprisonment by a regional court in Spain 2011 (in the same case) for criminal offences concerning prostitution.

Offender 4 had previously been convicted for shoplifting in Denmark.

All the defendants were permanently expelled from Denmark.

With regard to the expulsion the Court emphasized that all the defendants, who were citizens of the EU, had only been in Denmark with the purpose of making money through the prostitution of others and that the behavior of the defendants therefore constituted a relevant and serious threat to the public order and security. The expulsion was furthermore not found to be a violation of the international obligations of Denmark since none of the defendants had stated to have any significant connection to Denmark.

## Case 111 – Hungary, 2012

Country: Hungary  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Date of conviction: **28 November 2012**

1.)

In June 2011 the accused person Offender 1 (male) offered to another person to provide him women (1 woman / 500 EUR) for prostitution related activities for weekends from Friday until Sunday.

Then the accused person told his ex-girlfriend (Victim 1) that he can provide her a job in Vienna in a night-club. According to the offer in the framework of the job she has to dance in a night-club in weekends and in case the clients need she has to offer sexual services for money.

Victim 1 agreed to take the job. The accused person sold Victim 1 for 500 EUR on 1 July 2011 to a person in order to use her for the purpose of sexual activities.

Out of the 500 EUR the accused person kept 450 EUR and gave 50 EUR “spending money” to Victim 1.

Then the accused person was caught by the colleagues of the National Bureau of Investigation and on the same day he was taken into custody by the Criminal Unit of the Komárom-Esztergom-County Police Headquarters and the 500 EUR was confiscated.

2.)

In June 2011 the accused person (Offender 1) told the above mentioned job opportunity to his acquaintance, Victim 2 (female) who was open to the offer but said that she needs to think it over and would like to know practical details.

During the commitment of case 1.) Victim 2 was present as well and met the person who bought Victim 1. The accused person told the person who bought Victim 1 that Victim 2 will be subject of the transaction at a later date and can be bought later because she needs to prepare herself to this kind of job opportunity.

## Case 112 – Hungary, 2012

Country: Hungary  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 4  
Number of offenders: 8

### Case description:

Date of conviction: **7 November 2013**

Court: **Metropolitan Court of Budapest**

Before March 2009 Offender 1 let her partner Victim 1, and Victim 2 (female) and Victim 3 work as prostitutes in the V. District Nyugati square and the surroundings of Budapest.

On 3 March 2009 Offender 2 entrusted Offender 3 on phone to get into contact with Offender 1 because Offender 2 on 4 of March 2009 transferred 200.000 HUF through Western Union money transfer system to Offender 3. Offender 3 took the transferred money on the same day in the Western Union located in Budapest, V. District, Nyugati square X.

Then Offender 3 met Offender 1 at the Keleti Railway Station. Offender 1 arrived to the meeting with Victim 1 and Victim 3. In the course of the meeting Offender 3 payed to Offender 1 the price of Victim 1, aggrieved party.

Victim 1 aggrieved party had to work as a prostitute in Zurich, Switzerland from 5 of March 2009 for three days under the control and guidance of Offender 2. The aggrieved party, Victim 1 had to give all her income deriving from this activity to Offender 2.

Offender 4 was in bad financial situation therefore he decided in April 2009 to sell her childhood friend Victim 2 (female) with the purpose of prostitution related activities. Victim 2 agreed to be sold. After this Offender 4 get into contact with Offender 5. Offender 5 said that he knows a person who would buy Victim 2. Offender 4 and Offender 5 agreed to conclude the business in Baktalórántháza, in the house of Offender 5.

Offender 5 got into contact through telephone with Offender 2 and offered him a woman who can work as a prostitute. Offender 2 who was at that time in Zurich asked through telephone Offender 3 and Offender 6 to conclude the business.

On 26 April 2009 Offender 6 and Offender 3 went to the house of Offender 5 in Baktalórántháza. Offender 3 with the intermediation of Offender 5 bought the aggrieved party Victim 2 for 300.000 HUF from Offender 4.

Offender 6 gave 200.000 HUF (part of the 300.000 HUF purchase price) to Offender 3 who handed the sum over to Offender 4 and agreed that the remaining amount will be paid at a later time.

After bonding business Offender 6 transported Victim 2 aggrieved party and Offender 3 to Tarnabod where Offender 3 accommodated Victim 2 for three days.

At the request of Offender 2 on 29 April 2009 Offender 6 transported Victim 2 and Person 1 by car to Zurich with the purpose of prostitution. Offender 2 organised and controlled the prostitution activity of Victim 2 and took away every day her earning. Offender 2 transferred the money through Western Union to Hungary for Offender 3.

On 28 October 2009 Offender 2 got into contact with Offender 5 and asked him to look after women who could work as prostitutes. On 30 October 2009 Offender 5 informed Offender 2 that he found a woman who can be purchased.

On 30 October 2009 Offender 2 travelled from Budapest to Baja where he bought a woman (Victim 3) for 150.000 HUF. After this Offender 2 transferred the woman to Budapest and accommodated her for 2 nights. At the same time Offender 2 started to organise the travel of the woman to Zurich but on 1 November 2009 she escaped from the flat of Offender 2.

On 16 November 2009. Offender 2 bought for 2000 Swiss Francs Victim 4 from Offender 7 and Offender 8 in Zurich. Until 19 February 2010 Offender 2 controlled and organised the prostitution activity of Victim 4 who had to give every day her earning – 700 – 1500 Swiss Francs / day – to Offender 2.

Offender 2 transferred regularly the money deriving from prostitution activity through Westernunion to Offender 3 and once he asked Offender 3 to transfer 50.000 HUF to the father of the aggrieved party as well.

## Case 113 – Hungary, 2012

Country: Hungary  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 8

### Case description:

Date of conviction: **19 April 2012**

Court: **Metropolitan Court of Budapest**

### Crimes committed against the Victim

Most of the accused parties knew each other for long time because they used to live in the neighbourhood of each other or had childhood / school contacts with each other.

At the same time Offender 1, co-defendant is the brother of Offender 2 accused, Offender 3 co-defendant is the cousin of Offender 4 accused, Offender 5 co-defendant and Offender 6 accused are brothers-in-law. Offender 7 co-defendant and Offender 8 accused were life partners.

Victim 1, the aggrieved party was introduced to her pimp, Offender 2, co-defendant in the rented flat of Offender 8 accused. During this time the chauffeur, Offender 3 co-defendant stayed in the car.

In the flat Offender 1 co-defendant – in the presence of Offender 7 accused – viewed and accessed Victim 1 and told her that she has to work as prostitute in Fót and she has to give all her earnings to him. He promised the victim that he will take care on her. Offender 1 informed the victim about the prices of the sexual services. After this Offender 1 co-defendant said to Offender 3 accused that he can pay 100.000 HUF for Victim but he can give this sum only next morning. Offender 3 accepted the offer of Offender 1.

On the following morning Offenders 1, 2, 6, 7 co-defendants went to a pawnshop and Offender 1 and 7 gave jewellery as pledge in order to provide the price of the victim

After this Offender 1 co-defendant offered 90.000 HUF to Offenders 3 and 5 accused who accepted the decreased amount and shared with their companions the money.

Offenders 1 and 7 co-defendant said to the victim that she is not allowed to leave the flat as long as she earns enough money to repair the car of I. co-defendant. Offender 1 threatened the victim that she should not try to escape because “the night is dangerous in Pest and people might be stabbed.”

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The victim had no chance to escape because:

- she was always closed to the flat
- the flat was on the mezzanine-floor
- all windows of the flat were barred.

Offender 1 co-defendant brought the victim until 4 of September 2009 every day to highway nr. 2102 and let her work as a prostitute. The victim, the aggrieved party had to give all her earned money to Offender 1, co-defendant or Offender 7 accused or Offender 8. Offender 8 accused controlled the victim always from a car.

## Case 114 – Hungary, 2013

Country: Hungary  
Year of conviction: 2012, 2013  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **18. April 2012, 29 January 2013**

Court: **Tribunal of Zalaegerszeg, High Court of Pécs**

In the end of 2009 Offender 1 (male) called several times Offender 2 and asked him to look after women and girls who could work as prostitutes.

In the end of December 2009 Offender 2 said her acquaintance, Victim 1 (female) born on 20 of October 1993 that they could financially harm Offender 1. The plan of Offender 2:

- Offender 2 will sell Victim 1 to Offender 1.
- After Offender 2 receives the price of Victim 1, Offender 2 will help victim escape from Offender 1.
- Offender 2 and the victim will share the price of the victim.

In the beginning of January 2010 Offender 2 and the victim went to the flat of Offender 2. Victim was sold by Offender 2 to Offender 1 for 60.000 HUF. Offender 2 knew that Victim is underage but neither Offender 2 nor the victim did not tell Offender 1 that victim is not 18 years old yet. Following the purchase Offender 2 was not waiting for the victim in the neighbourhood of Offender 1 and had not returned to Victim later.

After the victim realized that Offender 2 has not returned to her, told Offender 1 that she is not 18 years old yet. In spite of this the Offender 1 said victim that he borrowed her price and she needs to earn 120.000 HUF as prostitute. In the following 2-3 weeks victim had to provide sexual services to 7-8 male clients (1 client / 10-15.000 HUF). Victim gave all earned money to Offender 1 and after she earned 120.000 HUF was allowed to leave the flat of Offender 1.

## Case 115 – Hungary, 2014

Country: Hungary  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: unknown (multiple)  
Number of offenders: 6

### Case description:

Date of conviction - I. instance judgement: **10 April 2014**

Court – I. instance judgement: **Court of Szekszárd**

Date of conviction – II. instance judgement: **28 October 2014**

Court – II. instance judgement: **Court of Pécs**

On 10 April 2014 the Court of Szekszárd announced the first instance judgement against Offender 1 and his companions because of trafficking in human beings crime committed in criminal organization and other crimes.

co-defendant was guilty of committing:

- trafficking in human beings in criminal organization
- violation of personal freedom
- living on earnings of prostitution
- criminal offences with firearms and ammunition

The I. co-defendant was sentenced because of cumulative offences to 8 years and 6 months imprisonment, and 8 years deprivation of civil rights.

co-defendant was guilty of committing:

- living on earnings of prostitution
- pandering

co-defendant was guilty of committing:

- trafficking in human beings in criminal organisation

The Offender 5 was sentenced because of cumulative offences to 4 years and 6 months imprisonment and 5 years deprivation of civil rights.

co-defendant was sentenced to 7 years and 10 months imprisonment and 7 years deprivation of civil rights.

Co-defendant was sentenced to 2 years and 10 months imprisonment and 3 years deprivation of civil rights, Offender 6 was sentenced to 2 years imprisonment and 2 years deprivation of civil rights. Offender 4 was sentenced to 2 years and 6 months imprisonment and 2 years deprivation of civil rights, Offender 3 was sentenced to 2 years and 10 months imprisonment and 3 years deprivation of civil rights. X. co-

defendant was guilty of pandering and was sentenced to 1 years and 6 months imprisonment, XI. co-defendant was guilty of violation of personal freedom and criminal offences with firearms and ammunition and was sentenced to 2 years imprisonment. XII. co-defendant was acquitted.

Confiscation of property was ordered against 6 co-defendants from 210.000 HUF to 3.049.389 HUF at the same time the co-defendants were obliged to bear the crime costs of 3,5 million HUF

In 2009, a family with powerful amount of influence in the Roma community in Tolna County decided to provide opportunity for those undereducated, financially vulnerable, deceived women who worked as prostitutes in the past under inadequate circumstances. Knowing that they commit a serious crime, the head of the family (Offender 1) and one of his sons (Offender 2) decided to establish a cross-border criminal group.

They forced prostitutes to work in Hungary (mainly from Szekszárd and its neighborhood) and abroad as well under threat and physical punishment. Their income and personal documents were taken away by the perpetrators. The son, Offender 2 placed the girls in Austria, Switzerland, but mainly in Frankfurt am Main, Germany, in a brothel. Most of the girls were taken there voluntarily but they were misled about the working conditions and the salary. The father, Offender 1 recruited or bought the girls in Hungary and sent them abroad. The father and the son directed and controlled the victims and defined the tasks of the people who joined the criminal group.

Offender 3 and Offender 4 joined the criminal group in 2010 for financial reward. Both of them took a role in driving the leaders of the criminal group, in checking the activities of the prostitutes, ensuring the supply of the prostitutes and in collecting and delivering their illegal income to Hungary.

Seeing the new and easy income opportunities, Offender 5 codefendant, who is one of the closest friends of the family, also decided to help Offender 1 recruiting girls

So the collection, the transport of the girls, the supervision of their activity and the collection of their income were well-organised actions.

Since the summer of 2009 with the purpose of committing exploitative prostitution activities the I. co-defendant marked the location near to his farm property in the neighbourhood of roadway 6. as tolerance zone. Besides of this I. co-defendant planned to pursue prostitution activities in Switzerland, Austria and Germany (mainly Frankfurt am Main in Germany) where in legally operating brothels higher incomes can be gained.

Offender 1 asked his son, Offender 2 to organise and control the prostitution activities abroad as well as to organise the transfer of the illegal earnings to Hungary. V. co-defendant and Offender 6 took part in the money withdrawals however they were not aware of the fact that the money derives from illegal activities.

In Germany criminal proceedings has started against Offender 1: and he was arrested in March 2011. On 27 February 2013 Offender 1 was sentenced to 13 years

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imprisonment because he was found guilty of committing trafficking in human beings with the purpose of sexual exploitation.

After the marriage of Offender 7 and Offender 8 the personal relationships within the family have changed. I. co-defendant resented her daughter because of the violation of Roma marriage common law. Despite of this Offender 8 and her wife were in contact with Offender 1:

In the expectation of high income they have organised the prostitution activities of women in vulnerable situation.

## Case 116 – Indonesia, 2014

Country: Indonesia  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims: 203  
Number of offenders: 1 – 2 companies

### Case description:

#### Trafficking of Ship Crews

In 2012, 203 Indonesian ship crews were sent by 2 Indonesian companies to work in a fishing ship owned by a Taiwanese company in the waters of Trinidad & Tobago and Abijidan, Ivory Coast. The documents for the workers' dispatchment, including passport and seamen book of the workers were forged.

The workers worked for around 20 hours per day for almost 2 years and did not receive any salary since The Company declared bankrupt.

The defendant, on 6 March 2016 in Jakarta Barat District Court was found guilty and was sentenced jail and had to pay restitution in the amount of R.1.120.000.000.-.

## Case 117 – Indonesia, 2015

Country: Indonesia  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 2 persons, 1 company

### Case description:

An Indonesian migrant placement company established a cooperation agreement on Recruitment and Placement of Indonesian Workers with a Hong Kong employment agency, Brunei Darusallam Employment Agency, Malaysia Employment Agency and Singapore Employment Agency.

Before departure, workers were placed in a compound owned by Indonesian migrant placement company where the workers were not given any insurance and were treated inhumanely (isolation, no external communication and forced to pay ransom in the amount of Rp. 20.000.000.- if the workers want to go home.

Based on the decision of Bekasi District Courts, the owners Offender 1 and Offender 2 were sentenced to prison for 3 years and 4 months for violating Article 6 juncto Article 10 Law Number 21 Year 2007 on Combatting Trafficking in Person, Juncto Article 55 (1) Indonesian Penal Code and Article 103 (c) and (g) of Law Number 39, Year 2004 on Placement and Protection of Indonesian Workers Abroad.

Based on the decision of Bekasi District Court, the Indonesian Migrant Worker Placement company was also being placed as the subject of corporate criminal liability.

The court then confiscated the various assets of the company, including its checking account in the amount of Rp559.000.000.-.

## Case 118 – Latvia, 2012

Country: Latvia  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

#### JUDGEMENT

#### IN THE NAME OF THE REPUBLIC OF LATVIA

Riga, 19 June 2012

Chamber of Criminal Cases of the Supreme Court of the Republic of Latvia composed of:

the appeal of the accused */Accused/* was heard by a closed court hearing in Riga, *Brivibas* Boulevard 34, in which the Riga Regional Court Criminal Cases Collegium of 7 January 2008 decided

*/Accused/*, personal identity number */personal identity number/*, is found guilty of a criminal offense provided for in the second paragraph of the Section 154<sup>1</sup> of the Criminal Law, and shall be punished by imprisonment for 5 (five) years with confiscation of property.

Security measure - police supervision and additional security measure - prohibition to leave the country – left unchanged until the judgement enters into force.

According to the 5<sup>th</sup> paragraph of the Section 52 of the Criminal Law the previous time period of detention from 16 February 2004 until 17 February 2004 is included in the served sentence.

Having examined the evidence in the case and considered the appeal motives, Chamber of Criminal Cases of the Supreme Court of the Republic of Latvia

#### **f o u n d:**

that */Accused/* is found guilty as it is recognized in the judgment of the Riga Regional Court Criminal Case Court Collegium of 7 January 2008 and punished according to the second paragraph of the Section 154<sup>1</sup> of the Criminal Law of the fact */Accused/* engaged in human trafficking in group of persons by previous agreement.

Court of the First Instance found that the offense was committed in following circumstances.

*/Accused/*, at pre-trial investigation unidentified place and conditions until 1 August 2003 for purposes of enrichment and being informed that */Victim/* and /

**Offender 2** / in 2003, while in Finland for sexual exploitation, have retained all of the money which they had earned by providing sexual services and not returned the agreed part of income to **Offender 3**/ and his group members; in a group of persons **Accused**/ with **Offender 2**/ and Finnish citizen **Offender 3**/ (regarding whom the judgment has come into force) agreed on finding a Latvian citizen **Victim**/ and to deliver her to Finland by deceit, with the aim to force her to return the money or to work off it in Finland as prostitute.

By implementing their criminal intent for the purpose of delivery of **Victim**/ to Finland, where to force her into prostitution, during the pre-trial investigation the time and place remains unknown, in the period between the end of July 2003 and 1 August 2003 **Accused**/ for the purposes of enrichment agreed with **Offender 3**/ and **Offender 2**/ to engage in implementation of criminal intent to deliver **Victim**/ to Finland by deceit, in return for payment, receiving EUR 1,000 (one thousand euro). Continuing their criminal activities, **Offender 2**/ gave **Accused**/ a cell phone number of **Victim**/, explaining that she engaged in provision of sexual services. In order to obtain trust of **Victim** /, **Accused**/ phoned and met her, after which, by coordinating his/her criminal activities with other members of the group, **Accused**/ invited her to go on holiday to Estonia on 2 August 2003 and under the previous conspiracy without informing **Victim**/ of destination, namely Finland.

On 2 August 2003 at 07:07 am by implementing the joint criminal intent, **Accused**/ brought **Victim**/ by the car "Nissan Almera" v.n. **Registration number**/ through Ainazi border inspection post from Latvia to Tallinn, where from Tallinn she was carried by ferry to Helsinki in Finland - the place where after **Offender 2**/ instruction **Offender 3**/ awaited them. According to conspiracy **Accused**/ delivered **Victim**/ to **Offender 3** who forced her into prostitution, misappropriating all the money she earned.

After the completion of the crime **Accused**/ returned to Latvia by the above mentioned car.

The attorney of **Accused**/ has submitted the appeal of the judgement of the Court of first instance, contesting the judgment in full, requesting to cancel it and make a new decision to justify **Accused**/.

Defender considers that since 2004, when for lack of evidence the accusation was not made against **Accused**/ and **Offender 2**/ and **Offender 3**/, there are no new evidence obtained that would give a basis for criminal prosecution.

The defender believes that in the accusation of the **Accused**/, **Offender 2**/ and **Offender 3**/ such criminal activities are identified which are not identified in the judgment of Riga Regional Court Criminal Cases Collegium of 15 April 2005, which has come into legal effect and under which **Offender 2**/ and **Offender 3**/ have been convicted.

As well as the defender of the accused seeks to re-examine the evidence to ensure its full and proper assessment.

During the appeal hearing, the accused **Accused** / and his defender partially upheld the submitted appeal, namely, they did not contest guiltiness of **Accused**/ in alleged criminal activities, as well as the qualification of the offense according to the second paragraph of the Section 154<sup>1</sup> of the Criminal Law.

The accused **Accused**/ at the hearing showed that he fully admits his guilt in the offense committed and repents.

The accused */Accused/* asked to take into account that he was aware of the criminal nature of his activities, was determined not to commit any further offenses, to work in gainful employment, wanted to take care of their family members, including two minor children, and since the alleged offense of 2003 he had not committed further offenses. Based on these facts, */Accused/* asked for mitigating his punishment by the application of penalty which would not be related to imprisonment.

Prosecutor declared accused's appeal unfounded and rejected it.

Judicial Chamber, having considered the grounds of the appeal, as well as examined evidence, having heard the position of prosecutor and attorney, acknowledges that the first instance court decision must be annulled in part where it considers the punishment of */Accused/*.

The amount of guiltiness of the accused */Accused/* determined by the court in a criminal offense has been fully established by the evidence reviewed, laid down and assessed in the court of first instance.

Criminal offense of */Accused/* is correctly classified by the second paragraph of the Section 154<sup>1</sup> of the Criminal Law.

In addition, the judgment of the court of first instance in the part on guiltiness of */Accused/* in alleged case is not disputed.

Determining the punishment for */Accused/* the Court took into account the general principles for determining the sentence provided in the Section 46 of the Criminal Law.

According to the fifth paragraph of the Section 7 of the Criminal Law it was correct to conclude that offense committed by */Accused/* is regarded as a very serious crime.

As well as the court has taken into account and properly assessed the nature and caused harm of the criminal offense committed by the */Accused/*.

The court took into account that */Accused/* have not been convicted previously, is gainfully employed and from the workplace described positively, he has two dependent minor children.

The court did not find aggravating circumstances.

Court of first instance had found mitigating circumstances.

During the appeal hearing */Accused/* frankly admitted his guilt and repented, which in accordance with the second paragraph of the Section 47 of the Criminal Law court is recognized as a mitigating circumstance.

The Judicial Chamber notes that since August 2003 */Accused/* did not commit new offenses, and currently works at gainful employment – where he is portrayed positively.

The Court took into account the length of time that has elapsed from criminal activities of */Accused/* until the judgment of the first instance court.

In addition, the Judicial Chamber finds that the decision of the division of criminal proceedings, leaving for a separate investigation the case material of criminal activities of */Accused/* has been made on 9 August 2004 (Vol. 1, 1.1.7.-8).

Indictment of */Accused/* is presented on 4 September 2007 (Vol. 2, 1.1.262.-263). Besides */Accused/* until the presentation of the indictment has not hindered or prevented the progress of criminal proceedings.

The decision of the Court of First Instance has been declared on 7 January 2008.

Case has entered the Court of Appeal on 28 April 2008 (Vol. 3, 1.1.98.).

On 12 November 2008 and 11 June 2009 trial before the appellate court postponed due to illness of the accused (3 Vol., 1.1.114.-115, 143 to 144), after which, because of the transfer of the case to other judge-rapporteur, hearing scheduled for 15 September 2010, when the proceedings were postponed due to the due to illness of the defender (4, Vol. 112.-13).

Because of the health reasons of attorney the trial was postponed also on 20 October 2011 (4 Vol. 1.1.23.-24).

Subject to the long-term presence of the case in the court of appeal, as well as the reasons for postponement of hearing, the Judicial Chamber recognizes that by determining the punishment for */Accused/* the provisions of Section 49<sup>1</sup> of the Criminal Law are applicable.

In view of the nature and damage caused by alleged offense committed by */Accused/* and in accordance with the first paragraph of the Section 55 of the Criminal Law, deciding on the feasibility and validity of the conditional sentence for the perpetrator, the Chamber recognizes that there are no grounds for the conditional sentence.

At the same time, the Chamber concludes that by application of provisions of the Clause 3, first paragraph of the Section 49<sup>1</sup> of the Criminal Law */Accused/* is punished with fine; confiscation of property is not applicable.

In determining the amount of the fine, the Chamber shall take into account the above circumstances provided in the Section 46 of the Criminal Law, as well as the provisions of Section 41 of the Criminal Law.

Based on the aforementioned and in accordance with Section 563 of the Criminal Procedure Law, Chamber of Criminal Cases of the Supreme Court of the Republic of Latvia

#### **d e c i d e d:**

To annul the judgement of the Riga Regional Court Criminal Case Court Collegium of 7 January 2008 in the part on the sentence of */Accused/*;

According to the second paragraph of the Section 154<sup>1</sup> to determine a fine to */Accused/* of 10 (ten) minimum monthly salaries of the Republic of Latvia, that is 2000 LVL (two thousand lats) in compliance with the Section 49<sup>1</sup> and Section 41 of the Criminal Law;

The remainder of the judgment be left unchanged.

Decision can be appealed within 10 days as cassation in the Department of Criminal Cases of the Supreme Court Senate, by submitting cassation complaint or protest to the Chamber of Criminal Cases of the Supreme Court of the Republic of Latvia.

The full judgment is available on 3 July 2012.

## Case 119 – North Macedonia, 2012

Country: North Macedonia  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of conviction: **18.09.2012**

Court: **Basic Court Skopje 1 Skopje**

### Case description:

Criminal charges submitted against three persons for criminal act according article 418 a paragraph 1 and 2 of the CC of the RM

**Perpetrators:** 3 persons (male) - 2 citizens of the Republic of Macedonia and 1 citizen of the Republic of Serbia

**Manner of recruitment and execution of the crime act:** by deception that the Serbian citizen shall marry the victim, she was recruited by him and then illegally transported across the Macedonian-Serbian border, sheltered in a house owned by his relative in Skopje. Then the two man with assistance and inter-mediation of the third defendant, by abusing the position of the victim, using physical force and taking away of her documents (ID from B&H [Bosnia & Herzegovina] that cannot be used for legal entry in the Republic of Macedonia) forced the victim to give sexual services to clients provided by the three defendants, and the monetary recompense was taken away from the victim.

**Number of victims:** 1 – major victim, citizen of Bosnia & Herzegovina (female)

**Type of exploitation:** - sexual exploitation

**Accommodation of the victims:** the victim was at first situated in a Foreigner Reception Center, and after receiving a permit for temporary residence on the territory of the Republic of Macedonia for 3 months she was placed in a Center for victims of THB, where she shall stay until the completion of the legal procedure in RM and then she shall be returned to her country of origin.

**Conviction:** 2012 effective conviction of 6 years prison and banish from the country for 1 person, Serbian citizen, 6 years and 4 months prison for one person and 6 years and 2 months prison for 1 person.

## Case 120 – North Macedonia, 2013

Country: North Macedonia  
Year of conviction: 2013  
Form of exploitation: forced marriage  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **2013**

Court: **Basic Court Skopje 1 Skopje**

Criminal charges submitted against one person for criminal act “Trafficking in children” according article 418 g paragraph 1 and 2 and criminal act “Abuse of the visa regime with the countries members of the European Union and the Schengen Agreement” article 418-d paragraph 1 and 2 of the CC of the RM.

**Perpetrators:** 1 person - citizen of the Republic of Macedonia

**Manner of recruitment and execution of the crime act:** with abuse of economic situation of victims parents, perpetrator (with false promise for achieving social, economic and other rights or gaining asylum in Germany or Belgium) organized transportation and accommodation without any fee. The deal was that after victims family begin to receive humanitarian financial aid as asylum seekers, they will pay back the costs that perpetrator has for their transport to Germany or Belgium. Instead, after they arrive in Belgium with use of force and threats he grabs the minor (victim) from her family (female kid age 12) that was immediately sold in other family as “bride” (forced marriage). Later this family testifies that they pay a solid amount of money for perpetrator to bring the “bride” from Macedonia.

**Number of victims:** 1 - minor victim, Macedonian citizen

**Type of exploitation:** - forced marriage

**Accommodation of the victims:** The victim is still in family that “bought” her in Belgium.

**Conviction:** 2014 - effective conviction of 13 years imprisonment.

## Case 121 – North Macedonia, 2013

Country: North Macedonia  
Year of conviction: 2013  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Date of conviction: **2013**

Court: **Basic Court Skopje 1 Skopje**

### Mode of recruitment and modus operandi for the criminal act:

**Criminal charge** was filed against one person for committing the crime “trafficking in human beings” as per Article 418-a paragraph 1, 2 and 3 and “trafficking with child” 418 -d paragraph 1, 2 and 3, criminal acts from the Criminal Code of the Republic of Macedonia.

**Perpetrator:** 1 person – female with dual citizenship, Macedonian and Albanian national

### Mode of recruitment and modus operandi for the criminal act:

The two victims were recruited by being promised work in a restaurant in Gostivar as waitresses. The juvenile victim was recruited by a person from Albania who brought her to the restaurant and gave her to the reported person, receiving EUR 400, while the adult victim was recruited by a person in the village of Globocica – Kosovo, who suggested to acquaint her with another person from Tetovo, who also knew the reported person (the perpetrator) from Gostivar, saying she could work in a restaurant as a waitress.

The two victims were subject to labor exploitation at the beginning serving as waitresses in the restaurant, working from 10.00 to 24.00, receiving a per diem of EUR 10 which was not even paid regularly. Saying her income was not sufficient, the perpetrator forced, threatened and physically abused the victims into providing sexual services for clients for the sum of EUR 50, subjecting them into sexual exploitation. The sexual services were provided in motels in the area of Gostivar and Tetovo.

**Number of victims:** 2 –( 1 minor and 1 of age) the two victims are nationals of Albania

**Type of exploitation:** - sexual and labor exploitation

**Accommodation of victims:** after receiving temporary residence permit on the territory of the Republic of Macedonia for a period of three months, the victims were accommodated in the Centre for victims of trafficking in human beings

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The defendant was subject of a procedure before this Court and a verdict was made on 20.05.2013 convicting her of imprisonment in duration of 10 years. She was convicted in absence and asked for repetition of the procedure, which she was granted.

**The procedure is still undergoing.**

## Case 122 – North Macedonia, 2014

Country: North Macedonia  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 2

### Case description:

Date of conviction: **2014**

Court: **Basic Court Skopje 1 Skopje**

**Criminal charge:** In 2014 – criminal charge submitted against two persons for committing the crime “trafficking in children” as per Article 418-d paragraph 1 and 2 of the Criminal Code of the Republic of Macedonia

**Perpetrators:** 2 individuals – nationals of the Republic of Macedonia  
**Mode of recruitment and modus operandi for the criminal act:** kidnaping, use of force, serious threat, restriction of freedom of movement.

When the minors – victims of trafficking in human beings were kidnapped on the part of the kidnappers, they were forcibly tattooed with the names of the perpetrators and accommodated in their house, where they were under constant control and restricted freedom of movement. They were forced to provide sexual services to clients for specific sum of money which were paid to the perpetrators. The sexual services were provided in a house near the place where the victims were accommodated. They were transported by the perpetrators. One victim was reported missing.

**Number of victims:** 3 – children victims, nationals of Republic of Macedonia (14-16)

**Type of exploitation:** - sexual

**Accommodation of victims:** They were accommodated in the Centre for victims of trafficking in human beings. The two defendants were subject of a procedure made before this Court. The Court reached a verdict on 28.05.2015 convicting the defendants to an imprisonment sentence in duration of 11 years and 6 months.

## Case 123 – Mexico, 2015

Country: Mexico  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 5

### Case description:

Fecha de la sentencia condenatoria: **27 de abril de 2015**

Tribunal: **Poder Judicial de Nuevo León, Juzgado de lo Penal del Segundo Distrito Judicial Guadalupe**

### Resumen de los hechos:

Proceso penal del año 2014. Instruido en contra de cinco personas por los delitos de corrupción de menores, pornografía infantil y delitos en materia de trata de personas.

Víctimas: dos niñas, una de 15 años de edad y otra de 16 años de edad.

En fecha 10 de julio de 2014 se declaró cerrada la instrucción en el Juzgado segundo Penal del Segundo Distrito Judicial del estado de Nuevo León, toda vez que el mismo se extinguió

El 11 de julio de 2014 el proceso penal se radico ante el Juzgado de lo Penal del Segundo Distrito Judicial en Guadalupe Nuevo León en donde El Agente del Ministerio Público Número Uno de Justicia Familiar, ejercitó acción penal, ante el extinto Juez Segundo de lo Penal del Segundo Distrito Judicial del Estado, contra de tres personas por considerarlos probables responsables en la comisión de los delitos de corrupción de menores, pornografía infantil y delitos en materia de trata de personas.

El día 21 de noviembre de 2013, el entonces Juez Segundo de lo Penal del Segundo Distrito Judicial del Estado, dictó orden de aprehensión y detención en contra de los probables responsables la cual fue materializada al día siguiente, y en esa misma fecha se recabaron sus declaraciones preparatorias quienes solicitaron a través de sus defensores la ampliación del término constitucional, y se desahogaron diversas pruebas, por lo que el 27 de noviembre de 2013, se resolvió la Situación Jurídica de los detenidos, decretándose Auto de Formal Prisión al considerarlos probables responsables en la comisión de los delitos de corrupción de menores, pornografía infantil y delitos en materia de trata de personas en agravio de dos personas menores de edad.

De la declaración de la víctima se desprende que viajó por voluntad propia saliendo del estado de Tamaulipas con destino a Nuevo León ya que una amiga que conoció en la primera entidad federativa la invitó a trabajar en el negocio de los “Masajes Eróticos”, aceptando la víctima ir a trabajar desconociendo de que se trataba o a que se referían con el citado termino.

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No se acreditó la existencia de los delitos de pornografía infantil y corrupción de menores, por lo tanto se decreta sentencia absolutoria en favor de los indiciados.

El 27 de abril de 2015, el Poder Judicial de Nuevo León, Juzgado de lo Penal del Segundo Distrito Judicial Guadalupe, declaró probado plenamente en autos la existencia del delito en materia de TRATA DE PERSONAS, así como la responsabilidad de los acusados, por esta les fue impuesta la pena de QUINCE AÑOS DE PRISIÓN Y MULTA DE \$59, 080.00 (Cincuenta y nueve mil ochenta pesos 00/100 M. N.)

Los sentenciados actualmente se encuentran cumpliendo su condena en el Centro Preventivo de Reinserción Social “Topo Chico”.

## Case 124 – Mexico, 2014

Country: Mexico  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **28 de octubre de 2014**

Tribunal: **Juzgado Sexto Penal de Primera Instancia del Distrito Judicial de Tabares, Guerrero.**

### Resumen de los hechos:

Proceso penal número XXXXXX.

El Agente del Ministerio Público de la causa, remitió sin detenido la investigación ministerial, en la que ejerció acción penal y reparación del daño, en contra del sujeto activo por la comisión del delito de trata de personas (doloso), cometido en agravio de la menor de edad, víctima directa, solicitando se libraré orden de aprehensión.

El 2 de diciembre de 2011, se registró y radicó la averiguación previa, siendo que el 19 del mismo mes y año se libró orden de captura en contra del acusado y para el 24 de los mencionados mes y año se dictó auto de formal prisión por el delito de trata de personas. El 9 de septiembre del 2014, se llevó a cabo la audiencia de vista, fecha en la que se desahogó, declarándose visto el proceso y citando a las partes para oír sentencia definitiva.

Lo anterior fue originado de acuerdo al dicho de la víctima del delito, de lo cual se infiere que el acusado la recibió cuando fue facilitada, ofrecida, trasladada y entregada por la coautora (su madre) todos los domingos en la Company X, avenida Constituyentes, en el sindicato de la CTM, en la ciudad de Acapulco, Guerrero, para que este ejecutara en su persona actos sexuales, lo cual aconteció por primera vez el 1 de febrero de 2009 y el último el 20 de septiembre de 2010.

Derivado de las constancias que obran en el expediente y de las pruebas e indicios aportados en el cuerpo del mismo, el Juez de la causa determinó que el sujeto pasivo es culpable y penalmente responsable de la comisión del delito de trata de personas, por lo que se impusieron ocho años de prisión y una multa de \$34, 476.00 moneda nacional.

## Case 125 – Mexico, 2015

Country: Mexico  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **18 de mayo de 2015**

Tribunal: **Juzgado Primero de Primera Instancia Penal del Distrito Judicial de Querétaro**

### Resumen de los hechos:

Delito: Trata de Personas, en su Modalidad de Explotación Sexual

A finales del mes de Diciembre de 2012 (dos mil doce), con la edad de 17 (diecisiete) años la víctima, tuvo un problema familiar con su mamá por lo que decidió salirse de su casa, situación por la que accedió a irse con la acusada a su casa, brindándole alojamiento en la misma, para posteriormente llevarla a laborar a bares en donde se realizaban fideos, privados y relaciones sexuales con los clientes, servicios todos ellos que la ofendida realizaba y por los cuales cobraba cierta suma de dinero, de la cual tenía que entregarle una parte a la acusada.

La pena impuesta a la acusada corresponde a 15 quince años, 5 cinco meses de prisión, así como 1,100 días de multa, dando como total la cantidad de \$64,988.00 (sesenta y cuatro mil novecientos ochenta y ocho pesos 00/100 M.N.).

Siendo la reparación del daño moral a favor de la ofendida por la cantidad de \$8,000.00 (ocho mil pesos 00/100 M.N.); no así, la reparación del daño material por la cantidad de \$5,500.00 (cinco mil quinientos pesos 00/100 M.N.) que solicitó la Fiscalía a favor de la ofendida de mérito.

## Case 126 – Mongolia, 2012

Country: Mongolia  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 1

### Case description:

Date of conviction: **2012.Jul.05**

Court: **Khan-Uul District Court**

#### Fact summary:

In October 12 2009 Offender 1 has intermediated citizen Victims 1, 2, 3 and 4 who are interested in working in foreign country in trafficking for prostitution, through his ads in a newspaper dated 6<sup>th</sup> October, 2009, said “Hiring for jobs at upscale karaoke in Inner Mongolia, China”. Furthermore, after smuggling the victims through border, he took advantage of their vulnerability he tricked the victims to get their travel documents by lying about helping them to register to local police and instead introduced them to brothel for purpose of exploitation.

On 5<sup>th</sup> July 2012, proceeding of the case was took place at Khan-Uul district court of first instance. In court decision, considered guilty for intermediary victim into prostitution, trafficking in person and defraud of identity document for profit, in accordance with Article 124.2 imprisonment for a term of 2 years, Article 113.2.2, 113.2.9 and 113.2.10 shall confiscate property equal to 100,000 tugrug /MNT/ and 8 years of imprisonment.

At Court of third instance in criminal cases, the court decision of first instance that said “in accordance with Article 124.2 imprisonment for a term of 2 years, Article 113.2.2, 113.2.9 and 113.2.10 shall confiscate property equal to 100,000 tugrug /MNT/ and 8 years of imprisonment” was revised to “in accordance with Article 113.2.2, 113.2.9 and 113.2.10 shall confiscate property equal to 100,000 tugrug /MNT/ and 5 years of imprisonment.”

## Case 127 – Mongolia, 2012

Country: Mongolia  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 6  
Number of offenders: 5

### Case description:

Date of conviction: **2012.04.06**

Court: **Sukhbaatar district court**

#### Fact summary:

In April 6, 2012 Mongolian nationals faced Sukhbaatar district court of first instant, charged with trafficking in person, attempted, intermediated and facilitated smuggling of person for sexual exploitation, in accordance to Court decision sentenced to 5 years and 6 months imprisonment and confiscated 50,000, 100,000 and 150,000 tugrug /MNT/ respectfully for in November 2007 Offender 1 deceived victim Victim 1 to introduce her to “Socks factory” and smuggled her across border in collusion with Offender 2. The two also lured victim 2 to help her study in Singapore and sold her for prostitution. In 2008 offender again deceived victim 3 and 4 about high salary job in Macao and attempted to smuggle across border, offender trafficked victim 5 and 6 into Macao for sexual exploitation in prior collusion with offender Offender 2, 3 and 4. The court also charged Offender 1 and 2 for colluding to finance and facilitate frequent trafficking in person in September 2007 in accordance with Article 113.2.1, 113.2.10, Article 551.1, Article 124.2 of Criminal Code of Mongolia.

## Case 128 – Mongolia, 2013

Country: Mongolia  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **2013.04.01**

Court: **Songinokhairkhan District Court**

#### Fact summary:

In April 1, 2013 Songinokhairkhan District Court proceeded case involving Offender 1 for trafficking victim 1 to forced prostitution, Offender 2 for taking advantage of victim 1 under age of 13 and threatening and physically abused her to prostitution and sold her for sexual exploitation in September 2011. In Court decision, according to Article 24.1.1 of Criminal Procedure Code of Mongolia has dismissed the case involved to Offender 1 and convicted Offender 2 for 6 years of imprisonment with confiscation of property equal to 50,000 tugrug /MNT/ for the crime that abusing and threatening under age children into prostitution and trafficking repeatedly in accordance with Article 113.2.1, 113.2.3, Article 181.2.1, 181.2.5 of Criminal Code of Mongolia.

In Court of Second Instance refused defendant's appeal and confirmed Court decision of first instance No.164.

## Case 129 – Mongolia, 2014

Country: Mongolia  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Date of conviction: **2014.10.14**

Court: **District court of first instance in criminal cases**

Fact summary:

In April 15, 2014 Offender 1 deceived victims 1 and 2 about high salary dancing job in Inner Mongolia and confiscated their travel documents upon crossing Chinese border, trafficked them to brothel named X.

On 14th October 2014, District court of first instance in criminal cases tested the case involving Offender 1 charged for taking advantages of vulnerability of victim, deceiving to take identity document and smuggled in person across border, sentenced for 5 years and 6 months of imprisonment, confiscation of property equal to 100,000 tugrug /MNT/ in Court Decision No.1138.

In Court of Third instance in criminal cases refused offender's appeal and confirmed Court decision of first instance No.1138 in December 4, 2014 and Court decision of second instance No.1051.

## Case 130 – Mongolia, 2015

Country: Mongolia  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Date of conviction: **2015.04.15**

Court: **District court of first instance in criminal cases**

#### Fact summary:

In 2014 Offender 1 has deceived victim 1 about job in Massage place named X and intermediated for sexually abused by Offender 2. Also offender took advantage of victim 2 conflict with her parents lured her to sell good for 2-3 years and she can able to enrol school on her expense, sold her to Offender 3 in Langfu massage place for exploitation.

On 15<sup>th</sup> April 2014, District court of first instance in criminal cases tested the case involving offenders 1 and 2 charged for taking advantages of vulnerability of victim, deceiving to take identity document, intermediated, facilitated and smuggled, trafficked in person under age across border for prostitution, sentenced for 6 years of imprisonment respectfully, confiscation of property equal to 500,000 tugrug /MNT/ in Court Decision No.441 according to Article 124.2, Article 113.2.3,113.2.10, Article 63.1 of Criminal Code of Mongolia.

## Case 131 – Paraguay, 2014

Country: Paraguay  
Year of conviction: 2013, 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 4

### Case description:

Fecha de la sentencia condenatoria: **julio 2013/mayo 2014**

Resumen de los hechos:

#### **1) CAUSA N° 5092/2010 “OFFENDER 1 E OFFENDER 2 S/ TRATA DE PERSONAS CON FINES DE EXPLOTACION SEXUAL”.**

En fecha 05 de junio de 2010 las víctimas: Victim 1 y Victim 2, viajaron con la promesa de empleo hasta Santiago de Chile, este empleo fue ofrecido por el Sub-Oficial Inspector O.S. Offender 1, el cual le manifestó a Victim 2 que trabajaría como empleada doméstica en Chile con muy buen sueldo. Posteriormente la reunió con Offender 2 (female), quien le ratificó la propuesta de empleo, la víctima en vista de la buena condición que le ofrecían solicitó que su hermana Victim 1, la acompañara debido a que ambas se encontraban mal económicamente, de esta forma ambas aceptaron el trabajo. Llegado el día del viaje ambas víctimas fueron a la terminal de ómnibus fijada por el acusado Offender 1 y una vez allí se presentó Offender 2 quien compró los boletos en la Empresa X para que ambas hermanas viajaran a Chile; posteriormente contactó telefónicamente Offender 3, hermana suya, a fin de que las víctimas de describieran como iban vestidas y así poder identificarlas cuando llegaran a la terminal de Los Héroes, en Santiago de Chile.

Al día siguiente las víctimas llegaron a la terminal de Santiago, en dicho lugar las aguardaban Offender 3 con su pareja Offender 4; éstos las recibieron y posteriormente las trasladaron a un departamento que funcionaba como prostíbulo, al llegar la noche la pareja salió del lugar dejándolas encerradas. Al día siguiente, la Sra. Offender 3 sustrajo las pertenencias de las víctimas, sus documentaciones, y demás, para luego amenazarlas y coaccionarlas a trabajar en la prostitución para ella, convirtiéndose en tratante de las mismas.

Offender 4 junto con Offender 3 obligó a las víctimas a posar en ropa interior para alzar sus fotografías a la Web y ofrecer los servicios sexuales de las mismas, ambas se negaron y resistieron pero bajo amenazas de Offender 3 tuvieron que acceder. Luego de tres días no tuvieron otra salida que empezar a trabajar, puesto que sus tratantes no le proporcionaban ningún alimento. En una ocasión Victim 2 pudo salir a la calle en compañía de otra compañera, momento que aprovechó para llamar a su novio Person 1, quien se enteró del engaño al cual fueron sometidas a su novia y su cuñada por parte de Offender 1 y su pareja Offender 2. Días después Victim 2 ganando la confianza de Offender 3 pudo recuperar sus documentos personales con la intención de escapar del lugar. Al día siguiente Victim 2 inventó una cita domiciliaria con un cliente para poder

salir y aprovechar escapar de su lugar de cautiverio con su hermana Victim 1, sin embargo llegó el Sr. Offender 4 para trasladarla a su cita por lo que no pudo quitar a su hermana; en el camino Offender 4 dialogó con Victim 2 manifestándole que tenía muchos problemas con su pareja Offender 3, mientras esto sucedía, en el Departamento Offender 3 se enteró del plan de Victim 2 de fugarse por lo que de inmediato se comunicó al celular de su pareja Offender 4 solicitándole que llevara a Victim 2 al departamento. Offender 4 intentó convencer a Offender 3 de dejar ir a Victim 1 y a Victim 2 pero esta no aceptó, entonces fue le entregó a la víctima dinero para que se fuera del lugar, momento en que su hermana lanzó por la ventana del departamento los documentos de ambas, tras esto Offender 3 accedió a que la otra víctima saliera del lugar, se ofreció llevarla pero posteriormente la abandonó en un surtidor de la zona de Bernardo llevándose consigo la maleta de la víctima con sus pertenencias y la suma de novecientos mil guaraníes (900.000 Gs), dinero que serviría para regresar al Paraguay. Por este motivo no tuvo otra opción que solicitar ayuda a los lugareños para regresar al departamento para buscar sus pertenencias, sin embargo al llegar las compañeras del lugar le dijeron que Offender 3 no había regresado por allí. Mientras tanto Victim 2 esperaba a su hermana en la terminal, pero al no aparecer decidió regresar al departamento y dijo a las chicas del lugar que había realizado la denuncia y que llamaran urgente a Offender 3.

Posteriormente fue a la delegación de los carabineros a solicitar auxilio en forma urgente, estos actuaron rápidamente y allanaron el lugar (Calle Elvesia), en ese momento las autoridades apresaron a Offender 3 y a su pareja Offender 4, abriéndose un proceso a nombre de los mismos bajo la identificación RUC: 1000545158-8 de la Fiscalía Local de los Condes.

El juicio oral y público al principal autor del hecho, Offender 1, fue realizado en el mes de julio del 2013, tuvo una duración de tres días, culminando posteriormente con la condena del mismo a 6 años y 7 meses de pena privativa de libertad, la cual está cumpliendo actualmente en la Agrupación Especializada de la Policía Nacional.

Posteriormente, en mayo de 2014 se realizó el juicio oral y público para la coautora del hecho, la Sra. Offender 2, quien también fue condenada a 6 años de pena privativa de libertad.

## Case 132 – Poland, 2014

Country: Poland  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 28  
Number of offenders: 3

### Case description:

Date of conviction: **03.04.2014**

Court: **District Court in Legnica** - court of first instance

#### Fact summary:

On 03.04.2014 before the District Court in Legnica judgment in the “labour camp” in Ścinawa in the South of Poland. Romanian citizen Offender 1 (male), his Polish wife Offender 2 (female) and his brother Offender 3 (male) were found guilty of trafficking in human beings and sentenced - Offender 1 for three years of imprisonment with no possibility of suspension, Offender 2, his wife and Offender 3, brother - 1 year and 6 months' imprisonment each, suspension of execution of sentence for a period of 3 years. Offenders 2 and 3 also have to pay a 9,000PLN fine each, and all together have to pay 4,000PLN of compensation for each of the 28 victims, what makes total amount of 112,000PLN.

The indictment in this case was sent by District Prosecutor's Office in Lublin in December 2012. Offender 1, 37- year-old, his wife Offender 2, 31-year-old and Offender 3, 33-year-old were accused of trafficking in human beings since 2006 to 2012. They acted in the following way: recruited, transported to Poland, then located in Ścinawa 28 Romanian citizens to force them to work. Defendants mislead the victims about working conditions, as well as used their critical life situation and helplessness due to a lack of livelihood and knowledge of the language. The perpetrators were hiding IDs of the victims, using violence and unlawful threats. The perpetrators were also violating labour rights by forcing the victims to work overtime and not reporting to social security system.

The case was revealed when two Romanians ran away and with no IDs were detained at the railway station in Krakow.

As it was found, Offender 1 recruited persons willing to work in Poland in two small villages at a time when he went to visit his family for Christmas. The victims came from very poor families, also minors were recruited with the consent of their parents, who had previously received part of the money. They were assured they will be provided with transport to Poland, accommodation, meals and remuneration in the amount of 600 to 2,500Euro for 10 months of work. In Poland, they lived in rooms from 2 to 12 persons with no hot water. Their food and possibility to go out were limited, their documents and phones taken away from them. They were often forced to work app. 18 hours a day, humiliated and threatened.

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At the beginning, all the accused were detained temporarily, then bailed in the amount of 50,000PLN, with police supervision and a prohibition to leave the country.

The defendants did not admit to committing the offense both in the investigation and in court.

During the trial, the court interrogated Romanian victims with the use of video conference system as they returned to their country.

The defendants were sentenced for trafficking in human beings - a crime with a penalty of 3 to 15 years of imprisonment. The court applied an extraordinary mitigation of punishment to Offender 2 (wife) and Offender 3 (brother) - 1 year and 6 months imprisonment each, with conditional suspension of its execution for a period of 3 years. Offender 1 heard the verdict of three years' imprisonment. Also, only he was convicted of persistent violations of workers' rights - for this he was sentenced to one year. Finally, he heard the verdict 3 years imprisonment (penalty total). In addition, the court decided on forfeiture of two vans of a total value of 75,000PLN that served to committing a crime.

## Case 133 – Poland, 2013

Country: Poland  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **30.12.2013**

Court: **District Court in Świdnica** - court of first instance

#### Fact summary:

A Bulgarian citizen 46-years-old, was sentenced in the first instance court to a total of four years' imprisonment and a fine of 3,600USD for an attempt to commit trafficking in human being and pimping of 16-year-old Bulgarian girl.

The news of proceeding appeared at the beginning of 2013, when Police received the notification of an offense from two women, 35-year-old Bulgarian and her 16-year-old daughter. In the course of preparatory proceeding the prosecutor's office has revealed that the girl's mother appeared in Poland in 2008 and provided paid sexual services in Świdnica and surroundings. The accused promised to marry her and live together in the country. At the end of 2012 also the daughter of a woman arrived to Poland. Using a relation of dependency and critical position of a minor, the man was organizing her contacts with persons of Turkish origin via Skype.

Although the exploitation of both daughter and mother were included in the indictment, the court found the perpetrator guilty only in respect of acts committed against a minor. On 30 December 2013 the District Court in Świdnica found the defendant guilty of attempted trafficking in human being in the following way: at undetermined date between December 2012 and February 2013 the defendant contacted the man nicknamed "Person 1.", offering him a transfer of an underage girl in order to exploit her in prostitution. Due to the fact that the perpetrator did not conclude the deal, he was convicted not for carrying out, but for attempted trafficking.

Nevertheless, it should be noted that, according to the Penal Code, the attempt is also punishable with imprisonment from 3 months to 5 years.

In addition, the defendant was found guilty of inducing a minor to provide sexual services in order to receive benefits and attempts to bring her into prostitution, what finally did not happen.

The offender was sentenced to a total of four years' imprisonment and a fine of 3,600PLN. He was also prohibited to contact with a minor and approach her at a distance closer than 100 meters.

The judgement is not final.

## Case 134 – Poland, 2014

Country: Poland  
Year of conviction: 2013  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 119  
Number of offenders: 39

### Case description:

Date of conviction: **13.11.2013**

Court: **District Court in Kraków** - court of first instance

#### Fact summary:

13.11.2013, after seven years of trial, the District Court in Kraków issued a judgment in a case of transnational criminal group engaged in human trafficking for forced labour. 22 people were accused in the case and 20 of them were found guilty of trafficking in human beings.

The main accused, head of the group, was sentenced to eight years' imprisonment and 15,000PLN fine. Women, cooperating with him were sentenced: 7 years' imprisonment and 12,500PLN fine - to the first one, and 6 years and 6 months' imprisonment and 5,000PLN fine against the other women.

Criminal activity took place in southern Italy in 2002-2006. Thanks to the operation dubbed "The Promised Land", conducted jointly by the Polish and Italian law enforcement, 119 victims - Polish citizens were identified.

In July 2005, the Municipal Police Headquarters in Kraków carried out an investigation of a crime under deception in organising trips to illegal work in the Republic of Italy.

Also, at the beginning of 2006, there occurred information on the disappearances of people in unknown circumstances in forced labour camps in southern Italy. The Crime Bureau of Polish Police Headquarters together with ROS Unit of Rome Carabinieri started conducting "mirror investigations" coordinated by Europol and Eurojust.

Since then close international cooperation between Polish and Italian law enforcement authorities was realised, as well as the institution of the European Arrest Warrant was used and a definition of trafficking resulting from the Palermo Protocol comprehensively applied.

In the preparatory proceedings it was revealed that the criminal group was organised and the competences were divided. There were "recruiters", who were responsible for giving the false promises and recruit people to work abroad. Then "carriers", that took the money and transferred the people to Italy. The owners of the camps were called "kapo" and they physically and mentally enslaved the victims. The main

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beneficiaries of slave labour victims were so-called "landlords" from the region Puglia who were in continuous cooperation with the "kapo".

18.07.2006 under the operation codenamed "Promised Land" 39 people involved in criminal dealings were detained, including 20 people in Poland and 19 people in Italy. In addition, 119 victims of forced labour were released. And special help-lines were created for them.

In December 2007, court proceeding in Poland started. Most of the 22 people were accused of activity in international criminal group which derived profits from human trafficking, what is punishable with imprisonment up to 8 years, and the three defendants were accused of leading a criminal group, what is punishable with imprisonment up to 15 years.

Proceeding before the Italian court was completed in March 2009. Bari Court of Appeal upheld the first instance court judgment, sentencing 17 persons to imprisonment from 4 to 10 years. Among the prisoners there were Polish, Ukrainian and Algerian citizens.

## Case 135 – Poland, 2013

Country: Poland  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **24.09.2013**

Court: **District Court in Poznań** - court of first instance

Judgment has been confirmed by the Court of Appeal in Poznań on 25.02.2014

#### Fact summary:

District Court in Poznań judgment of 24.09.2013. found the accused Offender 1 (male) and Offender 2 (male) guilty that, in November 2002. in the town G, acting jointly performed trafficking in human beings.

A victim (female) was homeless, living at the station, in conflict with her family, she prostituted from time to time to earn for living. She met Offender 2 and they talked about her difficult life situations. Offender 2 said that he knew the man, his friend, who could help her, that she could sleep and stay at this friend's. In return she would cook, clean up or take care of his mother.

Offender 2 contacted with his friend - Offender 1 by phone and arranged to meet him at appointed place at 20.00. Offender 2 took the victim by car to Offender 1, where she recognised him as she used to work for him as a prostitute in Germany. She was informed about the character of work after they arrived at place. The victim admitted that she agreed to work for Offender 1 practicing prostitution from November 2002 to February 2006, because her living situation forced her to this.

When the victim and both accused met near the shop, Offender 2 and Offender 1 talked for about 10 minutes but the victim could not hear that. But by the end of 2004 she learned that she was sold for 300PLN, unless Offender 2 was promised to receive 1,000PLN.

The District Court, analyzing the records of these regulations came to the conclusion that the act committed by the accused constituted "trafficking in human being" within the meaning of definition of this term. The first instance court, according to the findings, concluded that the defendants entered into an agreement under which the accused Offender 2 had to bring the victim in order to sell her to Offender 1 for the purpose of using her in prostitution, what actually happened. For this purpose Offender 2 misled the victim as to the nature of the aid consciously. He brought her to the meeting place near the shop and passed her to Offender 1 in return for money. Offender 1 took the victim to his car and drove home, where it explained that she was expected to work for him as a prostitute. There is no room for doubt concerning that both knew that the victim did not live at home and remained destitute and

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expected help from third parties and thus used her critical position to the indicated target.

Both accused – Offender 1 and Offender 2 were sentenced to three years' imprisonment each. They received minimum penalties provided for in art. 189a § 1 of the criminal code, as court quoted mitigating circumstances as if one takes into account one-off transaction, involving one person and the lack of physical and psychological coercion performed to the victim.

## Case 136 – Poland, 2014

Country: Poland  
Year of conviction: 2014  
Form of exploitation: forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3

### Case description:

Date of conviction: **21.03.2014**

Court: **District Court in Szczecin**

Judgment has been modified by the Court of Appeal in Szczecin on 3.09.2014

#### Fact summary:

The District Court in Szczecin, in its judgment of 21.03.2014 found the 3 accused (males) guilty of trafficking in human beings and other crimes related and decided to sentence them for from 3years and 6 months' to 6 years imprisonment.

Three men were accused that in the period from 2004 to 2007 in Sweden, acting for the purpose of financial gain they committed two counts of trafficking in human beings. They misinformed their victims on the possibility of taking legal employment in Sweden in construction work, recruited and transported at their own expense, under the guise of taking employment described previously.

In reality the perpetrators using the position of victims and their weakness resulting from residence in a foreign country without knowing the local language, and without financial resources necessary to meet the basic necessities of life, forced victims to shoplifting. The accused benefited from the stolen property, paying little sums of money to victims, money not sufficient to finance their return to Poland. That situation forced further stay of victims in Sweden, and continuing executing shoplifting, what made regular source of income for perpetrators.

Some of the victims had even more difficult situation, as they were expelled from Sweden previously and therefore their stay there was illegal.

Some perpetrators were using violence against victims involving the beating them in the head, in their face, threatening with deprivation of life using knives. Some of the victims had their IDs taken away.

One of the victims refused to perform shoplifting and run away back to Poland, then another group of victims decided to leave Sweden at the end of 2006.

Lawyers of the accused appealed against the judgment of the first instance court and the appeal court decided to modify the judgement. Two accused had their sentences reduced down to 1 year and 6 months and the third's sentence was kept.

## Case 137 – Romania, 2008

Country: Romania  
Year of conviction: 2008  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3

### Case description:

#### **Penal sentence of the Court in Bacau, final, after cassation, through penal sentence of the High Court of Cassation and Justice – Penal Department.**

In fact , it was held , that during 2006-2007 , the Offender 1. together with Offender 2 and Offender 3 acted coordinated in order to exploit several young girls who were recruited by the promise facilitate obtaining jobs well paid abroad, housed and transported to the Netherlands, where they were forced into prostitution for the benefit of the group members, who have obtained significant amounts of money.

After being recruited, the girls were transported by group members in Bacau and then were transported to Arad, where they were loaded into buses and minibuses with the destination Holland.

In the recruitment of victims, the recruiters target were the young women who belonged to very poor families who dropped out of school or who had no other source of income.

Within the organized criminal group, they have predetermined roles, each assuming the duties precisely determined, concerted their criminal activity aiming at the exploitation of young women (some of them minor) and obtain substantial material benefits.

## Case 139 – Romania, 2013

Country: Romania  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 10

### Case description:

#### **Penal sentence of Bucharest Court – Second Penal Department, final through the penal decision of the Court of Appeal Bucharest – First Penal Section.**

In fact, it was held, that in the period 2002 – 2004, the Offenders 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 associated for recruiting young women between 15 and 30 years, from across several counties, which under the promise of finding jobs in Spain, they were smuggled into the country for prostitution and exploitation was done in bars and night clubs controlled by the criminal association headed by Offender 10.

The across several counties, which under the promise of finding jobs in Spain, they were smuggled into the country for prostitution and exploitation is done in bars and nightclubs controlled by this criminal association headed by Offender 10.

## Case 140 – Romania, 2014

Country: Romania  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 12

### Case description:

#### **Penal sentence of Court Bucharest– First Penal Section, final through penal decision of the Court of Appel Bucharest – First Penal Section.**

During the period 2009 -2012, the Offenders 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 and others under the same criminal acts, were recruited by deception more young women, including minors, in the counties of Giurgiu, Dambovita, Olt, Valcea and Bucharest, which they hosted, they were transported into and across Bucharest, being compelled by threats and violences to practice on their behalf prostitution both in Bucharest, and in Italy.

The young women were hoasted in different rented locations in Piata Romana-Piata Unirii , or different hotels in Bucharest, part of the victims being hosted at the residence of the Offender 7.

Sexual exploitation of victims was done either directly by exploiting victims to locations desired by customers recruited through notices posted on the Internet or when they were not earning enough money or the victim did not show economically interest through giving them to other people for money in Bucharest or county Giurgiu, for sexual exploitation.

## Case 141 – Russian Federation, 2015

Country: Russian Federation  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3

### Case description:

Date of conviction: **April 2015**

Court: **Lenin District Court, Astrakhan**

#### Fact summary:

In April 2015 Lenin District Court in Astrakhan delivered its verdict on local inhabitants Offenders 1, 2 and 3 (females). The first two women were found guilty of committing crimes, as provided for in article 127.1, paragraph 2(c) of the Criminal Code of the Russian Federation (trafficking in persons committed by an organized group). All three women were found guilty under article 30, paragraph 3 and article 127.1, paragraph 2(c) (attempted trafficking in persons) of the Criminal Code of the Russian Federation.

The Court found that from August to October 2013 Offenders 1 and 2, as part of an organized group and according to a prearranged plan, recruited and transported girls across the State borders of the Russian Federation to the Kingdom of Bahrain, the United Arab Emirates and the Republic of Turkey for the purpose of exploiting them through prostitution. The women received more than 160,000 roubles for the services rendered.

Furthermore, Offenders 1, 2 and 3 attempted to sell a further two girls in the United Arab Emirates, but their actions were prevented by field operations personnel.

The Court convicted the women of committing crimes in an organized group and sentenced Offenders 1 and 2 to 12 years' imprisonment and Offender 3 to eight years' imprisonment.

## Case 142 – Russian Federation, 2014

Country: Russian Federation  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 13  
Number of offenders: 10

### Case description:

Date of conviction: **October 2014**

Court: **Pyatigorsk Municipal Court (Stavropol Territory)**

#### Fact summary:

In October 2014, Pyatigorsk Municipal Court (Stavropol Territory) delivered its verdict on 46-year old local woman, Offender 1, and eight members of a criminal association. Subject to each individual's role, they were found guilty of committing crimes under article 210, paragraphs 1 and 2 of the Criminal Code of the Russian Federation (organization of or participation in a criminal association), article 127.1, paragraph 3(c) of the Criminal Code of the Russian Federation (trafficking in persons), article 240, paragraph 3 of the Criminal Code of the Russian Federation (organization of prostitution), article 241, paragraphs 2(b) and 2(c) of the Criminal Code of the Russian Federation (knowingly involving minors in prostitution, knowingly organizing prostitution with minors) and article 127, paragraph 3 of the Criminal Code of the Russian Federation (illegal deprivation of liberty).

The court found that in 2006 in Pyatigorsk, Offender 1 organized illegal activities for the provision of paid sexual services. To that end, she engaged nine accomplices. In accordance with the plan, each member of the association strictly carried out the functions ascribed to them and received a share of the illicit profits. The structure of the criminal association included two functionally separate groups. The first group was responsible for selecting women for prostitution and their recruitment, transportation and transfer for the purpose of sexual exploitation. The second group was responsible for the organization of sexual services.

With the aim of preventing the women from refusing to participate in prostitution, as well as stopping their subsequent contact with law enforcement agencies, members of the criminal association made death threats and in a number of cases used physical force. As a result of the criminal activities of this association, 13 young women, of whom 4 were minors, were involved in prostitution.

The court sentenced Offender 1 to eight years' imprisonment in a general-regime correctional institution. The remaining defendants were sentenced to imprisonment for a period between 3.5 and 11 years. One of them received a suspended sentence.

## Case 143 – Russian Federation, 2014

Country: Russian Federation  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 27  
Number of offenders: 7

### Case description:

Date of conviction: **February 2014**

Court: **Samara Regional Court**

#### Fact summary:

In February 2014, Samara Regional Court delivered its verdict in a criminal case against 32-year old Tolyatti resident Offender 1 (female) and five of her associates. Subject to each individual's role in the commission of crimes, they were found guilty under article 241, paragraphs 2(b) and 2(c) of the Criminal Code of the Russian Federation (organization of prostitution by using violence or the threat of violence, involving minors), article 240, paragraph 3 of the Criminal Code of the Russian Federation (recruiting people into prostitution using organized groups or involving minors), article 127.1, paragraph 3(c) of the Criminal Code of the Russian Federation (trafficking in persons committed by an organized group) and article 126, paragraph 3(a) of the Criminal Code of the Russian Federation (abduction committed by an organized group).

The Court found that Offender 1 with the aim of creating a network of brothels, organized a criminal group consisting of Offender 2, 3, 4 and 5. In addition, Offender 6 and 7 were involved in the crimes.

The group sought girls in Samara and Ulyanovsk provinces, as well as in the Republic of Chuvashia, in order to engage them in prostitution. To this end, they met women, offered them car rides and took them to Offender 1 in Tolyatti.

Furthermore, the perpetrators placed advertisements in regional newspapers for the recruitment of waitresses to work in a café. Threatening violence, they forced the women responding to the advertisements to work as prostitutes.

In the cities of Tolyatti, Ulyanovsk and Samara, Offender 1 organized a total of three brothels, which contained no fewer than 27 girls, including two minors.

The apartments in which the women were held were guarded. Those who managed to escape were found, beaten and brought back by the criminals. One of the women jumped out of a window and was taken to hospital with leg and hand fractures.

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The Court, agreeing with the position of the Public Prosecutions Service, found all of the defendants guilty of the alleged crimes and sentenced Offender 1 to 11 years' imprisonment in a general-regime correctional institution. Her fellow defendants, two of whom received suspended sentences, were given sentences ranging from three to nine years' imprisonment.

## Case 144 – Russian Federation, 2014

Country: Russian Federation  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3

### Case description:

Date of conviction: **May 2014**

Court: **Lenin District Court, Astrakhan**

#### Fact summary:

In May 2014, Lenin District Court in Astrakhan delivered its verdict in a criminal case against Offender 1 (female) from the Republic of Dagestan. She was found guilty of committing crimes under article 127.1, paragraph 3(c) of the Criminal Code of the Russian Federation (trafficking in persons by transferring a victim across the borders of the Russian Federation, committed by an organized group) and article 30, paragraph 3 and article 127.1, paragraph 3(c) of the Criminal Code of the Russian Federation (attempted trafficking in persons).

The Court found that Offender 1, living in the Kingdom of Bahrain, created an organized criminal group of three women for the trafficking of inhabitants of the Russian Federation. Her associates recruited girls for prostitution with the promise that money would be earned quickly. For example, in October 2013 they took one of the girls through Dagestan to the United Arab Emirates for 5,000 dollars.

In November 2013 two of the recruited girls contacted the law enforcement agencies. The criminal group was not able to remove them from the city thanks to action by staff of the law enforcement services.

The criminal case against Offender 1 was registered as a separate proceeding following the conclusion of a pretrial cooperation agreement. The Court sentenced Offender 1 to eight years and six months' imprisonment in a general-regime correctional institution.

## Case 145 – Russian Federation, 2014

Country: Russian Federation  
Year of conviction: 2014  
Form of exploitation: illegal adoption  
Domestic or International Trafficking: unknown  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **June 2014**

Court: **Moscow District Court, St. Petersburg**

#### Fact summary:

In June 2014, Moscow District Court in St. Petersburg delivered its verdict in the criminal case against Offender 1 and 2 (females) citizens of the Republic of Uzbekistan. They were found guilty of committing crimes under article 35, paragraph 2 and article 127.1, paragraphs 2(b) and 2(e) of the Criminal Code of the Russian Federation (trafficking in persons, committed against minors by a group of individuals by prior agreement).

The Court found that Offenders 1 and 2, mother and daughter, decided to sell the latter's newborn baby for the sum of 80,000 roubles. In February 2014, Offender 1 was arrested by the police after receipt of funds.

Bearing in mind the position of the Public Prosecutions Service, the Court sentenced Offender 1 to five years and six months' imprisonment and Offender 2 to five years' imprisonment. The sentences will be served in a general-regime correctional institution.

## Case 146 – South Africa, 2014

Country: South Africa

Year of conviction: 2014

Form of exploitation: sexual exploitation, forced labour

Type: cross-border trafficking

Number of victims of trafficking: 3

Number of offenders: 2

### Case description:

Date of conviction: **November 2014**

Court: **Mpumalanga**

A Mpumalanga man, Offender 1, asked his female worker, Offender 2, to look for young girls who can work for him. Offender 2 recruited 3 young girls from Mozambique (14, 15 and 16), the girls were exploited both in sexual and labour exploitation by the man. After the whistle blower has called the police the girls were rescued, both the man and female were arrested and charged. After a good investigation they were convicted 8 life sentences.

## Case 147 – South Africa

Country: South Africa  
Year of conviction: unknown  
Form of exploitation: forced marriage  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Court: **Western Cape Town**

Fact summary:

A Cape Town 35 year old man married a 14 year old girl from her grandmother and uncle for against her will.

The girl stopped schooling and was expected to be a wife, the girl with the help of neighbours. The accused was arrested and sentenced for 25 years imprisonment

## Case 148 – South Africa, 2015

Country: South Africa  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Date of conviction: **August 2015**

Court: **Pietermaritzburg**

#### Fact summary:

A Nigerian man and woman were sentenced to 10 and six years imprisonment respectively after the Port Shepstone Magistrate's Court found them guilty of human trafficking, keeping a brothel, procuring women for sexual purposes, living off proceeds of crime as well as kidnapping.

The two were arrested in July 2013 after they lured two women from Cape Town and promised them an employment opportunity at a hotel. When the victims arrived they were taken to a house in Oslo Beach where they were told that they were going to work as prostitutes to repay the money for the bus tickets which they used from Cape Town.

## Case 149 – South Africa, 2015

Country: South Africa  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 2

### Case description:

#### STUTTERHEIM

In January 2014 three young girls between ages of 13 and 15 years were recruited by an African lady, Offender 1, for sexual exploitation with her boss, Offender 2 (male). The lady was working as a domestic worker for the accused who is a 59 years old white male. The lady was getting money for the girls to have sex with her boss. One of the victims happened to be the recruiter's biological daughter. Docket was registered and was allocated to FCS unit for investigation which later was discovered that it must be investigated by Organised Crime Unit. Both suspects were arrested. Offender 1, 35 years old, South African female and a Offender 2, 59 years old, South African male. Both accused found guilty on 28 counts on Sexual Offences charges. The male was sentenced 52 years imprisonment; the sentence run concurrently and is serving 15 years imprisonment. The female was sentenced 22 years imprisonment, the sentences run concurrently and she is serving 12 years imprisonment

## Case 150 – Tajikistan, 2012

Country: Tajikistan  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (some)  
Number of offenders: 3

### Case description:

Date of conviction: **11 December 2012**

Court: **Shokhmansur district court, Dushanbe**

#### Fact summary:

By decision of Shokhmansur district court, Dushanbe, of 11 December 2012, Offender 1 was sentenced, under article 132 (2) (b) and article 247 (4) (b) of the Criminal Code of the Republic of Tajikistan, to 5 years' and 6 months' imprisonment and a fine of 58,000 somoni;

Offender 2 and Offender 3 were sentenced, under article 132 (3) (b) of the Criminal Code of the Republic of Tajikistan, to 5 years' imprisonment. In application of the Amnesty Act of the Republic of Tajikistan of 20 August 2011, they were exempted from serving their sentence.

In the period from 2008 to 2010, Offender 1, 2 and 3 were engaged in recruiting people for sexual exploitation.

By prior agreement, by way of transfer of the victim to the city of Dubai, United Arab Emirates, with the use of threats, force and deception, from selfish motives they forced her to engage in prostitution, as a result of which they obtained a profit in the amount of 26,200 somoni.

## Case 151 – Tajikistan, 2014

Country: Tajikistan  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Date of conviction: **24 October 2014**

Court: **Shokhmansur district court, Dushanbe**

#### Fact summary:

By decision of Shokhmansur district court, Dushanbe, of 24 October 2014, Offender 1 was sentenced, under articles 130<sup>1</sup> (2) (b), (c), (d) and (g) of the Criminal Code of the Republic of Tajikistan, to 8 years' and 6 months' imprisonment;

In January 2014, Offender 1, with a view to obtaining a profit, by prior agreement with Offender 2, in January 2014, by way of deception for the purpose of sexual exploitation, invited the victims 1 and 2 as tourists, by way of transfer of the victims, to the city of Dubai, United Arab Emirates, and in the period from January to February 2014, with the use of threats, force and deception, from selfish motives forced them to engage in prostitution.

## Case 152 – Tajikistan, 2014

Country: Tajikistan  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

Date of conviction: **10 June 2014**

Court: **Khujand city court, Sughd oblast**

#### Fact summary:

By decision of Khujand city court of 10 June 2014, Offender 1 (female) was sentenced, under articles 130<sup>1</sup> (2) (b), (c), (d) and (g) of the Criminal Code of the Republic of Tajikistan, to 8 years' imprisonment;

In the period from June 2013 to April 2014, Offender 1 was engaged in the trafficking of persons for the purpose of the sexual exploitation of the victims 1, 2 and 3.

Repeatedly, by prior agreement, by way of transfer of the victim 1 to the city of Istanbul, Turkey, and the victims 2 and 3 to the city of Dubai, United Arab Emirates, with the use of threats, force and deception, from selfish motives she forced them to engage in prostitution, as a result of which she obtained a profit in the amount of 10,000 US dollars.

## Case 153 – Tajikistan, 2014

Country: Tajikistan  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **19 June 2014**

Court: **Khujand city court, Sughd oblast**

#### Fact summary:

By decision of Khujand city court of 19 June 2014, Offenders 1 and 2 were sentenced, under articles 130<sup>1</sup> (2) (b) and (g) of the Criminal Code of the Republic of Tajikistan, to 8 years' imprisonment;

In the period from December 2012 to June 2013, Offenders 1 and 2 were engaged in the trafficking of persons for the purpose of the sexual exploitation of the victim (female).

By prior agreement, by way of transfer of the victim to the city of Dubai, United Arab Emirates, with the use of threats, force and deception, from selfish motives they forced her to engage in prostitution and as a result they obtained a profit in the amount of 37,600 US dollars.

## Case 154 – Tajikistan, 2014

Country: Tajikistan  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **18 August 2014**

Court: **Khujand city court, Sughd oblast**

#### Fact summary:

By decision of Khujand city court of 18 August 2014, Offenders 1 and 2 were sentenced, under articles 130<sup>1</sup> (2) (b) and (g) of the Criminal Code of the Republic of Tajikistan, to 9 and 8 years' imprisonment;

In the period from June 2013 to July 2013, Offenders 1 and 2 were engaged in the trafficking of persons for the purpose of the sexual exploitation of the victim (female).

By prior agreement, by way of transfer of the victim to the city of Dubai, United Arab Emirates, with the use of threats, force and deception, from selfish motives they forced her to engage in prostitution.

## Case 155 – Viet Nam, 2015

Country: Viet Nam  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of Conviction: **16/3/2015**

Court: **People’s Court of Lang Son province**

#### Fact summary:

On April 18<sup>th</sup> 2014, the public security of Hoang Van Thu village, Lang Son city, Lang Son province was informed by Victim 1 (female) that she had been trafficked from Dong Thap province through Lang Son province to China by a woman, Offender 1 .

In the investigation force’s office, Offender 1 told that when she was working in China, she was told by a Chinese man that she would receive money if she brought a Vietnamese woman to China to get married. At the beginning of 2010, Offender 2 (female), Offender 1’s daughter, who got married with a Chinese men and was living in China also told her through telephone that if a woman agreed to go to China to get married, the woman would receive 60 million Vietnam dong (VND)(equal to 3,000 USD).

Offender 1 told many people that if they went to China to get married, they would have a rich life. Victim 1 (born in 1994) and her aunt went to meet Offender 1 to ask for marriage with a Chinese man. Offender 1 accepted and gave the victim’s aunt 250 thousand VND to apply the travel document for Tram. After that, Offender 1 met the victim’s parents and promised to give them 40 million VND to bring the victim to China. She also promised that if the victim didn’t want to live in China, she would help her to return to Vietnam. Offender 1’s husband, Offender 3 (male), wrote a commitment paper with the victim’s parents but he only wrote the reason to bring the Victim to China was to work for Offender 1’s daughter in Phuc Kien province, China.

In the afternoon of April 17<sup>th</sup> 2014, the victim’s aunt transported the victim to Offender 1’s house. In the morning of April 18<sup>th</sup> 2014, Offender 1 transported the victim to Lang Son and rent a room in Lang Son city. When they were in the hotel, the victim said that she didn’t want to go to China, cried and begged Offender 1 to bring her back to Dong Thap. The hotel’s owner brought the victim to the police’s office of Hoang Van Thu village, Lang Son province to report the case.

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### **Decision of the Court**

According to paragraph d, Clause 2, Article 119; paragraph p Clause 1, Clause 2 Article 46; Article 47; Article 18; Article 33; Clause 3 Article 52 of the Penal Code, Offender 1 was sentenced 4 years imprisonment.

## Case 156 – Viet Nam, 2014

Country: Viet Nam  
Year of conviction: 2014  
Form of exploitation: unknown  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of Conviction: **25/2/2014**

Court: **Court of Appeals of the Supreme People's Court**

#### Fact summary:

In June 2012, when working in Na Loc village, Ban Lau ward, Muong Khuong district, Lao Cai province, Offender 1 (male) met a Chinese man named Offender 2 (male). Offender 2 told Offender 1 that he would receive money if he brought Vietnamese women to China for Offender 2. Offender 2 gave Offender 1 his telephone number.

Offender 3 (male) also met a Chinese man named Offender 4 (male). Offender 4 told Offender 3 to traffic Vietnamese women to Offender 4, Offender 4 would pay him a lot of money.

In October 2012, Offender 1 attended a wedding in Sin Cheng ward and met Offenders 3 and 4. In December 2012, Offender 3 and 4 went to Offender 1's house. They planned to traffic a Vietnamese woman to China to have money.

In January 28<sup>th</sup> 2013, Offender 3 told Offenders 1 and 4 that he knew a girl, Victim 1. They agreed to traffic the victim to China. Offender 4 didn't join them because he was busy at that time. Offenders 1 and 3 went to Si Ma Cai district, Lao Cai province by bike. Offender 3 asked the victim to go out and said that he would wait for her in the gas station in the district. When the victim was near the gas station, Offender 3 told Offender 1 to pick her up and lied to her that his name was Long. Offender 1 made friends with the victim and invited her to go to Lao Cai city. The victim agreed with his invitation.

Offender 1 transported her by bike to Muong Khuong district. When they came to Nung Vai ward, Muong Khuong district, Offender 3 phoned to Offender 1 and told him that Offenders 3 and 4 would wait for him in Ban Lau and told Offender 1 to transport the victim to Na Loc village to sell the victim into China. When Offender 1 brought the victim to Ban Lau intersection, it started to rain and there were a lot of cars going into the village. Therefore, Offender 1 negotiated with Offenders 3 and 4 that the victim would not be transported to Na Loc village, but would be transported to Lai Cai city, and stayed in a hotel for the night.

Next morning, Offender 3 phoned Offender 1 telling him to go to Kim Tan square, Lao Cai district city to get the money to pay for the room from Trung. At the square,

Offenders 1 and 4 exchanged vehicles. Offenders 3 and 4 used Offender 1's vehicle went first. Offender 1 came back to the hotel to pay for the room and took the victim went after. When they arrived to the stream near Na Loc village, Offender 1 left the vehicles on the side of the road and led the victim crossing the stream, entered into China and met Offender 4 who was waiting there. Offenders 1 and 4 used car taking into China. When they were about 20km into China, Offender 1 returned to Vietnam.

When Offenders 3 and 4 saw Offender 1 successfully took the victim into China and got picked up by Offender 4, they returned to Vietnam. 2 days later, Offenders 1 and 4 went to Na Loc village by motorbike and crossed border to China to meet up with Offender 4. Offender 4 gave Toa 10,000 yuan (Chinese currency). Offender 1 came back to Vietnam. He exchanged the money into 30 million VND and divided equally for 3 persons, each got 10 million VND.

Since being sold into China, there has been no information about the victim.

### **Decision of the Court**

At Preliminary hearing dated September 24<sup>th</sup> 2013, the People's Court of Lao Cai accused Offenders 1 and 3 guilty of the crime "human trafficking"

According to paragraph d clause 2, clause 3 article 119; paragraph p clause 1 article 46; paragraph g clause 1 Article 48; Article 20; Article 53 of the Penal Code, sentenced Offender 3 06 years and 06 months imprisonment and 6 million VND fee.

According to paragraph d clause 2, clause 3 Article 119; paragraph p clause 1 Article 46; Article 20; Article 53 of the Penal Code, sentenced Offender 1 05 years imprisonment and 5 million VND fee.

Preliminary hearing judgment also stated the crime and punishment of Offender 4, court fees, handling of physical evidence and the appeal rights of the accused.

Because Offenders 1 and 3 appealed, at appealing hearing judgment number 75/2014/HSPT dated February 25<sup>th</sup> 2014, the supreme court in Hanoi decided to accept the appeal withdrawal of Offender 4 and did not accept the appeal of Offender 1.

## Case 157 – Viet Nam, 2013

Country: Viet Nam  
Year of conviction: 2013  
Form of exploitation: forced marriage  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 5

### Case description:

Date of Conviction: **06/03/2013**

Court: **People’s Court of Yen Bai province**

#### Fact summary:

In the end of July 2010, Offender 1 (male) made friends with Victim 1 (female) through chatting by phone. Offender 1 introduced himself as X, living in Vinh Phuc district. Victim 1 told Offender 1 her name, her age and her address.

At 2pm on July 31st 2010, Offender 1 went to Phuc An village, Yen Binh district by motorbike and called Victim 1 to pick him up. Victim 1 and Offender 1 went to Victim 1’s house and had dinner there.

Victim 1 invited the victim’s cousin and his daughters, Person 1, and Victim 2 to join the dinner. Offender 1 asked Victim 1’s father to allow Victim 1 to visit Offender 1’s house in Vinh Phuc. At 9pm, Offender 1 went to Cat Lem village, Dong Hung district to rent a room in the hotel for the night. Offender 1 called his brother named Offender 2, said that he had 2 girls in Yen Bai and he would take them to Offender 3 (Offender 2’s sister, who is living in China) and asked Offender 2 to meet him in Doan Hung intersection, Phu Tho province.

At 7am on August 01<sup>st</sup> 2010, Offender 1 rode motorbike to victim 1’s house and picked her up. Victim 1 went to her cousin’s house and asked for his permission to take Victim 2 go with her to visit Offender 1’s house in Vinh Phuc. Victim 2’s father agreed.

Offender 1 transported Victims 1 and 2 to Doan Hung intersection, Phu Tho province and they met Offender 2 there. When they came to Phu Ninh district, Phu Tho province, they got on the coach to go to Lang Son province. When they came to Lang Son, Offender 1 called his sister, Offender 3 and told her that he had taken 2 girls to Lang Son. Offender 3 told Offender 1 to wait. Then she told a person to lead them to cross the border to China.

In the morning of August 3<sup>rd</sup> 2010, Offender 3 and one woman, Offender 4, met Offender 1 and Offender 4 gave Offender 1 7 million VND and promised to give more. Offender 3 sold Victims 1 and 2 for a woman who is living in China. This woman sold Victims 1 and 2 for 2 Chinese men for marriage. In August 2011, Victim 1 had a daughter with one of the 2 Chinese men.

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In September 2010, Offender 3 gave Offender 1 18 million VND.

In August 2011, Victim 2 escaped with a woman named Person 2. She returned to Vietnam and stayed at Person 2's house till August 29<sup>th</sup> 2011. Then Victim 2 came back to her house in Phuc An village, Yen Binh district, Yen Bai province.

In November 2011, Victim 1 was helped by a friend to return to Vietnam.

In November 2011, Victims 1 and 2 wrote a letter to make the denunciation of Offenders 1 and 2.

### **Decision of the Court**

According to paragraph d, e Clause 2 Article 119; paragraph p Clause 1, Clause 2 Article 46; Article 51 of the Penal Code, Offender 1 was sentenced 8 years imprisonment.

## Case 158 – Viet Nam, 2013

Country: Viet Nam  
Year of conviction: 2013  
Form of exploitation: unknown  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 10

### Case description:

Date of Conviction: **06/03/2013**

Court: **People’s Court of Yen Bai province**

#### Fact summary:

In November 2013, Offender 1 (male) (born on August 20<sup>th</sup> 1990, living in Lao Va Chai village, Yen Minh district, Ha Giang province) met a Chinese man named Offender 2 (30 years old, living in Van Nam province, China). Offender 2 told Offender 1 that if Offender 1 brought a Vietnamese woman to China and sell for him, Offender 2 would pay him 3,000 to 3,500 yuan. Offender 1 and 2 gave each others phone numbers.

In December 2013, Offender 1 made friends with Victim 1 (female) (born in 1987, living in Quan Ba ward, Quan Ba district, Ha Giang province). Offender 1 introduced himself as Xa and flirted the victim. Offender 1 and the victim had met and gone out many times.

In December 31<sup>th</sup> 2013, Offender 1 phoned the victim and invited her to go to Yen Minh fair. The victim agreed with him. At 7pm, he rode a motorbike to pick the victim up. Offender 1 told the victim to go to China to visit his cousin’s house. Offender 1 had the plan to sell the victim to Offender 2.

At 22pm, Offender 1 called Offender 3 (male) (born in 1993) and told him to go with Offender 1. Then Offenders 1 and 2 and the victim went by motorbike to Bach Dich, Yen Minh province. Offender 1 called Offender 2 but he didn’t answer. Offender 1 told Offender 2 to call Offender 3. Offender 3 called Offender 2 and told him that they had a girl to sell for him. Offender 3 used Offender 1’s motorbike to return to his house when Offender 1 and the victim waited for Offender 2. 20 minutes after, Offender 2 with 4 men and one woman used car to pick up the victim and Offender 1 and they went to China. Offender 2 suddenly said that he forgot some stuffs. He and Offender 1 left the car to walk to Offender 2’s house. The victim was transported into China by the 4 men and the woman. In the morning of January 1<sup>st</sup> 2014, they arrived to a Chinese couple’s house. The victim found out that she was trafficked to China. The Chinese couple threatened to kill the victim if she does not obey them.

When Offender 1 returned to Vietnam, the victims’ sister, (born in 1986) called Offender 1 and threatened to make the denunciation of his activities to the police. Offender 1 frightened and returned to Offender 2’s house, told him to bring the victim

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back to Vietnam. In January 01<sup>st</sup> 2014, Offender 2 took the victim to Offender 2's house and in January 04<sup>th</sup> 2014, Offender 1 brought the victim back to Vietnam.

**Decision of the Court:**

According to paragraph đ Clause 2 Article 119; paragraph a, b, p Clause 1 , Clause 2 Article 46 of the Penal Code, Offender 1 was sentenced 06 year imprisonment.

The victim was paid 6.5 million VND in compensation.

## Case 159 – Viet Nam, 2014

Country: Viet Nam  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of Conviction: **29/9/2014**

Court: **Court of Appeals of the Supreme People's Court in Hanoi**

#### Fact summary:

When living in China, Offender 1 met Offender 2. In August 2010, they came to Vietnam and lived in Offender 1's mother's house. Offender 2 discussed with Offender 1 to find a woman to traffic to China and sell into prostitution to get money.

In December 13<sup>th</sup> 2010, Offender 1 met the victim (female) (born on May 10<sup>th</sup> 1995) and told her to visit her house after school. After school, the victim came to Offender 1's house and had lunch there. Offender 1 told the victim that she would go to Thai Nguyen tomorrow and invited the victim to come with Offender 1. Offender 1 promised to pay the travel fee and told the victim to stay in Offender 1's house for the night and they would leave tomorrow morning. The victim agreed.

At 5.30 am in December 14<sup>th</sup> 2010, Offender 1 and the victim walked to Yen My village intersection, Cho Don district, Bac Kan province to take the coach. Offender 2 also went to Thai Nguyen. At 4pm, Offender 2 and Offender 1 took the coach in Thai Nguyen and transported the victim to Mong Cai, Quang Ninh and called Offender 3 (the owner of a brothel in China) to pick her up.

Offenders 1 and 2 rent a motorbike to transport the victim from Mong Cai to the border. They used boat to transport the victim through the river into China and then went by Offender 3's husband's motorbike to Offender 3's house at 6pm in December 15<sup>th</sup> 2010. Offender 3 agreed to buy the victim and gave 7,000 yuan to Offenders 1 and 2.

The victim was forced into prostitution. The money she get from prostitution was kept by Offender 3 to pay for the money Offender 3 gave to Offenders 1 and 2. On September 25<sup>th</sup> 2013, after paying all the money for Offender 3, the victim was allowed to return to Vietnam. When returning to Vietnam, the victim went to the police station to make the denunciation of Offenders 1 and 2.

#### The Decision of the Court

At Preliminary hearing judgment number 03/2014/HSST dated April 24<sup>th</sup> 2010, according to paragraph e, h Clause 2 Article 120; paragraph p Clause 1 and Clause 2 Article 46 of the Penal Code, the People's Court of Bac Kan province sentenced Offender 2 to 15 years imprisonment and Offender 1 to 11 years imprisonment; noted that Offender 2 voluntarily compensated the victim 20 million VND.

## Case 160 – Venezuela, 2012

Country: Venezuela  
Year of conviction: 2012  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: unknown (multiple)

### Case description:

La Madre de la adolescente victima, desde Perú, formuló denuncia ente la Fiscalía de su país, donde informa que la denunciada, se había llevado a su hija desde Perú hasta Venezuela con la promesa de darle trabajo y estudios, ya en Venezuela denuncia la madre, su hija era mantenida bajo trabajos forzosos y malos tratos, razón por la cual el Ministerio Publico de Perú, amparado en la Convención Interamericana de Asistencia Mutua, en Materia Penal y el Protocolo Cooperación Internacionales, para fortalecer la investigación, atención y protección a la Victima, del delito de Trata de Personas entre los Ministerios Públicos Interamericanos, solicitando la asistencia Judicial Internacional, siendo recibido por el Ministerio Público Venezolano, siendo comisionados la Fiscalía, lugar donde se presumía se encontraba la adolescente, siendo la fecha posterior informado el CICPC Sub delegación Valencia, para que realizara las labores de investigación solicitaron al Tribunal de Control una orden de allanamiento siendo esta obtenida el 21/04/2012, siendo la 1:30 a.m., una comisión del CICPC, en compañía de los Fiscales se dirigieron a la Dirección, resultando aprehendidos los ciudadanos Peruanos y recuperada la Adolescente víctima de trata.

## Case 161 – Portugal, 2014

Country: Portugal  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 30  
Number of offenders: unknown (multiple)

### Case description:

Date of conviction: **17/12/201**

Court: **Comarca de Beja – Instância Central – Secção Cível e Criminal – J2**

#### Fact summary:

The defendants and the victims were all of Romanian nationality.

- The accused approached his countrymen in Romania. They were aware of their economic difficulties and promised them work in Portugal of an agricultural nature, in particular in fruit and olive-picking activities upon a remuneration of 3.50 euros / hour, transportation, security and housing; this at a cost of 20 euros / month;
- in Romania, the defendants charged between 23-33 euros to each of the 30 individuals who were willing to come to PT with the promise of employment;
- They carried the 30 individuals to Portugal in a van, making the journey at night to avoid police checks, mainly due to the overcrowding of the vehicle;
- Arrived at Portugal, they settled the workers in a small home for all to share. There they slept on mattresses lying around the house and outside under a shed, with a single bathroom for everyone. They demanded from each the payment of 70 euros monthly plus 150 euros more for transportation;
- The workers were taken by the defendants to and from the workplaces, which were hired by the defendants from the owners of land with the same individuals used in several farms in the harvesting of fruit and olives;
- At one point, they were moved to another workplace and 30 workers were installed by the defendants in a building, where they slept on mattresses spread on the floor, provided by the accused upon payment of 2 euros / each;
- The workers could only get food from the accused while being transported by them. Most of them were starving and some fed from waste;
- The defendants took hold of the workers' identification documents. Any protest over working conditions was met with the assertion that, if the workers left or went to the police, they would have to work for them for a period of three years and that they would look for them in Romania;
- They lent money to allow the workers to buy food and tobacco, charging interests of 50% and 100%.

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- Due to the deductions made by the accused in relation to accommodation, transport, food and interest loans, workers never received any compensation for their work, which lasted for about three months.

They were sentenced to a term of imprisonment of 3 to 5 years

## Case 162 – Portugal, 2014

Country: Portugal  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case description:

Date of conviction: **28-04-2014**

Court: **Juízos de Competência Criminal de Vila Nova de Famalicão 2.º Juízo Criminal**

Fact summary:

At a date not precisely determined, but prior to the beginning of 2007, the defendant decided to increase his financial income by exploiting women dedicated to prostitution.

To achieve his aim, he devised a plan consisting essentially of:

- Start operating establishments that were conducive to the practice of prostitution. Two types of women worked there: the so-called women out, namely those working in prostitution without bonds to the establishments, and the women of the house, ie with links to these sites. As a rule, the women were of Brazilian nationality recruited in Brazil and would not be residence permit holders or have consent to carry out any occupation.
- Organize the internal recruitment of national citizens who wanted to have prostitution in their establishments;
- Provide the transportation of Brazilian nationals to Portugal without the respective entry visa (above mentioned), convincing them to come to Portugal;

To that end, the citizen recruited, referred to come to Portugal for prostitution by counterpart, with income from work, pay the trip.

Obtain the consent of the victims and, along with travel agents, purchase airline tickets, opting for indirect paths, with airports in Spain, Portugal and France, justified by fictitious tourist motivations, in order to evade surveillance authorities of border services;

All documentation required for the trip would be, at his command, provided by his employees in Brazil;

Travel would be paid by him or someone at his command, as a rule, via Western Union;

Prior to the voyage, the defendant or one of his employees would advance pocket money for the trip and give instructions on the behaviour to adopt, in particular during the flight: wear discreet clothing in order to not to arouse suspicion in the border control authorities;

Arriving to the airport of destination, the victims were met by the accused or someone at his command and transported to the establishment which would provide the service;

Once settled in the property, the defendant or someone at his command would inform the victims that they would have to make the pass payment, that is, the cost of the ticket, expenses incurred, pocket money, an amount that would be around €3500 and that was inflated in relation to the real value (charges / expenses), plus the daily rate, that is, the amount that the victims would have to pay daily for accommodation at the defendant's property, amounting to €15,00 to €20.00 per day;

As payment, the victims practiced acts of a sexual nature (sexual intercourse, anal or oral intercourse) on an exclusive basis in their establishment. Their freedom of movement was limited, since as a rule they were not allowed to leave the establishment permanently without previously liquidating the debt of increased cross daily;

To safeguard the presence of the victims in the establishment, the following system of fines was established: if they were late for work purposes;

In order to monitor the women's activities and ensure the payment of the pass and daily rate, he would be aided by a group of people of trust, who would be in charge of the daily tasks of brothels, such as accounting, security, concierge, service bar and reception;

The activity of these women consisted essentially of grooming clients who attended to offer them drinks, raising the accused 50% of the price and the target, the other half, and / or accompany them to the rooms located on the first and second floors of these establishments. Once there, they maintained relations of a sexual nature, namely intercourse, oral and / or anal intercourse.

To gain access to the rooms in the company of women and then commit acts of a sexual nature, customers payed amounts previously defined in the price list: (usually) approximately €25.00 for a period of 20 minutes before 22:00 and, after this time, € 40.00, € 50.00 and € 100.00, depending on the length of time spent there – respectively, 20 minutes, 30 minutes or an hour;

The choice of the sexual act would be the availability of the client and the woman.

At arrival at each establishment specific numbered cards of consumption were distributed to every woman; each woman had a number corresponding to a field in a control table. When asked for a private encounter, a clerk would record in the woman's card and table the act of prostitution.

The prices were, in turn, covertly recorded in the consumer card of each client, delivered to the establishment, and paid, as a rule, in advance, that is, before the provision of sexual services by the house staff.

Brazilian women, not entitled to residence permits or visas permitting them to carry out any occupation, made the move to Portugal in order to work in prostitution.

A significant portion of these women from Brazil were in particularly vulnerable situations due to their status of full economic dependency, emotional fragility and permanent pressure.

The accused were sentenced to prison sentences that ranged from 1 to 12 years.

## Case 163 – Israel, 2013

Country: Israel  
Year of conviction: 2013  
Form of exploitation: sexual exploitation and pornography  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Institution: Tel Aviv-Jaffa District Court

#### Fact Summary:

In May 2013, a precedential indictment was filed against the defendant (male) and he was charged with TIP, rape, indecent act, publishing an obscene publication that includes the likeness of a minor, utilising the body of a minor in order to advertise an obscenity, and possession an an obscene publication that includes likness of a minor.

The defendant is an Israeli citizen who met the complainants, the mother and her 10 years old daughter who lived in Georgia through the internet. The defendant persisted in an on-line relations with the mother as well as later upon his arrival to Georgia, where he met her and the daughter, bought the child gifts, went out with them and wired money for them from Israel. Later, according to the indictment, the defendant arrived to a hotel in Tbilsi and asked the mother and daughter to join him. The defendant and the mother reached an agreement according to which he will pay her a monthly payment of \$100 and in exchange she will allow him to use her daughter's body for the production of pornographic material and for conductin sexual acts.

According to this agreement, in two (2) cases, the defendant arrived to the hotel in Tbilsi and the mother brought the daughter there. In the hotel room, the defendant took obscene photos of the minor and sexually assaulted her, including partial penetration while visually recording the acts by several cameras belonging to him and the mother.

The defendant gave the moth a camera and a laptop so she can produce pedophiloe photos of the minor at his will. The mother emailed the photos to the defendant and he paid her. Later on, the defendant published and sold the photos and films. Additionally, the defendant held in his possession many other obscene materials of other minors, which he also published.

In May 2013, an indictment was filed against the defendant and he was charged with TIP (multiple charges), rape, indecent act (multiple charges), publishing an obscene publication that includes the likeness of a minor (multiple charges), utilising the body of a minor in order to advertise an obscenity (multiple charges) and possession of an obscene publication that includes the likeness of a minor (multiple charges).

The submission of the indictment was in corporation with the Georgian authorities. The Georgian authorities arrested the mother and indicted her in TIP. The evidence

in the case against the defendant is based on materials that were collected in Israel as well as in Georgia. Both the mother and the daughter were investigated and gave written statements. The indictment was submitted in Israel with the approval of the Deputy State Attorney (Criminal Matters) since some of the offenses, for example, the sex offenses are considered foreign offenses conducted in Georgia.

On January 15, 2015, the Tel Aviv-Jaffa District Court convicted the defendant on all charges, including in multiple offenses of TIP. The Court ruled that according to the strong evidence in this case it was proven that the minor was passed from hand to hand: from her mother to the defendant as if she were an object and therefore the element of a “transaction in a person” as required by the offense of trafficking in persons according to Israeli law, was met. The daughter was objectified. According to the Court, the objectification and making a use of a person need not be permanent and does not even require a long period of time but rather can occur dor a short period of time. Also, the transaction in a person, and the objectification of a person do not need to involve the displacement of the victim from its place of residence, as long as they are fone for one of the purposes mentioned in the offense, in this case “causing a sex offense”. Additionally, the Court decided that the linkage between the money transferred to the mother by the defendant and the “usage” of the minor was proven beyond reasonable doubt, even though this is not an element of the offense that needed to be proved. As for the consent, which is not an element of the crime as well, it was proven from the evidence that the minor protested several times, which only reinforced the element of objectification of her body by her mother and the defendant.

Finally, the Court accepted the State Attorney’s Office argument, according to which the crime of trafficking in persons involves a wide range of situations that are not necessarily contingent upon a place, consent nor a compensation, and that clearly the circumstances of the case shows that a transaction was made between the mother of the victim and the defendant, a transaction whose purpose was to make use of the minor’s body as an object, both for the defendant’s sexual desires and for trading in the minor’s photos.

On 25 February 2015, the Defendant was sentenced to sixteen (16) years imprisonment, twelve (12) months conditional imprisonment for three (3) years, and 100,000 NIS (25,000 USD) compensation was awarded to the victim. Note that an appeal of the sentencing was filed by the State Attorney’s Office.

## Case 164 – Israel, 2014

Country: Israel  
Year of conviction: 2014  
Form of exploitation: pornography  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Date of Conviction: **November 23, 2014**

Court: **Rehovot Magistrate Court**

#### Fact summary:

On November 23, 2014, the Defendant, an Israeli citizen was convicted (within a plea bargain agreement) of several cases of consuming prostitution services with a minor, indecent act against a minor, sexual harassment of a minor, publishing an obscene publication that includes the image of a minor, possessing an obscene publication that includes the image of a minor and the sale of intoxicating beverage to a minor.

The investigation in Israel began following a request from the Russian law enforcement activities, after intense activity by the Defendant on a very popular Russian website called 'VKontakte'. On this website, various games can be played in exchange for "virtual currency" which must be acquired through real currency. The investigation revealed, that between 2012 -2014, the Defendant propositioned young teenage boys, from both Israel and abroad, or masturbate in front of a computer camera while he watched and that in exchange, he would purchase virtual currency for them. The boys gave their consent and the defendant paid them in virtual currency, in exchange for their willingness to masturbate in front of the computer camera, while he watched through his computer.

The State Attorney's Office issues, in June and July 2014, requests for legal assistance from Russian and Ukrainian authorities respectively. The requests included obtaining the testimonies of the victims and their parents, information from various computers, cameras, bank accounts and cell-phones, and locating one of the defendant's victims. In addition, the requests included the involvement of Israeli computer experts in the course of the investigation.

It is important to note the precedential aspects of this case: **though there was no physical contact between the defendant and the minors, the State Attorney's Office decided to charge the Defendant with consuming prostitution services from a minor because he paid for a virtual act of prostitution.**

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On April 26, 2015, the defendant was sentenced to 55 months of imprisonment, ten (10) months conditional imprisonments for three (3) years, and 16,000 NIS (4,000 USD) compensation was awarded to the victims.

## Case 165 – Israel, 2013

Country: Israel  
Year of conviction: 2014  
Form of exploitation: slavery  
Type: domestic trafficking  
Number of victims of trafficking: 21  
Number of offenders: 1

### Case description:

Date of Conviction: **October 28, 2014**

Court: **Tel Aviv-Jaffa District Court**

#### Fact summary:

On February 14, 2010 an indictment was filed in Tel Aviv-Jaffa District Court, which is considered as ground-breaking, given its unique facts. It relates to a man who dominated the lives of 21 Israeli women for over two decades, by convincing them that he had superhuman powers.

On September 2014, the Court convicted the defendant in six (6) charges of severe sex offenses, including rape, sodomy and incest and one (1) charge of obtaining anything by deceit under aggravated circumstances. The offenses were committed against the defendant's wives and daughters. The Court acquitted him from the charge of the offense of holding a person under conditions of slavery and from one (1) of the rape charges (out of seven (7) in which he was charged of).

On October 28, 2014, the defendant was sentenced to thirty (30) years imprisonment and ordered to pay 470,000 NIS (US \$117,500) in compensation to six (6) of the complainants.

Despite the fact that the Court did not accept the legal interpretation of the State Attorney's Office in this case, this is an important case, not only since it was the first of its kind but also due to the close cooperation between the MSS, the Police and the State Attorney's Office for a long period of time. Additionally, due to the police investigation, **this "group" was dismantled while none of the women or children were hurt, and they were given an opportunity to have new and free lives. Furthermore, this case brought the offense of holding a person under conditions of slavery into the public discourse, and the legal and moral one as well.**

After given due consideration, the State Attorney's Office decided not to appeal on the acquittal primarily because the evidence cited in the decision of the Court did not support arguing before the Supreme Court according to the legal interpretation of the TIP offense of slavery. The defendant filed an appeal to the Supreme Court against his conviction and for a mitigation of his sentence, which is pending.

## Case 166 – Republic of Moldova, 2014

Country: Republic of Moldova  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

By the Centru District Court's judgment (mun. Chisinau) of 22 October 2014, the offender was recognized guilty and convicted under art. 165 (1) letter b) and c) of the Criminal Code, to 5 years of imprisonment with deprivation of the right to hold certain positions or to exercise certain activities in the tourism sphere and to hire labor force for a period of 2 years, and under art. 90 of the Criminal Code the execution of the punishment was conditionally suspended for a probation period of 4 years.

In fact, the court found that at the beginning of December 2007 the offender intentionally, of financial interest, for the purpose of commercial sexual exploitation of a person, by fraud, manifested by the promise of well-paid employment as babysitter in Antalya, Turkey and by abuse of vulnerability position, manifested by the precarious social situation, and within a discussion, the offender recruited the victim (female) with her consent.

On 7 December 2007, the offender acting for achieving its goal crime, organized transportation of the victim to the destination, in Turkey. The offender bought the air-travel ticket of her own for travel for the date 07.12.2007 and accompanied the victim throughout the journey, but arriving in Turkey, for reasons beyond her control, the victim had been returned to Moldova by the competent bodies from Turkey.

Subsequently, in order to achieve her goal crime, being in Turkey, the offender organized another identity card on the name of the victim, supporting all the costs and organized the transportation of victim in Turkey by purchasing the air-travel ticket on the route Chisinau-Istanbul on 14.12.2007, but arriving in Turkey from causes beyond her will, the victim was returned back to Moldova by the competent authorities of Turkey.

Continuing her criminal actions, the offender being in Turkey, organized transportation of the victim in Turkey through purchasing the air-travel ticket on the route Chisinau-Istanbul-Antalya for 15 December 2007. Thus, on this date, the offender met the victim then concealed her in an apartment and seized her passport. Having control over her, who was in vulnerability situation determined by being in a foreign country, seized by identity documents and without money, she was forced to provide commercial sexual services for several men, actions which took place till 26 April 2008, invoking the necessity of returning a debt. First-instance court's judgment was appealed by the prosecutor. By the decision of the Court of Appeal of 10 February 2015, the appeal lodged by the prosecutor was accepted, the first-instance court's judgment was quashed and a new decision was delivered, by which the offender was recognized guilty and convicted according to art. 165 (1), letter b) and c) of Criminal Code to 5 years imprisonment with execution of the punishment in semi-closed penitentiary for women

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and deprivation of the right to pursue activities in the field of tourism and of hiring labor force for a period of 2 years. Otherwise, the first-instance court's judgment was upheld.

Defendant's lawyer contested the decision of the Court of Appeal and requested the judgment to be quashed, the reexamination of the case and pronouncement of a new decision, by which the execution of defendant's punishment to be postponed according to art. 96 from the Criminal Code. On 3 June 2015, the Supreme Court of Justice declared inadmissible the appeal, as being manifestly unfounded. The decision is irrevocable.

## Case 167 – Republic of Moldova, 2013

Country: Republic of Moldova  
Year of conviction: 2013  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

By the Centru District Court's judgment (mun. Chisinau) of 7 December 2013, Offender 1 was convicted to 7 years of imprisonment with execution of sentence in closed regime penitentiary under art. 165 (2) letter d) and g) from the Criminal Code. Offenders 2 and 3 were acquitted of committing the crime provided by art. 165 (2) letter d), g) of the Criminal Code because of the lack of elements of crime in their actions.

The court found that in October 2011, Offender 1 being in Seliste village, Orhei district, together with Offender 2, knowing with certainty about the vulnerability status of the injured party Victim 1 who faced with a difficult financial situation and suffering of mental disease (easy mental retardation), abusing and cheating him about sum of money that he will receive and being interested to force begging the Victim., they recruited and convinced him to go together to Moscow, Russian Federation.

In order to realize their criminal intentions Offenders 1 and 2 paid for making national passport for the injured party Victim 1.

At the end of December 2011, Offender 1 and 2 paid also the cost of the train ticket on the route Chisinau – Moscow and on 24.12.2011, together with Offender 3 accompanied the Victim to Russian Federation.

Arriving at the destination, Offender 1 concealed Victim 1 in an apartment from Moscow. Subsequently, Offender 1 continued his criminal actions, wanting to make sure that the victim will not undertake any actions to come back to Moldova, had seized his passport. Until the beginning of February 2012, Offender 1 acting together with Offender 2, knowing about his vulnerability, manifested by the difficult economic situation, suffering from mental disease, being in a foreign country, without money and identity documents and being threatened with physical violence, the Victim was obliged to beg from people on street, according to a daily program from 6.a.m. to 18 p.m. in one place established by Offender 1.

In this context, Offender 1 obliged Victim 1 to work in unfavorable weather conditions, collecting money from begging and leaving the Victim without any financial sources and to subordinate the Victim, Offender 1 had taken inhumane treatment actions.

The judgment was appealed by the prosecutor and by the defendant's lawyer. The prosecutor asked partial quashing of it, regarding acquittal of Offenders 2 and 3, reexamination of the case and pronouncement of a new judgment, through which Offenders 2 and 3 to be convicted each to 8 years in prison, under art. 165 (2) d) and g) of the Criminal Code. By the decision of the Chisinau Court of Appeal of 20 March 2014, appeals lodged by the defendants' lawyer were rejected as unfounded.

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The appeal lodged by the prosecutor was accepted. The judgment was partially quashed and delivered a new decision, by which Offenders 2 and 3 were convicted under the art. 165 (2) letter d), g) of the Criminal Code, with the application of the provisions of the article 79 of the Criminal Code, to 5 years imprisonment each, with deprivation of the right to hold certain positions or to exercise certain activities in the tourism field for 2 years each. The rest of the judgment was upheld.

The defendants' lawyer contested this decision.

On 29 October 2014 the Supreme Court of Justice mentioned that the Court of Appeal pronounced a legal and a well-founded decision, and as a consequence declared inadmissible the lodged appeals, as being manifestly unfounded. The decision is irrevocable.

## Case 168 – Republic of Moldova, 2013

Country: Republic of Moldova  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

By Grigoriopol District Court' judgment of 30 January 2013, Offender 1 was sentenced under the art. 165 (2) letter d) of the Criminal code, to 7 years of imprisonment.

The court found that in June 2012, Offender 1 together with Offender 2 and other persons unidentified by the criminal investigative body, being in Ialoveni district, for the purpose of commercial sexual exploitation of Victim 1 and of obtaining benefits of it, finding from Victim 1 about her difficult financial situation, recruited her by abuse of vulnerability position, proposing her a well-paid employment, with the help of his friends, as a chambermaid in a hotel from Antalya, Turkey.

Hereby, Offender 1 acting in agreement with Offender 2 and other persons unidentified by the criminal investigative body, told the Victim that working as a chambermaid in Turkey, she would receive a salary of 2000 US dollars, but if she would provide the hotel clients sexual services, she would receive a salary of 4000 US dollars.

The same persons communicated to the Victim that the first months she had to work in order to return the debt in the amount of 2000-2500 US dollars, pretended that they had paid her transport costs in Turkey that consisted of buying the air-travel tickets, the medical examination and the passport. The Victim accepted their proposal.

Thus, on 13.06.2012 the Victim met Offenders 1 and 2 and other unidentified persons near the store „X” from Chişinău. During this meeting they informed the Victim that they had book an air-travel ticket on the route Chişinău-Antalya and that until passing the border control she would be accompanied by Offender 1.

During the same meeting, the Victim was instructed on her behavior with the employer of Turkey and the false statements which she had to make to the competent authorities of the Republic of Moldova and Turkey regarding her purpose of travelling, informing her that in Turkey she would be met by a person 1 (Offender 3), who would take her to the place of destination.

Thereafter Offenders 1 and 2 and other unidentified persons accompanied the Victim to the Chisinau International Airport. Offender 1 conducted her to the counter of registration of passengers, obtained the air-travel ticket under the electronic ticket booked in advance, then accompanied Victim 1 to the border checkpoint.

While the Victim's documents were verified at the border checkpoint, was found the real purpose of her travelling to Turkey. The border police stopped Victim 1 and Offender 1 was detained.

*These court case narratives were provided by Member States. The content does not necessarily reflect the views or policies of UNODC, and nor does it imply any endorsement.*

The lawyer of Offender 1 contested the first-instance court's judgment, requested its quashing, reexamining of the case and pronouncement of a new decision of acquitting G.I.

On 28 May 2013 the Court of Appeal Chişinău, rejected as unfounded the appeal and maintained the first-instance court's judgment.

This decision was contested by the defendant's lawyer.

On 18 December 2013 the Supreme Court of Justice declared inadmissible the appeal as being manifestly unfounded. The decision is irrevocable.

## Case 169 – Republic of Moldova, 2014

Country: Republic of Moldova  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 2

### Case description:

By the Rîșcani District Court's judgment (mun. Chișinău) of 21 November 2014, Offender 1 was convicted under the article 165 (2) letter b), d), article 79 Criminal Code to 5 years imprisonment, with deprivation of the right to hold public positions and to practice tourism activities for 5 years. Under the article 90 of Criminal Code, the execution of the punishment was conditionally suspended for 5 years.

The court found that in July 2007, May 2008 and June 2008 Offender 1 for the purpose of commercial sexual exploitation of several persons, by abuse of their vulnerability position, through fraud, manifested by hiding the real employment offer in Istanbul, Turkey, being in Chisinau, recruited Victims 1, 2 and respectively Victim 3 with their consent. Offender 1 organized the meetings, discussions, bought the air-travel tickets and organized their boarding on the plane to Istanbul. At the airport of Istanbul, Turkey, the victims were met by an unidentified person from Turkey, Offender 2 who transported them in an apartment from Istanbul and forced them to provide sexual services, for money, to different persons.

In June 2008 Offender 1 also, acting in agreement with Offender 2 for the purpose of gaining benefits from practicing prostitution by another person, encouraged Victim 4 to practice prostitution in Istanbul, Turkey, and convinced her that this would be well-paid.

The prosecutor contested the first-instance court's judgment, requested partial quashing of the judgment, reexamination of the case and pronouncement of a new judgment, by which Offender 1 would be sentenced under the art. 165 (2) letter b), d) of Criminal Code to 9 years imprisonment.

On 27 January 2015 the Court of Appeal Chisinau accepted the appeal, quashed the judgment, reexamined the case and pronounced a new decision, by which Offender 1 was sentenced under art. 165 (2) letter b), d) of the Criminal Code to 7 years of imprisonment with deprivation of the right to hold public positions and to practice tourism activities for 5 years. The rest of the first-instance court's judgment was upheld.

The defendant's lawyer contested this decision and requested to be quashed and to be upheld the first-instance court's judgment.

On 24 June 2015 the Supreme Court of Justice declared inadmissible the appeal as being manifestly unfounded. The decision is irrevocable.

## Case 170 – Republic of Moldova, 2014

Country: Republic of Moldova  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: unknown (multiple)

### Case description:

By the Centru District Court's judgment (mun. Chisinau) of 22 July 2014, Offender 1 was found guilty in committing the crime provided by art. 165 (2), letter d) of the Criminal Code and sentenced to 7 years of imprisonment with deprivation of the right to hold certain positions, to practice tourism activities, to hire labor force abroad and other related activities for 2 years.

The court found that in the second part of the July 2010, Offender 1 being in Chisinau, together with an unidentified person by the criminal investigative body from Turkey Offender 2 (male) and other unidentified persons from Istanbul, Turkey, for the purpose of commercial sexual exploitation of a person, by fraud consisting of misleading of the victim on work conditions and by abuse of vulnerability position of the victim, manifested by a difficult financial situation and a debt of 300 US dollars that she couldn't return, they recruited Victim 1 (female) with her consent for the purpose of commercial sexual exploitation in Turkey.

On 21.04.2010, Offender 1 obtained the consent of Victim 1 to go to Turkey and gave her the air-travel ticket for the route Chişinău - Istanbul for the same day.

Hereafter, Offender 1 transported the victim to Chisinau International Airport and instructed her about her behavior at the border checkpoint of the Republic of Moldova.

At the same date, Offender 1 acting in agreement with an unidentified citizen of Turkey Offender 2, and other unidentified persons, accompanied Victim 1 to Istanbul, Turkey, where she was transferred to Offender 2.

Offender 2 transported the Victim into an unidentified apartment in the same city, where he concealed her and requested to return the debt of 400 US dollars. At the same time, Offender 2 deprived the victim of her right of movement and informed her that she had to provide sexual services for money to clients in order to return the debt of 400 US dollars.

In such a way, the victim being in Istanbul, Turkey was forced by Offender 2 to provide commercial sexual exploitation against her consent to different men almost for 2 weeks.

The defendant's lawyer contested the first-instance court's judgment. On 3 February 2015 the Court of Appeal Chisinau rejected the appeal as unfounded and upheld the first-instance court's judgment.

The defendant's lawyer contested the decision of the Court of Appeal Chisinau.

On 6 May 2015 the Supreme Court of Justice declared inadmissible the appeal as being manifestly unfounded. The decision is irrevocable.

## Case 171 – Serbia, 2014

Country: Serbia  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Date of conviction: **25 March 2014**

Court: **Higher Court in Vranje**

Fact summary:

By analyzing the proceedings conducted in the **Higher Court in Vranje** against the accused Offender 1 for two offenses of trafficking in human beings, Article 388, paragraph 3 in conjunction with the paragraph 1 of the CC which has been legally ended on 25 March 2014, the following has been determined:

**1. Perpetrator's profile** - The accused Offender 1 is the Republic of Serbia citizen, an ethnic Albanian who at the time of commencement of the enforcement of offences was 52 years old, middle-income, previously convicted three times, but not for the same criminal offence for which he has been convicted in this case and of which condemnation up to the execution of the concerned offences has passed more than 17 years. During the proceedings, the defendant has denied the commission of the offences in question.

**2. Modus operandi of the perpetrator** - The accused has committed both offences towards Victim 1 and Victim 2 (females) two minor damaged persons i.e. two sisters, abusing their difficult economic and social situation and acquaintance with the parents of damaged persons. He has been familiar with their family situation and the lack of parental care, so first he misled the older sister promising that she will work at his house as a maid with monthly salary of 200 EURO, and afterwards a younger one by the use of force. He took her to his house where he kept both of them by limiting their freedom of movement with the constant threat of if they try to escape he shall kill their families and themselves. One of the minor sisters has also been injured and physically hurt by him, all for the purpose of **exploitation of their work** in the form of performing house works and agricultural jobs without payment thus **establishing the relationship of slavery towards the underage damaged persons.**

3. As for the **financial aspect** in this particular case, it is indirectly realized in the form as minor damaged persons performed various domestic and agricultural works for the accused.

**4. Profiles of the victims** - In this particular case, there are two minor damaged persons - two children from the territory of the Republic of Serbia, who at the time of the commission of offences were 17 years old, coming from a poor family which subsists from the welfare.

**5. Other specific information** - In this specific case the court has established the facts on the basis of the testimony of juvenile victims, who consistently throughout the proceedings have described how they went to the house of the accused, to which they have been obliged and forced during their stay in the house of the accused and how they have been held there, restricted from their right of freedom of movement, as well as based on the testimony of other witnesses who have been heard during the proceedings (mother of damaged persons, police officers and son-in-law of the accused who made indirect information about critical events that he has been given from his wife - the daughter of the accused who was staying in the house of the accused during the relevant period and who has escaped from the house of the accused together with one of the damaged sisters). Damaged persons have been kept in the house of the accused by means of force and threats (the first one and then the other) over a period longer than two years, and one of the victims after the critical event had suffered psychological consequences, i.e. according to an expert opinion from a psychiatrist, the Court found that she is suffering from a personal pain and emotional disturbance which in this case is a consequence of the dramatic events that took place in the house of the accused.

In this proceedings, the accused has been first sentenced to imprisonment of 5 years **and after the appeal the first instance judgment in regard to the sentence has been overturned, and the accused has been legally sentenced to a term of imprisonment of 10 years.** Damaged were instructed to put forward the demands of exercise in the civil proceedings.

**Method of detection of the criminal offence and perpetrator** - both damaged persons have escaped from the house of the accused, with the fact that the damaged sister which is the second staying in the house of the accused escaped from the house together with his daughter, she has returned to the house of her parents and later told the police the whole case, while daughter of the accused reported the whole case to the Croatian police - Interpol.

## Case 172 – Serbia, 2014

Country: Serbia  
Year of conviction: 2013, 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 6  
Number of offenders: 4

### Case description:

Date of conviction: **February 2013; 3 February 2014**

Court: **Higher Court in Belgrade, Special department for Organized Crime; Appellate Court in Belgrade, Special department for Organized Crime**

Fact summary:

By analyzing the proceedings conducted in the **Higher Court in Belgrade, Special department for organized crime** against the accused Offender 1 and others, for the offence of trafficking in human beings, Article 388, paragraph 7 in conjunction with the paragraphs 1 and 3 of the CC, the following has been determined:

#### 1. Perpetrators' profiles:

**The first accused Offender 1** at the time of the commission of the criminal offence was 49 years old, with permanent residence in the territory of the Republic of Serbia but staying in Italy and Romania, never convicted. Characteristically for this defendant is that in this case he has been judged in absence since the Court of Appealing in Brescia has not given permission for his extradition on the grounds that before the competent authorities of the Republic of Italy there is ongoing criminal proceedings against him for the same criminal offence.

**The second accused Offender 2** is the son of the first defendant, at the time of the commission of the criminal act he was 29 years old, a citizen of the Republic of Serbia, with the permanent residence in the territory of the Republic of Serbia, but temporary staying in the territory of the Republic of Italy.

**Third accused Offender 3** at the time of the commission of the criminal act he was 28 years old, citizen of the Republic of Serbia.

**Fourth accused Offender 4** at the time of the commission of the criminal offence he was 23 years old, with permanent residence in the territory of the Republic of Serbia and temporary staying in the territory of the Republic of Italy.

**2. Modus operandi of the perpetrators** - The accused in this trial are pronounced guilty of the criminal offence in question for committing it as an organized criminal group organized by the first defendant, which existed for some time and acted in conspiracy to commit more crimes of trafficking in humans, towards minors - children as well, for the purpose of acquiring direct financial gain. The first defendant made a plan of action of the organized criminal group, and according to this plan the

other three defendants, as members of the organized criminal group, upon the direct orders of the first accused by breach of trust and abusing a difficult financial situation of damaged persons have recruited four damaged female persons to transport them to Italy. One of them has been told that she would be working as a baby sitter in Italy. When they were brought to Italy, from damaged persons have been initially confiscated identity papers and travel documents by using physical force and threats. Then they have been forced into prostitution by transporting them previously agreed location where prostitution takes place where they offered sexual services to clients each day. The accused have controlled them all the time so they would not escape, call for help or keep for themselves some of the money gained through prostitution, and finally at the end of the "working" day they would take all the money victims have earned from providing sexual services. Comparing to the two minor damaged persons who have been successfully recruited and taken to Italy for the purpose of prostitution by abusing their difficult economic situation, in the moment when the second accused and fourth accused had to take another two minor victims in Belgrade from the third accused and take them to Italy, they have been stopped and deprived from freedom by police officers.

3. As for the **financial aspect** in this particular case, the accused acted as an organized criminal group which has been organized only for financial gain, whereby the damaged all the money they earned providing sexual services were giving to the defendants who shared the money among themselves. According to witness statements the damaged provided sexual services for an amount of 30 to 50 Euros per client, and per day had about ten clients. The damaged Victim 1 earned money in this way and was giving it to the defendants in the period from late April 2011 until 26 June 2011, damaged Victim 3 and 4 in the period from 18 May 2011 until the end of May 2011, and damaged Victim 2 from 18 May 2011 until October 2011. On the basis of Article 91 and 92 of the Criminal Code the gain acquired by the commission of this criminal act has been seized from the defendants, so they are **bound to pay the amount of EUR 55,000 in the budget of the Republic of Serbia on the solidary basis.**

#### **4. Profiles of the victims:**

- Damaged Victim 1 at the time of the commission of the offence was 19 years old, citizen of the Republic of Serbia, from a dysfunctional family. Specific for this damaged person as that before a commission of this criminal act she was in a relationship with a third accused, from which has acquired the illusion that is loved by him. That is the reason why she decided to go to Italy with third accused and in the desire for a better life.
- Damaged Victim 2 at the time of the commission of the offence was 27 years old and has never been interviewed during the proceedings because remained inaccessible to the court and the prosecution. Regarding the data on this damaged party, from the testimony of her mother the Court has found that the damaged Victim 2 is a single mother of two minor children from two different fathers, citizen of the Republic of Serbia, without a steady job and regular source of income, who came into trouble with the law for drug possession and was waiting for her prison sentence, which was the reason to decide to go abroad in the summer of 2011 to earn some money for child support. According to the testimony of her mother the damaged had great confidence in the third accused.

- Damaged Victim 3 at the time of the commission of the offence was 20 years old, Roma nationality, citizen of the Republic of Serbia, from a dysfunctional family. Families of the damaged and the third accused were in a family relation.
- Damaged Victim 4 at the time of the commission of the offence was 22 years old, Roma nationality, citizen of the Republic of Serbia, from a dysfunctional family, sister of the damaged Victim 3.
- Minor damaged Victim 5- child, at the time of the critical events was 17 years old, citizen of the Republic of Serbia.
- Minor damaged Victim 6- child, at the time of the critical events was 16 years old, a citizen of the Republic of Serbia, a child of divorced parents, her mother lives in Vienna, and grandparents are taking care of her. Inclined to drug abuse for a long time, according to own confession is into prostitution, for quite a while was in a relationship with a brother of the third accused, so the third accused has been familiar with circumstances related to this damaged.

### **5. Other specific information:**

Due to the opinion of the court expert-psychologist, **the witness damaged Victim 1 aged 19** received the status of particularly sensitive witness, in accordance with Article 103 of the CPC, and her trial was carried out in accordance with Article 104 of the CPC, with the attendance and assistance of the court expert- psychologist, in a manner that during the trial she has been physically separated from the courtroom, using technical means for transferring image and sound, and by the decision of the council the public has been excluded during her trial. The facts related to this proceedings is mainly determined from the testimony of this damaged who consistently and to detail during the proceedings described the way she has been recruited to go to Italy by the third accused with whom she was in a relationship at the time, in order to work there as a baby-sitter, the way in which these defendants treated her and damaged Victims 2, 3 and 4, how they took their documents and by using physical force and threats forced them to provide sexual services, constantly controlling them and demanding that at the end of the day all the money they have earned from the provision of sexual services give to them.

In addition, the actual situation has been determined on the basis of the telephone transcripts' contents of tapped telephone conversations, which the accused had among themselves, with damaged persons and third parties and that have been obtained based on the recording of telephone conversations of the defendants upon the Court order. Parts of the conversations that the defendants have had with each other and with third parties, in which they speak about the place where sexual services would be provided, the price of the street spot for one girl, as well as the girls' manner of work and how to be controlled, is something that is in details in full consistent with the testimony of the damaged witness Victim 1.

The Court has accepted the testimony of the damaged witness Victim 3 in the part where she is stating that she and her sister, damaged Victim 4, were familiar with the fact that in Italy they will be dealing with the prostitution, but did not know that their travel documents would be confiscated and they would be exploited, in the way that all the money they earn will be given to the defendants. Due to existence of family relationship between the families of the damaged girl and the third accused, the Court determined that during her testimony the damaged tried to eliminate the role of the third accused, laying all the blame on people who were not present during this

proceedings. This witness could not be examined in the main trial, having in mind her illness and the inability of the Court to establish communication with her.

During the proceedings, the damaged witness Victim 4 denied that in Italy she was dealing with the prostitution and the Court described such statement of hers as calculated with the purpose of concealing the truth and preserving the family and marriage that has established before and which is obviously very important to her. This fact is supported also by the testimony of her husband, who besides having a doubt about what really had happen to his wife during her stay in Italy, wants to maintain the illusion that she went to Italy to work in the china shop.

In these proceedings, the defendants passed a trial in the Special Department for Organized Crime of the High Court in Belgrade and they are sentenced to prison as follows: **the first defendant to imprisonment of 14 years, the second accused to imprisonment of 10 years, third accused to imprisonment of 12 years, and fourth accused to imprisonment of 10 years.** Damaged persons Victims 1 and 2 were instructed to achieve their stated indemnification claims in the civil proceedings.

#### **Method of detection of the criminal offence and perpetrators**

Damaged Victim 1 at one point managed to conceal some of the money earned from prostitution, pay some money for the phone, call her father and ask him for help. Father of the damaged addressed the NGO "Astra", after which started the actions of her rescue, while the damaged Victim 3 and 4 managed to escape, but the case against them has been detected based on the testimony of the damaged Victim 1 and the content of telephone conversations led by the accused. The second accused, third accused and fourth accused have been arrested by the police officers, who were tapping and monitoring them constantly upon the orders of the Court, at the gas station in the moment when the third accused had to hand over to the second and fourth accused two underage damaged persons Victims 5 and 6 who have already been recruited to go to Italy. The first defendant has been arrested on the territory of the Republic of Italy as the perpetrator of the trafficking in human beings offence, where is submitted to a trial for this act.

## Case 173 – Serbia, 2013

Country: Serbia  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Date of conviction: **13 May 2013**

Court: **Higher Court in Novi Sad**

Fact summary:

By analyzing the proceedings conducted in the **High Court in Novi Sad** against the accused Offenders 1 and 2, for the offence of trafficking in human beings, Article 388, paragraph 3 in conjunction with the paragraph 1 of the CC, which has been legally ended on 13 May 2013, the following has been determined:

#### 1. Perpetrators' profiles:

- First defendant, Offender 1 (male), is a citizen of the Republic of Serbia, at the time of the commission of the offences was 22 years old, previously convicted for crimes against property, during the proceedings, he denied the commission of the offences.
- The second accused, Offender 2 (male), is a citizen of the Republic of Serbia, at the time of the commission of the criminal offence committed in relation to minor damaged Victim 2 (female) for which he was found guilty was 21 years old, no criminal record, during the proceedings he denied the commission of the criminal act.

#### 2. Modus operandi of the perpetrators:

In relation to a criminal offence committed against a minor damaged Victim 2, the second accused, Offender 2, has abused the trust and serious economic and social conditions of the damaged leading her astray and recruiting for prostitution. He took her to the house of the first defendant, with the excuse that he was taking her for a cup of coffee, while he was aware that the victim is a drug user. On this occasion the first defendant, Offender 1, imposed her debt of 18,000 RSD for narcotic drugs, telling her that in order to settle the debt she has to provide sexual services to customers he gets. Also, a minor and damaged Victim 1 (female) warned her that the first defendant holds prostitutes and that she should listen to him, not to be beaten. When she refused, the first accused used physical force - he slapped her and frightened the minor damaged Victim 2 who subsequently agreed to provide sexual services and was doing that for nine days.

In relation to a criminal offence committed against a minor damaged Victim 1, the first defendant abused her serious economic and social conditions and recruited her for prostitution by initiating an emotional relationship with her, moved her to his house and asked her to provide sexual services, which she accepted, and was doing that for a period of four months, and all the money she earned she gave to the first defendant.

**3.** As far as the **financial aspect** of this specific case, all the money both minor damaged persons have earned by offering sexual services they gave to the first defendant.

#### **4. Victims' profiles:**

- Minor damaged Victim 2 - child, citizen of the Republic of Serbia, at the time of the commission of the criminal offence was 15 years old, lives in a Children's Village without parental care, user of the marijuana, without money.
- Minor damaged Victim 1 - child, citizen of the Republic of Serbia, at the time of the commission of the criminal offence was 17 years old, her family is her mother, stepfather and half-sister, and at the time of the commission of this criminal offence has lived in the apartment of the first defendant and was in emotional relationship with him.

#### **5. Other specific information:**

In the specific case, the Court has established the facts based on the testimony of minor damaged Victim 2 who consistently described throughout the proceedings how she was recruited by the second defendant to go to the house of the first defendant, where he kept her for nine days by using threats and physical force, asking from her to provide sexual services to customers he gets in order to pay him back an alleged debt of 18,000 RSD which indicates that the first defendant imposed a debt relation towards him. Also, she has explained how the other minor damaged Victim 1 recruited her as well for prostitution for the account of the first defendant, which has been approved by him who stated that the Victim 1 had to "introduce the minor Victim 2 with the business," of prostitution. During the proceedings, the damaged minor Victim 1 was changing her testimony, so the Court did not accept the statement that this damaged has given in previous proceedings estimating that by such statement she wanted to protect the first defendant with whom she had been in an emotional relationship, which has been indisputably established during the proceedings, but accepted her testimony given at the main trial where she explained how she was dealing with prostitution while was living together with the first defendant and giving all the earned money to him. During the proceedings, based on the expertise of the psychiatrist the Court has established that both minor damaged persons are capable of providing truthful testimony.

What is interesting in this case is that **although the minor damaged Victim 1 recruited the other minor damaged Victim 2, telling her that she should be a prostitute to first defendant, Offender 1, and that should obey him to not get beaten, i.e. she was undertaking illegal activities, in terms of Article 26 of the Council of Europe Convention on the fight against human trafficking, she was not punished because she herself was a victim of trafficking, being abused by the first defendant, who entered with her in an emotional relationship, thus gaining her trust, all in order to make damaged Victim 1 to get involved with**

**the prostitution as well and give all the money earned in this way to the first defendant, on which she accepted.**

For committing these two criminal offences of trafficking, the defendant Offender 1 has been pronounced guilty to a single sentence of imprisonment of six years, while the defendant Offender 2 due to committing the criminal act in relation to the damaged minor Victim 2 has been sentenced to imprisonment of five years. Damaged minor Victim 2 was instructed to achieve the stated indemnification claims against the first defendant in the civil proceedings, while minor damaged Victim 1 during the proceedings, did not raise a claim for indemnification.

**Method of detection of criminal offence and perpetrators** - After nine days of keeping in his house the minor damaged Victim 2 the first defendant let her return to her home, after which she reported the whole case to the police, while the minor damaged Victim 1 stayed in the house where she lived together with the first defendant, until his detention.

## Case 174 – Serbia, 2014

Country: Serbia  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **18 February 2014**

Court: **Higher Court in Belgrade**

Fact summary:

By analyzing the proceedings conducted in the **Higher Court in Belgrade** against the accused Offender 1, for the offence of trafficking in human beings, Article 388, paragraph 2 in conjunction with the paragraph 1 of the CC, which has been legally ended on 18 February 2014, the following has been determined:

**1. Perpetrator's profile** - The accused, Offender 1 (female), citizen of the Republic of Serbia, at the time of the commission of the criminal offence was 32 years old, literate, divorced mother of three minor children, with completed six grades of primary school, unemployed, maintains herself from prostitution, addicted to narcotic drugs, previously convicted once for criminal offence against property, during the proceedings denied the commission of an offence.

**2. Modus operandi of the perpetrator** - The defendant committed a criminal offence against a minor damaged person in a way that has abused her severe economic and social conditions and recruited her for the purpose of exploitation for prostitution, telling her that this way she would earn money for living and so held her mistaken. She was taking the minor damaged who lived with her as a tenant at the Pancevo bridge where she was providing sexual services to clients with whom the defendant has already agreed for the amount of 2,000.00 to 5,000.00 RSD. The money she kept for herself and when the damaged one began to ask the defendant not to force her anymore to prostitution, by crying and pleading, the accused kept forcing her to continue with prostitution by threatening to harm her and her mother, as well as by using of force -pulling her hair, kicking her, limiting her freedom of movement, etc.

**3.** As for the **financial aspect** in this particular case, the accused recruited the damaged for prostitution, and just for the purpose of financial gain, because all the money the damaged has received for providing sexual services the accused kept for herself.

**4. Victim's profile**- Minor Victim 1 (female)- child, citizen of the Republic of Serbia, at the time of the commission of the criminal offence was 12, raised by the unemployed mother and her father died when she was a baby. Her mother, brother,

sister and she maintained themselves from social assistance. Shortly before the critical event she was living with her brother and sister in the centre, from where her mother took her and after that they lived as tenants in the back house of the accused.

**5. Other specific information** - In the specific case, the Court has established the facts primarily based on the testimony of minor damaged who consistently described throughout the proceedings how she was recruited by the defendant to start with the prostitution and how the accused was taking her to the place where she was finding customers to whom the damaged was offering sexual services for a predetermined fee agreed by the defendant, who took all the money for herself. She also described how the defendant continued forcing her to prostitution by using threats and force. The testimony of the witness Person 1 given before the police authorities, who has been in an emotional relationship with the defendant, coincides in details with the testimony of the damaged minor relating to the stay of the damaged persons in his apartment where she was providing sexual services to the customers. However, this witness later at the trial changed his testimony by stating that he had no information on whether the minor damaged was engaged in prostitution. But the Court didn't accept this altered testimony finding that the witness wanted to help the accused with whom he was in an emotional relationship thus helping her to avoid the guilt.

In this trial the defendant **was sentenced to imprisonment of three years and six months and imposed a security measure of compulsory treatment of a drug addict.**

**Method of detection of criminal offence and perpetrators** – The mother of the minor damaged noticed that her daughter was behaving strange and after some people drew her attention about her daughter being involved in prostitution and when the damaged didn't show up for a few days, she decided to include the police by reporting that her underage daughter disappeared, after which the police found the damaged and returned her to her mother. This is the way the whole case has been detected.

## Case 175 – Serbia, 2014

Country: Serbia  
Year of conviction: 2014  
Form of exploitation: begging  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Date of conviction: **16 April 2014**

Court: **Higher Court in Novi Sad**

Fact summary:

By analyzing the proceedings conducted in the **Higher Court in Novi Sad** against the accused, Offender 1, for the offence of trafficking in human beings, Article 388, paragraph 3 in conjunction with the paragraph 1 of the CC, which has been legally ended on **16 April 2014**, the following has been determined

**1. Perpetrator's profile** - The defendant, Offender 1 (male), a citizen of the Republic of Serbia at the time of the beginning of the commission of the offences was 43 years old, who in addition to the victims, who are his daughter and wife, has six children and they are all living together in an informal Roma settlement in difficult socio-economic conditions, in the house without water and sanitary facilities, in one room in which they all sleep and live and support themselves of financial assistance and regulated rights to child support, he is unemployed and has no previous convictions.

**2. Modus operandi of the perpetrator** - The accused committed crimes towards his unmarried wife and minor daughter, the way by using the relationship of dependency, use of force and threats he recruited them for begging, forcing them to beg at various locations in Novi Sad, requiring them to obtain from 1,000 to 2,000 RSD per day. If they would confront or wouldn't bring enough money they were beaten, slapped, hit on the head and body by hands and other objects. Sometimes he was forcing his unmarried wife, who was pregnant at the time, to bring their six year old son and the money they received from begging was taking and spending for gambling.

**3. As far as the financial aspect** in this specific case it is directly realized in the form of money that damaged victims have gained by begging and which gave to the defendant.

**4. Profiles of the victims** - In the present case it is the mother who at the time of the commission of the criminal offence was pregnant and minor daughter who at the time had not yet reached the age of 14, both living with the accused and five other minor children who this mother had with the defendant in an informal Roma settlements in inadequate living conditions, without sufficient means for sustaining and were living all from the social assistance.

## **5. Other specific information:**

The Court has established the facts primarily from the testimony of victims themselves who consistently described throughout the proceedings how the defendant was forcing them to begging by using force and threat in that purpose, and all the money they would receive from begging, they had to give to the defendant, who was spending it for gambling. In case they would not bring enough money they were beaten by him. The testimony of these witnesses was confirmed by the witness sister of the damaged mother who stated that she knew that the accused was beating them and forcing them to beg. They were begging for six days in the week, they were afraid of him and that is the reason why they didn't report him. Also, witnesses Person 1 and Person 2 stated during the proceedings that they were familiar with the fact that damaged persons are involved in begging.

Victims were in a relation of dependency with the defendant, they were afraid of him because they were constantly beaten and still continue to be afraid and very concerned of what will happen when the defendant get out of the jail. During the proceedings the damaged mother stated that the defendant has been already subjected to a criminal proceedings before, but because he had beaten her in order to change her statement, which she then did, he was released of punishment. Also, during the examination at the trial, the underage damaged started to cry from fear of the defendant. All the above circumstances indicate the extent of how much the damaged persons were afraid of the defendant.

In this proceedings, the Court has obtained the findings and opinions of the Centre for the protection of victims of trafficking. The expert team of the Centre concluded that the damaged are victims of human trafficking, and that have been forced to beg in favour of the defendant by the use of force and threats. Also, that all family members of the accused were victims of domestic violence, and according to the opinion of this team it is not excluded and unusual, when it comes to the victims of trafficking, that after leaving the trafficking chain, they continue with the same behaviour as were forced for many years, so there is a possibility that the victims continued with begging after the accused is detained. The damaged persons were subjected to an expert examination by a psychiatrist and the Court has found that the damaged persons suffered fear caused by the defendant, which consequently caused anxiety and depression contents, but did not lead to permanent mental disorder.

What is interesting for this procedure is that the defendant, after he was detained because of these offences, continued to threaten the damaged parties from prison, in order to make them change their testimony so that he could be freed of charge. During the proceedings, the accused did not deny that he was familiar with the fact that the damaged were involved with begging; only he denied that they were forced to this by him. However, in his statements he confirmed that he practiced violence towards members of his family, saying that it happened that sometimes hit one of the children or his wife. During the proceedings, the damaged persons have not raised a claim for indemnification. For committing two criminal offences of human trafficking, the defendant **is sentenced to imprisonment of six years in this proceedings.**

## Case 176 – Bahrain, 2014

Country: Bahrain  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **9/1/2014**

Court: **First High Criminal Court**

#### Fact summary:

On 5/6/2013, Victim 1 (female), a Russian citizen, brought complaint against another Russian female, Offender 1 and a Russian man, Offender 2 for having brought her to Bahrain to work in a restaurant. But upon her arrival, they had illegally detained her and hit her to force her into prostitution. The court sentenced the suspects to 10 years imprisonment without remission and then to permanent deportation outside the country.

## Case 177 – Bahrain, 2015

Country: Bahrain  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 4

### Case description:

Date of conviction: **8/3/2015**

Court: **First High Criminal Court**

#### Fact summary:

On 10/6/2014, Victims 1, 2, 3, and 4 (Moroccan female nationals) brought complaint against Offenders 1 and 2 (male), Syrian nationals, for having brought them to Bahrain, in cooperation with Offender 3 (male) a Bahraini national, and Offender 4 (female), a Moroccan national, to offer them a job in a hotel. But upon their arrival, they were illegally detained and forced into prostitution. The court sentenced the suspects to 10 years imprisonment and sentenced only the foreigners to permanent deportation outside the country.

## Case 178 – Bahrain, 2015

Country: Bahrain  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 1

### Case description:

Date of conviction: **18/5/2015**

Court: **Third High Criminal Court**

#### Fact summary:

A complaint has been submitted by the embassy of Thailand, where it has been reported that a Offender 1 (female), a Thai national, had brought 4 Thai victims (female) to Bahrain to work in a massaging salon. But upon their arrival, she had illegally detained them and forced them into prostitution. The court sentenced the suspect to 10 years imprisonment, a fine of 15000 Dinars and to permanent deportation outside the country.

## Case 179 – United States of America, 2013

Country: United States of America  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 5  
Number of offenders: 1

### Case description:

Date of conviction: **November 6, 2013**

Court: **United States District Court for the Middle District of Florida**

#### Fact summary:

Offender 1 (male), 62, of Lutz, Florida, was convicted on charges of sex trafficking by force, fraud, or coercion and possession with intent to distribute controlled substances, namely Oxycodone, Dilaudid, and Morphine. He was sentenced to serve 33 years and nine months in prison followed by five years of supervised release.

A federal grand jury charged the Offender with engaging in a sex trafficking scheme whereby he controlled his victims by supplying them with highly addictive controlled substances and by using their fear of withdrawal symptoms to force them into prostitution for his profit. At trial, the government presented evidence that the defendant recruited vulnerable young women who were engaging in prostitution or performing at strip clubs and then rapidly escalated their drug use into full-blown addiction. Other evidence included the testimony of five victims of the defendant's scheme, quantities of narcotics seized from the defendant's possession, and images of the defendant surreptitiously distributing narcotics to a hospitalized victim. During the execution of a federal search warrant, law enforcement officers recovered thousands of prescription pills from the Offender's residence. Although the use of drugs or intoxicants have formed a portion of the coercive scheme in other human trafficking cases, the Offender's use of drugs was the primary component of his nonviolent coercive scheme to compel his victims to engage in commercial sex acts.

## Case 180 – United States of America, 2014

Country: United States of America  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 2

### Case description:

Date of conviction: **October 2014**

Court: **United States District Court for the Northern District of Georgia**

#### Fact summary:

Offender 1 (male), 28, and Offender 2 (male), 43, both of Tenancingo, Tlaxcala, Mexico, were convicted for their roles in compelling three young women to prostitute in the Atlanta, Georgia, area. They were sentenced to 192 months and 262 months in prison, respectively, and ordered to pay \$180,000 in restitution to their victims.

The defendants pleaded guilty to three counts of sex trafficking and three related immigration violations pertaining to three separate victims of their sex trafficking scheme. According to the indictment and documents filed in court, in early 2006, Offender 1 lured Victim 1 (female), a young Mexican national of indigenous heritage, using false promises of love, legitimate work, and a better life to induce her to travel with him into the United States. Upon her arrival in the United States, Offenders 1 and 2 used physical violence, threats, intimidation, deception, and psychological manipulation to compel her to engage in prostitution, for the defendants' profit, in Georgia and Alabama, for over a year and half until she escaped in November 2007. In March 2007, Offenders 1 and 2 started romancing Victims 2 and 3, two young Guatemalan women, and lured them to the United States in October 2007, under the same false pretenses. The defendants then employed a coercive scheme nearly identical to the one described above to compel the young women to prostitute in Georgia and Alabama before they escaped at separate times in early 2008.

This case was investigated and prosecuted as part of the Bilateral Human Trafficking Enforcement Initiative between the governments of the United States and Mexico. Since 2009, the United States Departments of Justice and Homeland Security have collaborated with Mexican law enforcement counterparts, aimed at high-impact prosecutions under both U.S. and Mexican law, in order to more effectively dismantle human trafficking networks operating across the U.S.-Mexico border, bring human traffickers to justice, restore the rights and dignity of human trafficking victims, and reunite victims with their children held under the trafficking networks' control.

## Case 181 – United States of America, 2014

Country: United States of America  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **March 26, 2014**

Court: **United States District Court for the District of Minnesota**

#### Fact summary:

Offender 1 (female), 59, of Mankato, Minnesota, pleaded guilty to one count of forced labor trafficking. Offender 1, the former owner and manager of a nail salon located in Mankato, was sentenced to serve one year and one day in prison followed by one year supervised probation upon release.

According to evidence presented in court proceedings and documents, in 2008, the Offender recruited Victim 1, a woman from Vietnam, to travel to the United States using false promises of legal immigration status and a high-paying job. In reality, Offender 1 smuggled the victim and two other Vietnamese nationals across the southern U.S.-Mexico border, imposed a significant debt upon the victim, and forced the victim to pay down the smuggling debt by working at Offender 1's son's Vietnamese restaurant in Mankato. During the plea proceedings, Offender 1 admitted to compelling the victim to work long hours without paying her as promised, using a scheme, plan, and pattern of non-violent coercion. This included manipulation of debts, isolation, and verbal intimidation to hold the victim in fear, knowing that the victim was without legal status and money, did not have the ability to speak English, feared losing her family home in Vietnam to creditors, and had nowhere else to turn for subsistence.

## Case 182 – United States of America, 2014

Country: United States of America  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 7  
Number of offenders: 5

### Case description:

Date of conviction: Various dates

Court: **United States District Court for the Central District of California**

#### Fact summary:

The defendants were members of a child prostitution ring involving eight people who are members or associates of the Rolling 60s Crips gang out of Compton, California. They used young women to recruit teenage girls from local high schools in Riverside, California, who were then taken to hotels in Compton and forced to engage in prostitution for the gang. The victims were held hostage, locked in a residence, and were slapped, pepper-sprayed, and threatened with guns to ensure that they did not escape. Seven victims were identified. In March 2014, Offender 1 (male) was sentenced to 30 years in prison and lifetime supervised release after having previously pleaded guilty to one count of sex trafficking of a minor and by force, fraud, and coercion. In April 2014, Offender 2 (male) and Offender 3 (female) were sentenced after having previously pleaded guilty to sex trafficking of a minor by force, fraud, and coercion (Offender 2), and interstate transportation in aid of a prostitution racketeering enterprise (Offender 3). Offender 2 was sentenced to 20 years in prison and five years of supervised release. Offender 3 was sentenced to six months in prison and three years of supervised release, which will include six months of home detention. Also in April 2014, Offender 4 (female) was sentenced to 30 months in prison followed by five years of supervised release, after having previously pleaded guilty to one count of conspiracy to engage in sex trafficking. In December 2013, Offender 5 (male) was sentenced to six years in prison and three years of supervised release after having previously pleaded guilty to one count of conspiracy to engage in sex trafficking. The Department of Justice's Criminal Division's Child Exploitation and Obscenity Section (CEOS) and the U.S. Attorney's Office for the Central District of California prosecuted the case.

## Case 183 – United States of America, 2014

Country: United States of America  
Year of conviction: 2012  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 5  
Number of offenders: 3

### Case description:

Date of conviction: **November 2, 2012**

Court: **United States District Court for the Middle District of Florida**

#### Fact summary:

In March 2013, CEOS and the U.S. Attorney’s Office for the Middle District of Florida obtained a sentence of life imprisonment plus five years against Offender 1 (male) following his conviction in November 2012 by a federal jury for sex trafficking of three minors and two adults through the use of force, fraud, and coercion, as well as certain firearm offenses. Co-conspirators Offenders 2 and 3 (female) pleaded guilty to one count of conspiracy to engage in sex trafficking of minors and by force, fraud and coercion. In December 2012, Offender 3 was sentenced to 46 months’ incarceration; in February 2013, Offender 2 was sentenced to time served. As testified to by Offenders 2 and 3 and five victims, Offender 1 ran a prostitution ring called “GMB” (aka “Get Money Bitch”) and lured several minors and young adults into his ring through a variety of ways, including promising them jobs as models. Offender 1 advertised the victims on Backpage.com and also forced the victims to walk the streets to pick up “dates.” The victims were required to follow numerous rules and give all the money from their “dates” to Offender 1. To prevent the victims from leaving his ring, Offender 1 inflicted severe beatings on them and threatened them with guns, creating an atmosphere of fear. Offender 1 transported several of the victims from Tampa, Florida up through Charlotte, North Carolina on multiple occasions for purposes of prostitution.

## Case 184 – Norway, 2015

Country: Norway  
Year of conviction: 2015  
Form of exploitation: begging, forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: 7  
Number of offenders: 2

### Case description:

#### Oslo District Court January 19<sup>th</sup> 2015

(In recent years, a number of Romanian citizens have arrived in Norway where they beg on the streets. Some belong to groups, often consisting of family members. Concerns have been raised about possible exploitation and trafficking within these groups. The following case is of special interest since it shows the willingness to exploit people even for a relatively small sum of money.)

Oslo District Court convicted two men (Offenders 1 and 2) on several counts of trafficking in January 2015.

Offender 1 is born in 1964 and hails from Kosovo, living on social benefits in Oslo.

Offender 2 is born in 1989 and is from Romania. He is unemployed.

In July 2012, a Romanian-speaking outreach worker in Oslo noticed that a Romanian woman begging on the streets of Oslo with four other people seemed scared and nervous. After speaking with the woman, the social worker understood that a trafficker controlled the group. Safe housing was provided and they were all granted a reflection period. The IOM [[International Organisation for Migration](#)] assisted them in returning to Romania in November 2012. Before leaving Norway, they gave witness statements to the court about their experiences.

The police started an investigation, which included obtaining witness statements from Romania. Based on information provided by the victims, two suspects were identified and a surveillance operation initiated, which resulted in the discovery of two new cases of trafficking.

The court found that Offenders 1 and 2 travelled to the town of Bacau in Romania in July 2012. They came in contact with four men and one woman (born in 1983, 1983, 1986, 1990 and 1993) whom they promised work in Norway. All five agreed to go by minibus with Offenders 1 and 2 to Norway, without any further agreement on payment for the travel. Their ID cards were removed from them during the journey. In Norway, Offenders 1 and 2 said that they would get back the ID cards upon payment of a total of €1000. They **were forced to steal petrol and to beg, and after refusing to steal more**, Offender 1 struck one of the victims, and they all received death threats. Shortly afterwards, the outreach worker came in touch with them.

Offender 1 later went to Romania and recruited two men in a similar way. He was arrested after arriving back in Norway.

Offender 1 received a prison sentence of two years and six months. Offender 2 received a prison sentence of 10 months.

## Case 185 – Norway, 2015

Country: Norway  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 3

### Case description:

#### Oslo District Court September 28<sup>th</sup> 2015

Oslo District Court convicted two men (Offenders 1 and 2) and one woman (Offender 3) for two counts of trafficking.

Offender 1 is born in 1972, Offender 2 in 1993 and Offender 3 in 1977. All three are Bulgarian citizens. Offender 2 is the son of Offender 1. All three had been involved in organizing prostitution in Bulgaria, Poland and other countries before coming to Norway in 2012.

The two victims in the case are both born in Bulgaria in 1988. They came from destitute backgrounds, and were both at separate occasions “sold” to Offender 1 by other exploiters. After working in prostitution in the town of Trzciel in Poland, they were brought to Norway and entered street prostitution in Oslo. They remained in prostitution in Oslo for one year before entering an assistance scheme for trafficking victims.

The court found that the victims had to give all their earnings to the group controlling them. They worked seven days a week, and did not in any way control their lives. Violence was used against them.

The court found that Offenders 1, 2 and 3 constituted an “organized criminal group” and applied section 60A of the Penal Code, which raises the level of punishment.

Offender 1 received a prison sentence of five years, Offender 2 four years and Offender 3 four years.

The case is under appeal

## Case 186 – Norway, 2015

Country: Norway  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 3

### Case description:

#### **Drammen District Court July 2<sup>nd</sup> 2015**

Drammen District Court convicted two men (Offenders 1 and 2) and one woman (Offender 3) on trafficking counts related to exploitation of workers at a greenhouse the three ran.

Offender 1 is born 1950, Offender 2 in 1979 and Offender 3 in 1977. Offenders 2 and 3 are married. Offender 1 is the father of Offender 3. All three are Norwegian citizens of Indian descent, from Punjab.

For a number of years, the greenhouse used laborers from Punjab for tending the plants, recruited by Offenders 1, 2, and 3's family in the region. Following information about poor working conditions, as well as suspicions about welfare fraud and breeches of tax laws, the police started an investigation, with the assistance of tax authorities. Witness statements were obtained also from India. The case involved three victims from India.

The court had to assess if the working conditions at the greenhouse constituted "exploitation". The Indian workers had long hours, low wages and lived on the premises, without being locked up. They had to give their passports to their employers. They had to some degree access to telephones, but had instructions not to talk to customers in the greenhouse. Their wage level was higher than the workers could expect in India, but the annual pay was equal to payment for one month in Norway.

The court concluded that exploitation had taken place, and the trafficking section was applied.

Offender 1 received a prison sentence of five years and six months (including counts on welfare fraud and other offenses). Offender 2 received a prison sentence of four years and six months (including counts on welfare fraud and other offenses) and Offender 3 received a prison sentence of three years and six months (including other offenses).

The case is under appeal

## Case 187 – Austria, 2014

Country: Austria  
Year of conviction: 2014  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of conviction: **16.09.2014**

Court: **Competent Court of Vienna**

#### Fact summary:

A male victim, physically handicapped, was recruited in Romania in the year 2009. Prior to his transport to Austria he was forced into an arranged marriage. After arrival in Vienna, he was housed in a mass accommodation and forced to go begging every day (from 2009 until autumn 2013). The victim was kept under continuous observation of the two accused persons and had to beg for between 300-500 euros a day. If he wasn't able to get this amount he was physically mistreated and punished with deprivation of food or was chained on a tree outside.

Accused persons: 3 Romanian citizens: 1 male/37years old: 4 years and 6 months imprisonment; 1 female/45 years old: 4 years imprisonment; 1 female/35 years old: 15 months conditional imprisonment

Victim: 1 Romanian citizen (male), 34 years old

## Case 188 – Austria, 2014

Country: Austria  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 34

### Case description:

Date of conviction: **several trials in the year 2014**

Court: **Competent Court of Vienna**

Fact summary:

Operation HASKOVO: An OCG [organised crime group] from Bulgaria was active over ten years in Austria, Switzerland, Germany, Bulgaria and the Netherlands. The OCG recruited young females from Bulgaria and forced them by threats and violence into prostitution. The whole income from the prostitution was collected by the offenders. After two years of investigation a total of 55 persons were reported to the Vienna Public Prosecutor.

Results:

21 Arrest warrants in total

34 persons accused (33 persons already convicted from 9 month imprisonment up to 9 month imprisonment, 1 person is still wanted with an EAW [European Arrest Warrant])

Victim compensation: in total 142,313 euros

## Case 189 – Austria, 2015

Country: Austria  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Date of conviction: **17.06.2015**

Court: **Competent Court of Feldkirch**

Fact summary:

Offender 1, an Austrian citizen (female, 25 years old) persuaded two Victims, Serbian citizens, by use of false pretences to travel to Austria/Vorarlberg. The suspect promised a well-paid job as domestic workers to the victims. After arrival in Austria the victims were forced to work for 2 months in the household of the suspect and didn't get a salary (just accommodation and lodging).

The suspect was convicted to 9 months conditional imprisonment and 1.200 euros fine.

## Case 190 – Dominican Republic, 2014

Country: Dominican Republic  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **21 Julio 2014**

Tribunal: **Tribunal Judicial de la Provincia de la Altagracia**

Caso de trata de personas para fines de trabajo forzado

Resumen de los hechos:

En enero de 2013, en la ciudad de Guangdong, China, la señora **Offender 1** conjuntamente con su esposo **Offender 2** (prófugo), procedieron a **CAPTAR** mediante **ENGAÑO** y **FRAUDE** a la joven **Victim 1** de nacionalidad china, formulando un contrato verbal con la indicada mediante el cual se comprometían a pagarle a esta la suma de US\$100.00 (cien dólares) mensuales, además de proporcionarle la comida para que la misma trabajara en un negocio en la República Dominicana.

Los señores Offender 1 e Offender 2 (prófugo) procedieron a **TRASLADAR** a la República Dominicana, a **RECIBIR** y **DAR ACOGIDA** a Victim 1, en el negocio de comida china (del cual es propietaria la imputada, conjuntamente con su esposo), no cumplieron con las condiciones acordadas de entregarle un pago por su trabajo y comida digna, y la **COACCIONARON**, mediante la **AMENAZA** de tomar represalias con sus familiares en caso de escapar y **NO PAGAR UNA DEUDA** que le reclamaban por la suma de US\$18,000.00 dólares por el proceso de traslado y acogida que los mismos le habían realizado.

Dentro de las condiciones de la víctima aprovechadas por los tratantes para poder ejercer sobre ella la coacción, se presentaron:

- Situación económica de la víctima,
- Idea de deuda contraída,
- Amenazas relativas a familiares con los cuales no tenía contacto,
- Retención de documentos personales (pasaporte),
- Mantenerla encerrada en un país de idioma y costumbres completamente diferentes a la propia,
- Obligarla a trabajar de forma forzada en el negocio, sin pago alguno, dándole a comer apenas sobras, sin beber más de dos vasos de agua al día, a pedir permiso antes de dormir, comer o ir al baño, y recibiendo, inclusive, maltratos físicos y psicológicos.

*These court case narratives were provided by Member States. The content does not necessarily reflect the views or policies of UNODC, and nor does it imply any endorsement.*

Luego de la víctima ser rescatada, la tratante Offender 1 fue condenada a 5 años de prisión y Victim 1 fue resarcida con US\$30,000.00 dólares, fue reinsertada laboralmente y su estatus migratorio fue regularizado, con una visa de residencia dominicana permanente, siendo ésta la primera visa otorgada a una víctima de trata por esta condición.

## Case 191 – Dominican Republic, 2014

Country: Dominican Republic  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Tribunal: **Tribunal Judicial del Distrito Nacional**

Resumen de los hechos:

Caso de la víctima, esta víctima menor de edad, fue rescatada por una patrulla de la Procuraduría General de la República en los alrededores de la misma. Victim 1 vivía en pobreza extrema, ya había pasado por más de seis hogares distintos y el único parentesco directo que tenía era una hermana, que aunque era mayor de edad, ya contaba con suficientes responsabilidades para poder hacerse cargo de su hermana. A raíz de estas condiciones, Victim 1 fue captada por Offender 1, quien en realidad fungía en esa relación como su pareja emocional, pero al tiempo de estos estar juntos, él la obligó a prostituirse, dígase que la explotaba sexualmente. Offender 1 fue apresado y se encuentra en la actualidad cumpliendo la medida de coerción de Prisión Preventiva en la Penitenciaría Nacional de La Victoria. Luego del rescate, a Victim 1 le fueron practicadas las pruebas correspondientes (psicológica y médica), fue referida al Centro de Asistencia, COIN, para el chequeo ginecológico, pruebas de embarazo y de infecciones de transmisión sexual, ITS, le fue realizado un trabajo social por parte de Misión Internacional de Justicia, MIJ, quien también ha estado brindando a esta víctima el seguimiento psicológico y la ayuda integral que la misma necesite. La víctima se encuentra en un hogar, en estado de gestación, donde aparte de refugio, se le imparten clases y se le dan los servicios integrales, teniendo en cuenta su estado, no sólo de embarazada, sino también de víctima de explotación sexual y comercial.

## Case 192 – Dominican Republic, 2014

Country: Dominican Republic  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: domestic trafficking  
Number of victims of trafficking: 5  
Number of offenders: 3

### Case description:

Fecha de la sentencia condenatoria: **17 Noviembre 2014**

Tribunal: **Tribunal Judicial de la Provincia de Santiago de los Caballeros**

Caso: Offender 1, Offender 2 and Offender 3

Resumen de los hechos:

Offender 1, propietario del Centro Cervecerero e Offender 2, quien hacía la coordinación con las víctimas en Santiago para su traslado a La Romana, fueron condenados por separado a 15 años de prisión. Junto a éstos también fue sentenciada a dos (2) años de reclusión la cajera del negocio, Offender 3. Esto por los delitos de Trata de Persona y Explotación Sexual y Comercial Infantil.

El proceso de investigación inició en marzo del año 2013, a través Departamento de Persecución de Trata y Tráfico de Personas de la Procuraduría Fiscal de Santiago, con un allanamiento en el negocio, en la ciudad de La Romana, donde fueron encontradas más de cinco (5) menores reportadas como trasladadas por el imputado.

Al momento del allanamiento en el negocio se encontraba también su propietario, Offender 1, quien fue puesto bajo arresto de manera inmediata.

Las evidencias presentadas por el Ministerio Público demostraron que el procesado Offender 2 se ocupaba de captar jóvenes menores de edad en distintos barrios de la provincia Santiago, a quienes llevaba a dicho centro cervecerero y que una vez ahí las menores debían trabajar sirviendo bebidas alcohólicas a los clientes y dormían en habitaciones del segundo nivel del negocio, lugar donde debían quedarse dada la lejanía e imposibilidad de ir a sus hogares.

De igual manera, se logró probar que las menores debían salir del negocio con los clientes del mismo, luego que éstos pagaran el permiso de salida de las jóvenes ante la cajera Offender 3, quien registraba el pago de los servicios de salida y de la menor que salía con el cliente, la cual posteriormente tenía que volver al establecimiento y continuar las labores de explotación a las que eran sometidas.

## Case 193 – Dominican Republic, 2015

Country: Dominican Republic  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **04 Marzo 2015**

Tribunal: **Tribunal Judicial del Distrito Nacional**

Caso: Offender 1 e Offender 2

Resumen de los hechos:

Offender 1 quien eran propietario del centro de expendio de bebidas alcohólicas llamado X e Offender 2 quien fungía como mesera de dicho lugar, fueron condenados a 10 y 5 años de prisión respectivamente, por los crímenes de asociación de malhechores, proxeneta a menor de edad para la explotación sexual, trata de personas, abusos contra menores de edad y de asociación para la distribución de Sustancias Controladas (Droga).

El proceso de investigación inició el 22 de mayo del año 2013, a través Departamento de Persecución de Trata y Tráfico de Personas de la Procuraduría Santo Domingo, quienes reciben en calidad de víctima a la menor Victim 1 de 16 años, la cual fue referida por la Unidad de “Línea Vida” ya que había sido rescatada de las proximidades de un prostíbulo en momento que escapaba del mismo. Se procedió a darle la asistencia médica y de psicología a la misma.

Como consecuencia de esta denuncia se fue llevando un informe psicológico asistencial, que recoge el relato de la adolescente y menciona que la misma salió de moca a la capital para conseguir trabajo y se presentó donde una amiga de nombre Person 1, la cual le presentó al imputado Offender 1, quien la convenció de trabajar como mesera en un restaurant y ganar dinero, procediendo a llevarla a bar de nombre X ubicado en el Municipio Santo Domingo Este, en cuyo lugar habían como 10 mujeres que fumaban drogas, consumían alcohol y tenían sexo por dinero con hombres, la menor fue obligada por este a sostener relaciones sexuales, además de que la obligaba a consumir sustancias controladas por la nariz, no le permitía salir del negocio, le daban ticket por cada hombre con el que subía a las habitaciones, esos tickets se acumulan y los quince y los treinta de cada mes los cambiaban por dinero en efectivo, le quitaron todo tipo de comunicación, manteniéndola en cautiverio y esclavitud sexual, hasta que logró escapar de dicho lugar.

A raíz de estas declaraciones y atendiendo a la gravedad de los hechos se procedió a solicitar autorización judicial pertinente a los fines de contar con la autorización judicial para colocar un agente encubierto en lugar de los hechos y así como también la

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autorización de allanamiento, a los fines de proceder con el allanamiento, arresto, secuestro de objetos y clausura del local comercial.

Al momento del allanamiento en el negocio se encontraba su propietario Offender 1 e Offender 2, quien fue puesto bajo arresto de manera inmediata.

Las evidencias presentadas por el Ministerio Público demostraron que los procesados Offender 1 e Offender 2 se ocupaban de captar jóvenes menores de edad en distintos barrios del país, a quienes llevaban a dicho negocio y que una vez ahí las menores debían trabajar como bailarinas y sostener relaciones sexuales con los clientes en habitaciones del segundo nivel del negocio, lugar donde debían quedarse dada la lejanía e imposibilidad de ir a sus hogares.

De igual manera, se logró probar que las menores no debían salir del negocio con los clientes, la cual posteriormente tenía que volver al establecimiento y continuar las labores de explotación a las que eran sometidas.

## Case 194 – Dominican Republic, 2015

Country: Dominican Republic  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **21 Julio 2015**

Tribunal: **Tercer Tribunal Colegiado del Distrito Judicial de Santiago**

Resumen de los hechos:

Una condena de 15 años de prisión fue impuesta a una mujer que fue acusada por el Ministerio Público de este departamento judicial de incurrir en los delitos de trata de personas y explotación sexual de jóvenes menores de edad de sexo femenino.

La condena fue impuesta por los jueces del Tercer Tribunal Colegiado del Distrito Judicial de Santiago contra Offender 1, quien fue hallada culpable de captar a las jóvenes para obligarlas a prostituirse con el fin de obtener lucro personal.

La Procuradora Fiscal titular de Santiago dijo que tras la investigación llevada a cabo por el Departamento contra la Trata y el Tráfico de Personas, se procedió al arresto y posterior sometimiento de Offender 1, contra quien fueron presentados distintos elementos de prueba con los cuales quedó demostrada la comisión de los hechos sindicados.

Expresó que fue señalada como autora de los delitos descritos y sancionados por la Ley 137-03 sobre Trata y Tráfico de Personas de la República Dominicana; la Ley 24-97 que describe y sanciona el proxenetismo, y la Ley 136-03 sobre el Sistema para la Protección y los Derechos Fundamentales de los Niños, Niñas y Adolescentes.

De acuerdo a la acusación, las jóvenes, cuyos nombres se omiten por razones legales, eran golpeadas si se negaban a ejercer la prostitución.

## Case 195 – Spain, 2015

Country: Spain  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 4

### Case description:

Fecha de la sentencia condenatoria: **21 Julio 2015**

Tribunal: **Tercer Tribunal Colegiado del Distrito Judicial de Santiago**

Resumen de los hechos:

La Sección Tercera de la Audiencia Provincial de Madrid ha condenado a Offender 1 a 16 años de prisión por prostituir a su propia hija menor de edad y a otra menor; a su hijo Offender 2, a 16 años y seis meses de cárcel y a sus otros dos hijos Offender 3 e Offender 4 a 15 años y un día de cárcel por los mismos hechos.

Los magistrados consideran a estos cuatro procesados culpables de los delitos de trata de seres humanos con fines de explotación sexual relativo a persona menor de edad; pertenencia a una organización u asociación en concurso medial y prostitución coactiva relativo a persona menor de edad. Además, retiran la patria potestad de Offender 1 hacia su hija y absuelven a Person 1, pareja sentimental de Offender 4 de toda responsabilidad penal derivada de los hechos enjuiciados.

La resolución establece que a principios de 2012 Offender 1 acordó con sus hijos, los procesados Offenders 2, 3 y 4 todos ellos mayores de edad y conocidos popularmente como el 'clan', el traslado de su hija menor de edad de Rumania a España con el objeto de dedicarla al ejercicio de la prostitución bajo la estrecha vigilancia de sus hermanos, y en el beneficio económico de todos ellos.

En ejecución de dicho plan, la menor (Victim 1) fue enviada a España, donde ya estaban instalados sus tres hermanos. Todos ellos aprovecharon la situación de superioridad que ostentaban sobre la joven y la circunstancia de encontrarse en un país totalmente desconocido para ella y sin otros vínculos familiares y sociales. Los procesados ejercieron así el control y una minuciosa vigilancia de la actividad de prostitución que realizaba la joven en el polígono industrial de X, al sur de la Capital. El clan familiar trató de igual modo a otra menor (Victim 2), aprovechando en su caso que mantenía una relación sentimental con el miembro del clan Offender 2. Offender 2 obligaba a su novia a acudir a X, aunque la menor no quisiera. La amenazaba en todo momento y, si consideraba que no había obtenido el suficiente dinero vendiendo su cuerpo, llegaba a agredirla físicamente.

La madre de la familia y el resto de los hermanos se encargaban, por su parte, de mantener la vigilancia y el control absoluto de los movimientos de las menores y determinaban el lugar, horario, precio y demás circunstancias del servicio, quedándose

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los mismos con la totalidad del dinero obtenido. Offender 1 además de lo anterior, se encargaba personalmente —según quedó acreditado en el transcurso de la vista oral- de concertar citas entre las menores Victim 2 y su hija Victim 1 con terceras personas de avanzada edad a cambio de un montante de dinero.

## Case 196 – Spain, 2013

Country: Spain  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

La Audiencia de Valladolid ha condenado a una pareja rumana que en 2013 trajo hasta Medina del Campo a una compatriota menor de edad con la falsa promesa de trabajar como cuidadora de un niño y una vez en España, le quitaron su documentación y la obligaron a ejercer la prostitución en un club de alterne de la provincia de Valladolid. La menor, que logró escapar de la pareja, fue de nuevo obligada a prostituirse en X por unos compatriotas residentes con Santiago de Compostela.

El Tribunal les condena a once años de prisión a cada uno por un delito de trata de seres humanos cometido sobre menor de edad con fines de explotación sexual en concurso medial con un delito de determinación a la prostitución sobre menor de edad. Asimismo, el acusado deberá cumplir un año y nueve meses más por un delito continuado de falsedad en documento oficial. Ambos deberán indemnizar a la víctima con 40.000 euros.

## Case 197 – Spain, 2013

Country: Spain  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

#### Resumen de los hechos:

La Sala II del Tribunal Supremo ha elevado de un año y tres meses de cárcel a seis años y medio la condena a un hombre, de nacionalidad rumana, que trajo a Madrid desde Rumania a una compatriota menor de edad (contaba 17 años y 7 meses), hija de unos amigos suyos, y la animó a prostituirse en la calle durante unos días. Unos meses después, cuando la chica ya habla cumplido los 18 años, se casó con ella en Rumania.

En primera instancia, la Audiencia de Madrid condenó al hombre a un año y tres meses de prisión por delito relativo a la prostitución, pero le absolvió del delito de trata de seres humanos, al no constar que empleara violencia, intimidación o engaño, ni que abusara de una situación de superioridad o de vulnerabilidad de la víctima.

El Supremo estima el recurso planteado contra esa sentencia por la Fiscalía y destaca que el Código Penal (artículo 177 bis 2) castiga como delito la trata de seres humanos cuando la víctima es menor de edad y se identifica una finalidad de explotación, aunque no medie violencia, intimidación, engaño, superioridad o vulnerabilidad. Y añade que en los hechos probados admitidos por la Audiencia de Madrid se recoge que hubo finalidad de explotación sexual, por lo que hubo delito de trata de seres humanos, condenado con entre cinco y ocho años de cárcel.

Por ese delito, la Sala II impone una pena de 5 años de prisión (la mínima que permite el Código) atendiendo a las circunstancias del caso: autorización inicial de los padres al viaje a Madrid, edad cercana a la mayoría de edad de la víctima, y devenir de las relaciones entre víctima y acusado. Además, le impone 1 año y 6 meses por el delito relativo a la prostitución.

La Sentencia destaca que en la apreciación del delito de trata de seres humanos es irrelevante el consentimiento de los padres de la menor, que incluso "podría alumbrar, acreditadas ciertas condiciones, algún tipo de responsabilidad penal", y también son irrelevantes los sucesos posteriores o el estado civil actual de la entonces menor (los hechos ocurrieron en agosto y septiembre de 2012, y la joven se casó en Rumania en mayo de 2013). Datos que sí son tenidos en cuenta para la individualización de la pena.

La sentencia descarta aplicar al delito el agravante de minoría de edad de la víctima, ya que no cabe hacerlo cuando se aprecia el delito exclusivamente por esa condición de menor, ya que sería utilizar doblemente con fines punitivos la misma circunstancia, lo que está prohibido por el principio 'non bis in ídem'.

## Case 198 – Spain, 2013

Country: Spain  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 7

### Case description:

#### Resumen de los hechos:

La Sección Cuarta de la Audiencia de Pontevedra ha resuelto mediante un acuerdo de conformidad el juicio contra siete personas acusada de los delitos de inmigración clandestina, prostitución, pertenecía a grupo criminal, trata de seres humanos y blanqueo de capitales. Todos formaban parte de una red que amenazaba a mujeres con vudú para explotarlas sexualmente.

La causa de ha zanjado en una sola jornada en virtud del acuerdo alcanzado entre los abogados de las defensas y la Fiscalía por el que todos salieron condenados y sus dos víctimas, dos mujeres calificadas como testigos protegidos, recibirán una indemnización.

Los siete se han confesado autores de los hechos y han aceptado las penas solicitadas por la Fiscalía, que van desde los seis meses de prisión de los dos encargados de clubes de alterne conscientes de la situación irregular de la mujeres que ejercían la prostitución, a los ocho años de cárcel de una mujer de origen nigeriano que favorecía que sus compatriotas se trasladasen a España irregularmente para prostituirse.

Los procesados tenían distinta implicación en una trama diseñada para captar a mujeres en Nigeria que accedían a trasladarse a España, donde las obligaban a ejercer la prostitución. En este proceso jugaban un papel fundamental mujeres de origine nigeriano ya asentadas en España que contactaban con las víctimas y las convencían para el viaje mediante el engaño y amenazas de practicas de vudú con las que conseguían su sumisión.

## Case 199 – Spain, 2013

Country: Spain  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

#### Resumen de los hechos:

El Tribunal Supremo ha confirmado la sentencia de la Audiencia Provincial de Valladolid que condenó a Offender 1 (11 años de prisión por delito trata seres humanos) y a Offender 2 (doce años y nueve meses de prisión por delito de trata de seres humanos y falsedad documento oficial) por traer con engaño a una menor desde Rumania para obligarla a ejercer la prostitución en el club X (Valladolid).

La sentencia fijó el pago de forma solidaria de una indemnización de 40.000 euros por el daño moral causado a la niña, que tenía quince años cuando ocurrieron los hechos.

Según los hechos probados, la condenada trasladó en 2013 a la niña a España con la autorización de su madre y con la excusa de que cuidara a un nieto suyo. Al llegar a nuestro país, la víctima se instaló en el piso que la pareja tenía en Medina del Campo y, una vez allí, le dijeron que tenía que dedicarse a la prostitución para pagar el importe del viaje.

Aunque en un principio se negó, finalmente accedió al no tener otra opción, estar sola, ser menor de edad y estar totalmente desvalida en España. Con un pasaporte falso que le proporcionó el condenado. explica la sentencia, la menor comenzó a ejercer la prostitución en el club "X" hasta que en un descuido de Offender 1 se fugó y viajó en autobús hasta Santiago de Compostela.

## Case 201 – Japan, 2014

Country: Japan  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **7 March, 2014**

Court: **Nagano District Court**

Fact summary:

#### **1. Defendant**

A Thai woman (Offender 1)

#### **2. Victim**

A Thai woman (Victim 1)

#### **3. Case overview**

Victim 1 entered Japan accompanied by a Thai broker to work at a bar that Offender 1 manages but soon told by Offender 1 that Victim 1 had significant amount of debt to Offender 1 for the travelling fees to Japan. In order to pay back her debt, Victim 1 was forced to engage in prostitution.

#### **4. Sentence**

Offender 1 was convicted for the violations of:

- Prostitution Prevention Law
- Immigration Control and Refugee Recognition Act
- Penal Code (Buying of Human Beings for Profit)

and was sentenced to:

2 and half years of imprisonment with work and a fine of 400,000 yen

## Case 202 – Japan, 2014

Country: Japan  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **18 February 2014**

Court: **Utsunomiya District Court**

Fact summary:

#### 1. Defendant

A Thai woman (Offender 1)

#### 2. Victim

A Thai minor girl (Victim 1)

#### 3. Case overview

Offender 1 conspired with a Thai broker, convinced Victim 1 to work in Japan at a karaoke bar that Offender 1 manages. Victim 1 entered Japan accompanied by a Thai broker but soon told by Offender 1 that the Victim had significant amount of debt to Offender 1 for the travelling fees to Japan. In order to pay back her debt, Victim 1 was forced to engage in prostitution.

#### 4. Sentence

Offender 1 was convicted for the violations of:

- Immigration Control and Refugee Recognition Act
- Child Welfare Act

and was sentenced to:

1 and half years of imprisonment with work with 3 years of suspended sentence

## Case 203 – Japan, 2016

Country: Japan  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 2

### Case description:

Date of conviction: **10 February 2016**

Court: **Tokyo District Court**

Fact summary:

#### **1. Defendant**

A Filipino woman (Offender 1)

#### **2. Victim**

3 Filipino women (Victim 1, 2, 3)

#### **3. Case overview**

Offender 1 sold Victim 1 and 2 to a different Japanese man for 1.5 million yen and 340,000 yen respectively. Victim 3 who tried to run away from Offender 1's house, was monitored and unlawfully confined by Offender 1 in a situation where Victim 3 could not escape.

#### **4. Sentence**

Offender 1 was convicted for the violations of:

- Penal Code (Confinement, Selling of Human Beings )

and was sentenced to:

4 years of imprisonment with work

## Case 204 – Sweden, 2014

Country: Sweden  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Court case on THB for sexual exploitation, the Olympia case

In this case, a man, age 36, and a woman, age 23, both from Romania, were convicted for trafficking in human beings to prison for two years and six months. The Court also laid down an expulsion order from Sweden valid for ten years. In addition, three Swedish men were convicted, two for purchasing a sexual service and one for attempting to purchase a sexual service. A further fifteen cases of purchasing of sexual service were handled by the prosecutor in other procedures. The Court of Appeal amended the sentencing for the woman aged 23 and lowered the penalty to imprisonment for two years and two months.

The convicted perpetrators recruited two women, aged 20 and 23, from Romania for exploitation in prostitution in Sweden. The woman aged 23 was recruited by the convicted man aged 36 via Facebook. She was first taken to Oslo and thereafter to Stockholm. The convicted man aged 36 acted as trafficker and pimp by organising travel, hotel and advertisement on the Internet of the available sexual services from the recruited woman/victim aged 23.

The convicted man aged 36 collected the money generated by this criminal operation. On some occasions he travelled to Spain where he resided. During his travelling, the Police suspect that he took with him the illegal gains from the prostitution of the recruited women.

The recruited victim aged 23 told the Police that she was promised half of the income, but received instead only 40%. She had never travelled outside Romania and did not know where Sweden and Norway were geographically. She did not know any Scandinavian languages. In Romania, she lived under poor conditions and the situation forced her to prostitution in order for her to provide for her sick child. She was slightly disabled mentally and did not understand how to protect herself from unwanted pregnancies and venereal diseases.

Furthermore, she informed the Police that she was exploited in prostitution in Norway for a short period of time. In Sweden, she was forced to sell sexual services to approximately 12-15 men each day. She was awarded compensation with an amount of 8 500 € and help to return via the return programme managed by the County Board in Stockholm (the Board also coordinates anti-trafficking efforts in Sweden).

## Case 205 – Sweden, 2015

Country: Sweden  
Year of conviction: 2015  
Form of exploitation: forced begging  
Type: cross-border trafficking  
Number of victims of trafficking: 5  
Number of offenders: 2

### Case description:

Court case on THB for exploitation in begging

In the fall of 2015, a criminal investigation was opened in Gothenburg and surveillance deployed in a case on trafficking in human beings for the purpose of exploitation in begging. The investigation concerned two brothers, aged 42 and 45, that recruited four men and one woman in Bulgaria for the purpose of begging in Sweden. The recruited persons were between 33 and 68 years of age and very poor. They suffered from physical disabilities and had, according to the District Court, been deceived by the investigated brothers. According to the Court, the brothers had also exploited the vulnerable situation of the recruited victims.

On a more or less daily basis, the brothers “placed” the victims on different locations in Gothenburg to beg. The brothers took all the earnings from the begging amounting to approximately 30 000 € over a period of five months. The victims did not receive the slightest part of the earnings, but only access to food and a place to sleep. The earnings were taken to Bulgaria in connection with travel of one of the brothers. Part of the earnings were used to purchase cars that in turn were sold with profit in Bulgaria

Three of the victims lived in an apartment, but two slept in car on the street. The victims were completely exposed to the brothers who also exerted them to violence and threats of violence. The brothers were convicted for trafficking in human beings by the District Court and sentenced to imprisonment for three years and six months and three years respectively.

The prosecution also included two cases of aiding trafficking in human beings. One was concerned with a woman who allowed the victims to stay in her apartment for remuneration. She was sentenced to eight months in prison. The other was concerned with a man who aided the crime by monitoring the victims when begging. He was sentenced to six months in prison. Additional information in this investigation points to the possible exploitation of around ten persons by this criminal group.

## Case 206 – China, 2014

Country: China  
Year of conviction: unknown  
Form of exploitation: illegal adoption  
Type: domestic trafficking  
Number of victims of trafficking: 7  
Number of offenders: 10

### Case description:

In late March 2014, Offenders 1 and 2 (prosecuted separately) drove two baby girls brought from Wenshan Prefecture of Yunnan Province to Lianyungan City of Jiangsu Province and sold them to the defendant, Offender 3 who came from Linshu County, Linti City of Shandong Province to pick up the babies. Offender 3 then took the babies to Linshu County and resold them.

In mid-April 2014, Offenders 4, 5, and 6 (prosecuted separately) and Offender 7 (on the run) drove three babies they bought in Wenshan and Hinghe Prefectures of Yunnan Province to Linshu County of Shandong Province and sold them to Offender 3, who later resold the babies.

On the morning of 13 July 2014, Offender 3 offered Offender 10 (prosecuted separately) and another defendant (Offender 8), a drive from Linshu County of Shandong Province to Deqing County of Zhejiang Province. When they arrived in Deqing County, Offender 3 bought a baby from a man with the surname “X”. Early in the morning on 14 July, Offenders 8 and 10 drove in turns and took the three back to Linshu County with the baby. On that morning, Offender 10 drove Offender 3 to a roadside in Linshu County, where Offender 3 resold the baby.

On 12 July 2014, the defendant, Offender 9 came to Linshu County with a baby boy he had bought from a woman in order to sell the baby to Offender 3. Early in the morning on 14 July, Offender 9 arrived at the agreed place and met Offender 3 and Offender 8. The three then brought the baby to Offender 10’s electric car stor, in the hope of selling the baby there. On the morning of 14 July, Offenders 3, 9, 10 and 8 were arrested by police officers and the baby boy was rescued. The boy was then transferred to and cared for by the Children’s Welfare Centre in Kaiyuan City.

The court rules that the purchase, transfer and sale of the babies by the defendants (Offender 3, 8, and 9) had constituted the crime of child trafficking, in violation of Chinese criminal law and should be punished accordingly. Since Offender 3 had invited Offender 8 to buy, transfer and se., the babies, the two had jointly committed the crime, in the commission of which Offender 3, who was responsible for contacting the buys and sellers and arranging funding for the transaction, was the principal and Offender 8 who in charge of transferring the baby at the instruction of Offender 3, played a secondary role as accomplice. Offender 3 had previously been sentenced to 10 years in prison for the crime of child trafficking, and had committed the same serious crime within five years of serving his sentence, the case thus constituting one of recidivism. Offender 3 and Offender 8 admitted having committed the criminal acts. Offender 9 also confessed to the criminal acts with which he was charged. Given the facts, the nature of the offence, its preparation and the extent of the social harm caused, and in

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accordance with articles 240, 25(1), 26(1), 4, 27, 65(1), 67(3), 62., 63(1), 57(1), 59, 52, 53 and 64 of the *Criminal Law of the People's Republic of China* and articles 1, 2(1), and 5 of the *Provisions of the Supreme People's Court on Several Issues concerning the Applicable Punishments relating to Property*, the court issued the following decisions:

1. Offender 3 was sentenced to life imprisonment, deprivation of political rights and confiscation of all personal property for the offence of child trafficking.
2. Offender 9 was sentenced to five years' imprisonment and a penalty of 5,000 yuan for the offence of child trafficking.
3. Offender 8 was sentenced to four years imprisonment and a fine of 10,000 yuan for the offence of child trafficking.
4. The six mobile phones used by the three defendants as instruments of the crime were confiscated.

## Case 207 – China, 2014

Country: China  
Year of conviction: unknown  
Form of exploitation: forced marriage  
Type: domestic trafficking  
Number of victims of trafficking: 7  
Number of offenders: 3

### Case description:

At the end of October 2013, the defendant, Offender 1, with the help of a middleman, Offender 2, sold the victim, a Vietnamese woman, Victim 1, who had been abducted and brought to Yunnan Province, to Offender 3, a man from Xuancheng City, Anhui Province, as Gao's wife for the price of 62,600 yuan, the middleman Offender 2 receiving 10,000 yuan for the transaction.

Between November 2013 and February 2014, Offender 1, in collusion with Offender 4 (a sentenced co-defendant) and through the middle man Offender 2, had successively sold three Vietnamese women who had been abducted and brought to Yunnan Province to Offenders 5, 6, and 7, all men from Xuancheng City, Anhui Province, to be the three men's wives respectively, for prices ranging from 56,000 to 76,000 yuan. Offender 2 had participated in the abduction of a further three Vietnamese women from 2011 to 2012.

The court rules that Offender 1's and Offender 2's trafficking in abducted women for the purpose of selling them constituted the crime of abducting and trafficking in women. In the joint commission of the offence, Offender 1 was the principal and Offender 2 the accomplice, who punishment was subject to mitigation. According to the relevant provision of the *Criminal Law*, Offender 1 was sentenced to eleven years and nine months imprisonment and a fine of 60,000 yuan for the offence of abducting and trafficking in women, while Offender 2 was sentenced to seven years and nine months imprisonment and a penalty of 30,000 yuan.

## Case 208 – China, 2014

Country: China  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 8

### Case description:

On 26 November 2013, the defendant, Offender 1, met with the other defendants, Offenders 2, 3, and 4, and his residence located in Tanglaiwan Community of Chengguan Town in Pingluo County, and discussed forcing women to engage in prostitution in Yinchuan City. Offender 2 then lured the victims, Victims 1 and 2, with the offer of free drugs by phone to Offender 1's apartment in Tangaiwan community, where the victims were confined under Offender 3's control. Offender 2 then persuaded another victim, Victim 3, by phone to come to Offender 1's residence in Tanglai community for a meal together.

Later, Offenders 1, 2, 3, and 4 took the three victims in a vehicle borrowed by Offender 3 from a friend to a location near the old railway station in Yinchuan, where they met with defendants Offender 5 and his girlfriend (Offender 6), and Offender 7 (prosecuted separately). They then took the three victims to Offender 7's rented room in the C dormitory area of a rubber factory in Xicia District of Yinchuan, where Offender 3 verbally intimidated the victims, instructing them to "work" diligently and not to attempt to escape. Then he returned to Pingluo, leaving the victims in confinement under Offender 1's control. On the same evening, Offenders 1, 5 and 7 went to contact the prostitution establishments. During the night when they went to bed, Offender 1 put the three victims in two rooms, where the doors were reinforced with sticks and double-locked with iron wires by Offender 5. During their confinement, the three victims asked to go home but their pleas were ignored. On the morning of 27 November 2013, after Offender 7 left for work, Offender 2 contacted another person by phone, claiming that he would sell the three victims and dispatch them to Inner Mongolia as the three victims had refused to engage in prostitution in Yinchuan.

The three victims managed to call the police when they were taken out by Offender 2 to eat, and were all rescued by police officers.

The court rules that the fact that the five defendants, Offenders 1, 2, 3, 4, and 5 had coerced the victims, Victims 1 and 2 (under 14 years of age) and Victim 3 to prostitute themselves, constituting the crime of forced prostitution. As the case concerned an attempted offence that had unexpectedly failed, it was tried as a completed offence but one incurring a less severe punishment. Therefore, Offender 1 was sentenced to 10 years imprisonment and Offender 2 and the other three defendants were sentenced to imprisonment for terms ranging from six years and six months to ten years.

## Case 210 – Argentina, 2017

Country: Argentina  
Year of conviction: 2017  
Form of exploitation: forced labour  
Type: unknown  
Number of victims of trafficking: 6  
Number of offenders: 1

### Case description:

Fecha de la sentencia: **29/05/2017**

Tribunal: **Cámara Federal de Casación Penal – Sala II –**

**“Offender 1 s/ Recurso de casación”** – Causa 93002374/2013/T01/1/CFC1

El Tribunal Oral Federal de Paraná absolvió a Offender 1 por el delito de Trata de personas mayores de 18 años con fines de explotación laboral agravado por el número de víctimas (Art. 145 bis inc. 3er) por entender que la conducta del mismo se trataba meramente de un incumplimiento de tipo laboral.

La Sala II de Casación Penal anuló la sentencia impugnada en orden a la absolución dispuesta a favor de Offender 1, por considerarla arbitraria. Entendió que el decisorio recurrido no se encontraba debidamente fundado, ni resultaba derivación razonada del estudio integral y armónico de la totalidad de las pruebas, a la luz de la complejidad y particularidades del delito por que el que fue acusado el imputado. Además, consideró que el decisorio no contaba con los fundamentos jurídicos mínimos, necesarios y suficientes. Todo ello, debido a que los elementos centrales del tipo atribuido a Offender 1 se encontraban debidamente acreditados por la prueba obrante.

Los trabajadores (entre 6 y 8) trabajaban en un asentamiento ubicado a 40 mts. de la costa, en el Km- 204 del Río Uruguay, sector norte de la laguna contreras, en paraje San Anselmo, Depto. De Colón, Entre Ríos. Offender 1 les dio albergue en el predio, en donde vivían y trabajaban en condiciones precarias.

La Sala II tuvo en cuenta diversos indicadores para considerar probada la situación de trabajo forzoso al que eran sometidos los trabajadores. Para ello, utilizó un plexo probatorio integrado por la prueba documental, testimonial, y por los informes del Programa Nacional de Rescate. Del análisis de todos ellos surgen las siguientes condiciones a las que fueron sometidos los trabajadores:

- Los trabajadores vivían en construcciones precarias, donde debían cubrir la falta de ventanas y puertas con lonas
- Carecían de sanitarios, y debían realizar sus necesidades en el monte.
- Carecían de agua potable, y debían tomar agua de barriles que acarreaban desde el casco de la estancia que estaba a varios kilómetros
- No contaban con energía eléctrica

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- En cuanto a los alimentos eran escasos, y en muchas oportunidades se encontraban en mal estado y podridos. Además, no contaban con heladera, por lo que no tenían manera de refrigerarlos
- Debían bañarse en el río en pleno invierno con temperaturas bajo cero. Es por ello que se higienizaban muy poco ya que no tenían acceso a agua caliente
- Carecían de cocina
- Carecían de calefacción
- Carecían de elementos de seguridad
- No había ningún sistema de cañería.
- Las camas estaban hechas con listones de madera y patas de troncos, con colchones y mantas en mal estado
- No contaban con ropa ni con elementos de seguridad para las tareas desarrolladas.
- El imputado les amplió las tareas convenidas, y extendió la jornada laboral a los días sábado sin remuneración extra.
- Percibían parte de su salario en negro y por montos inferiores a los que correspondían legalmente;

La Sala II consideró que estos elementos descartan que se trate simplemente de una infracción laboral. A su vez, del análisis de las pruebas en su conjunto, queda comprobado que en el predio rural se explotaba laboralmente a los trabajadores, quienes se encontraban todos en extrema vulnerabilidad, y que el imputado les dio albergue en un lugar donde las condiciones laborales, de vivienda, higiene, salubridad y seguridad distaban de las que se habían ofrecido al ofrecerles el trabajo, ya que eran inhumanas y contrarias a la normativa vigente; a su vez, queda demostrado que el beneficio económico lo recibía el imputado.

A su vez, la Cámara tuvo en cuenta las notas interpretativas al Art. 3 del Protocolo de Palermo así como las 100 reglas de Brasilia, para considerar que los trabajadores se encontraban en una situación de vulnerabilidad, que fue aprovechada por el explotador.

Finalmente, la Cámara resaltó las obligaciones internacionales del Estado respecto de la Trata de personas y de la explotación. Es por ello que resaltó que “*el Estado Argentino ha asumido la obligación ineludible frente a la comunidad internacional de investigar y sancionar, si corresponde, los casos en los que se investiguen hechos de discriminación, violencia o explotación o cualquier tipo de sucesos en los que resulten víctimas vulnerables por su condición de tales*”.

A su vez, citó a la Corte IDH en el caso Trabajadores de la Hacienda Brasil Verde vs. Brasil, en donde se entendió que el derecho a no ser sometido a esclavitud, servidumbre, trabajo forzoso o trata de personas tiene un carácter esencial en la CADH y forma parte del núcleo inderogable de derechos.

## Case 210 – Argentina, 2016

Country: Argentina  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 7  
Number of offenders: 3

### Case description:

Fecha de la sentencia: **30/11/2016**

Tribunal: **Tribunal Oral Federal de Tierra del Fuego**

Resumen:

**“Offender 1 y otros s/ Infracción Art. 145 bis – Conforme Ley 26.842 – Querellante: S.A. K”.**

Resumen de los hechos:

La investigación se inició a raíz de una denuncia realizada el día 12 de abril de 2012 ante el Juzgado Federal de esta ciudad, por el titular de la PROTEX.

Al menos 7 víctimas, mujeres, fueron captadas y transportadas hacia la ciudad de Ushuaia, mediando para ello engaño, coerción, intimidación y/o aprovechándose de la situación de vulnerabilidad socioeconómica en la cual se encontraban las mismas, recibéndolas y acogiéndolas en las instalaciones del local nocturno que regenteaban. El Tribunal Oral Federal de Tierra del Fuego condenó a los responsables, 3 personas en total, del local nocturno conocido como “X”, ubicado en la ciudad de Ushuaia (Tierra del Fuego).

La importancia del Caso radica principalmente en que es el primer juicio en el que una víctima querelló penalmente y demandó civilmente a sus tratantes. En este sentido, el tribunal no solamente condenó penalmente a los tres imputados responsables del manejo del prostíbulo, sino que también encontró civil y solidariamente responsable a la Municipalidad de Ushuaia por la explotación sexual sufrida por siete mujeres en ese lugar. La sanción pecuniaria impuesta por el Tribunal para resarcir a una de las víctimas fue superior a los 700.000 pesos. Asimismo, se decomisó el inmueble en el que se explotaba a las víctimas, un vehículo y dinero en efectivo. Finalmente, dos de las tres personas condenadas fueron obligadas a pagar multas que, sumadas, ascienden a 100.000 pesos.

Para determinar la responsabilidad solidaria de la Municipalidad de Ushuaia, el Tribunal se basó en la omisión de sus deberes de debida diligencia en materia de prevención, control y sanción del delito. Es decir, la imputación se basó en seis circunstancias concurrentes, que generan que la Municipalidad haya violado la “responsabilidad del riesgo creado” en cabeza del Estado. Estas son: 1) la obligación convencional de garantía del estado respecto de la protección de la mujer de actos de

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violencia y discriminación contra la mujer: 2) la intervención del estado municipal en la habilitación de los denominados “clubes nocturnos”; 3) la generación de un riesgo en los términos de la obligación señalada en el primer ítem y la responsabilidad que ello importa aún frente a hechos de particulares; 4) la presencia genérica de indicadores de riesgo que eran conocidos por la administración; 5) la presencia específica de indicadores de riesgo que hacen al caso diferenciable de otros y de la situación general y ; 6) el cumplimiento tan sólo formal de la obligación de contralor, inadecuada al caso por la presencia de los indicadores de riesgo generales, pero fundamentalmente particulares y específicos del caso.

## Case 211 – Argentina, 2017

Country: Argentina  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 2

### Case description:

Fecha de la sentencia: **06/04/2017**

Tribunal: **Cámara Federal de Casación Penal – Sala II –**

### “Offender 1 y otros s/Recurso de Casación

Resumen de los hechos:

El 06 de junio de 2016, el Tribunal Oral en lo Criminal Federal N°1 resolvió condenar a Offender 1 por el delito de explotación de la prostitución ajena agravada (Art. 127 inc. 1° según Ley 26.842). Offender 1 e Offender 2 eran los encargados de promover la prostitución ajena mediante engaño, violencia, fraude o amenazas, y eran dueños del prostíbulo ubicado en Capital Federal. Además, Offender 1 era el encargado de pagar la página web utilizada para contactar a los clientes.

La Cámara consideró probada la situación de vulnerabilidad en el que se encontraban las víctimas. A su vez, consideró probado el engaño al que fueron sometidas, así como las retenciones arbitrarias y cobranzas que diferían a lo originalmente pactado entre los explotadores y las víctimas. Es por ello que la Cámara rechaza el recurso de la Defensa.

Por otro lado, el Ministerio Público Fiscal impugnó la sentencia del Tribunal Oral en lo Criminal Federal N°1 en cuanto denegó la indemnización acordada por las partes (\$200.000). La Cámara consideró que dicha indemnización es una pena pecuniaria compensatoria de los daños sufridos por las víctimas. A su vez, consideró que la obligación de reparar a las víctimas del art. 127 surge de la misma Ley 26.842 relativa a las víctimas de Trata de personas. A su vez, destacó la obligación internacional a la que se encuentra sometido el Estado Argentino de reparar de manera integral a las víctimas en cuestión.

Es por ello que la Cámara hace lugar al recurso del Ministerio Público Fiscal, ordenando la reparación a las víctimas por la suma de \$200.000.

## Case 212 – Argentina, 2017

Country: Argentina  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 6  
Number of offenders: 5

### Case description:

Fecha de la sentencia condenatoria: **05/07/2017**

Tribunal: **Tribunal Oral Federal de Santa Rosa**

**“Offender 1, Offender 2, Offender 3, Offender 4, Offender 5 / infracción ley 26.364 y 12331” –.**

Resumen de los hechos:

El Tribunal condenó a cinco años de prisión e inhabilitación por el mismo tiempo que la condena al intendente de la localidad de Lonquimay, Offender 1, por considerarlo partícipe necesario del delito de trata de personas con fines de explotación sexual. También fueron sentenciados a cinco años de prisión por la misma calificación el comisario Offender 2 y el dueño del prostíbulo Offender 3. Este último por ser considerado autor principal del delito de trata de personas con fines de explotación sexual en la modalidad de acogimiento de mujeres en situación de vulnerabilidad.

Offender 1, Offender 2 e Offender 3 también fueron condenados a pagar una multa de 50 mil pesos, por violación al artículo 17 de la ley 12.331, de "profilaxis de las enfermedades venéreas en todo el territorio de la Nación".

Finalmente, los jueces también dictaron penas de dos años de prisión para los otros dos imputados: Offender 4 e Offender 5, por considerarlos partícipes secundarios.

Por otro lado, a partir de la declaración de algunas de las víctimas, el representante del MPF había solicitado que se inicie una investigación sobre la presunta participación de la pareja del dueño del prostíbulo. Sobre este punto, el Tribunal puso a disposición de la fiscalía la facultad de extraer testimonios.

Entre los meses de febrero de 2008 hasta octubre de 2009, los imputados Offender 2, con la colaboración de su hermano Offender 4 e Offender 5 acogieron a seis mujeres con fines de explotación sexual mediante amenazas, violencia física y aprovechándose de su situación de vulnerabilidad en el local nocturno sito en la Ruta Nacional 5, Km 544 de la localidad de Lonquimay, Provincia de La Pampa.

Las víctimas habían sido trasladadas hasta la localidad mencionada, tras haber sido seducidas por mejores ingresos y se encontraron con una actividad que no era la prometida o se les ocultó las reales condiciones de la propuesta laboral.

El lugar funcionaba con la colaboración necesaria mediante la protección brindada por el intendente Offender 1, quien suscribía las libretas sanitarias de las mujeres, y el Subcomisario Offender 3, quien realizaba los controles y era habitué del lugar. Quedó acreditado que ambos funcionarios conocían la actividad ilícita que se llevaba a cabo en el lugar y omitieron advertir que había un grupo de mujeres en situación de vulnerabilidad.

En relación al sub comisario, el Tribunal refirió que “al observar los comparendos (...) ante la sub comisaría de Lonquimay por parte de las mujeres, se advierten la mecanización de su confección, destacando que ‘trabajaban en el local nocturno estaban por voluntad propia y que no eran sometidas ni obligadas por nadie’, en una clara muestra de intento de dar una cobertura legal a las actividades ilícitas desarrolladas”.

“(...) pudo hacer cesar el riesgo que representaba la actividad de jóvenes mujeres con indicadores claros de vulnerabilidad y no lo hizo, esto es como máxima autoridad policial del lugar nada hizo para el reconocimiento de los derechos de esa población de mujeres vulnerable”.

“(...) quedó corroborado que Offender 1 omitió advertir que existía un grupo merecedor de especial cuidado y en situación de incremento de riesgo.”

En relación a la responsabilidad que le cupo al intendente Offender 1, se dijo que “ese aporte fue esencial dado su calidad de funcionario público. Desde la posición de poder que el cargo representa suscribió las libretas sanitarias logrando así el mantenimiento del ilícito en el tiempo en perjuicio de las mujeres sometidas a explotación sexual, pese a tener conocimiento del ejercicio de la prostitución en el local nocturno Good Nighth”

“(...) según la posición defensiva ‘X’ era un lugar o espacio ajeno a cualquier contralor municipal. Esa afirmación también contempla una suerte de renuncia a la obligación del Estado de promover políticas de inclusión y de igualdad de oportunidades que permita erradicar el circuito prostibulario y su intrínseca relación con la trata de personas con fines de explotación sexual”.

“(...) No dudamos que la posición de garante y el poder que representa y concentra nada menos que el titular del poder ejecutivo municipal, pudo haber hecho cesar el riesgo que representaba esa actividad en X. Renunció conscientemente a una posición activa de contralor o poder de policía municipal.”

“(...) en suma, no asumió Offender 1 ni ningún área dependiente de su cartera la obligación convencional de garantía del Estado respecto de la protección integral de los derechos de la mujer de actos de violencia y discriminación”.

## Case 213 – Argentina, 2017

Country: Argentina  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 25  
Number of offenders: 7

### Case description:

Fecha de la sentencia: **29/06/2017**

Tribunal: **Cámara Federal de Casación Penal – Sala IV –**

#### **“Offender 1 y otros s/ recurso de casación”,**

Resumen de los hechos:

En diciembre de 2015 el TOF de Tucumán había condenado a algunas personas y absuelto a otras 3. A dos de ellos por aplicación del beneficio de la duda, y a una tercera imputada por el art. 5 de la ley 26.364 (condición de no punibilidad – excusa absolutoria). A su vez, ordenó el decomiso de un inmueble y de una camioneta.

Las víctimas eran de identidad reservada. Los sucesos transcurrieron en los locales nocturnos “X” y “Y”. La explotación sexual de las mujeres fue denunciada en el año 2013 por la fundación María de los ángeles.

La defensa planteó la nulidad de la investigación realizada por Gendarmería Nacional, debido a que el comandante no contó con apoyo material institucional, y porque sólo realizó diligencias de lejos, sin personal y sin los elementos requeridos. Además, pidió la nulidad de las intervenciones telefónicas y de los allanamientos, y los testimonios de los testigos de identidad reservada, y la nulidad de las declaraciones de dos testigos víctimas por no haber sido prestadas en cámara Gesell y por falta de notificación a las defensas. Por su parte, una de las defensas redarguyó de falsedad las actas de allanamiento por no dar fe de cómo ocurrieron los hechos. También se planteó la inconstitucionalidad de los arts 145 bis y ter

La Cámara Federal consideró que los condenados por participación secundaria, en realidad llevaron adelante funciones determinadas dentro de una estructura organizada que se caracterizó por una división funcional de tareas. Por ende, no prestaron un auxilio o colaboración a los autores del hecho, sino que formaron parte en la ejecución del mismo hecho mediante actos determinados.

El hecho de que el rol o importancia de una persona sea menor al de otros miembros, no resulta óbice para descartar la coautoría de ese miembro. Por ello, revocó la sentencia en este aspecto, y los condeno como coautores.

En cuanto a los beneficiados por la duda (Offender 2 e Offender 3), la Cámara entendió que Offender 3 fue un eslabón fundamental ya que vivía en el mismo domicilio que los

autores, y tuvo pleno conocimiento de la antijuridicidad, y quiso la realización del injusto típico efectuando aportes sustanciales. Llevaba los cuadernos y a veces suplantaba a los porteros.

Por otro lado, Offender 2 era el encargado de guardar y administrar el dinero de Offender 4. Es decir, no solo conocía el origen ilícito sino que lo administró como expresión de un aporte que permitió llevar adelante el delito que se investiga. Offender 3 era quien se encargaba del negocio mientras Offender 4 estaba en buenos aires.

Es por ello que la Cámara condenó a los dos imputados.

Respecto de Offender 1, a quien se le había aplicado la cláusula de no punibilidad del Art. 5 de la Ley 26.364, la Cámara consideró la situación en la que ésta se encontraba. Es decir, tiene en cuenta que los condenados le habían retenido los documentos por diez años, que fue prostituida desde los 14 años, y que estaba coaccionada como las demás víctimas. Si bien Offender 1 intervino en el delito, también hacía pases y tenía que rendir cuentas a Offender 5. Esto fue el resultado directo de haber sido objeto primigenio del delito de trata. A su vez, la Cámara tiene en cuenta que la mujer había sido vendida por su marido y comprada por Offender 5. Es por ello que mantiene la absolución por el art. 5.

En cuanto a la inconstitucionalidad de los arts. 145 bis y ter, la misma se rechazó por falta de fundamentación.

Con relación al agravio por el decomiso articulado por la parte querellante y el Ministerio Público Fiscal, el tribunal hizo un rechazo tácito al pedido de decomiso de uno de los inmuebles (Y). La Cámara dijo que no se entiende por qué el Tribunal omitió ordenar, ni dar tratamiento, al decomiso de ese segundo inmueble. En efecto, ese resultó ser uno de los instrumentos del delito perpetrado por los condenados. Por lo tanto dispuso su decomiso.

La defensa también se agravió porque una de las víctimas no estuvo presente en el allanamiento, por lo tanto no podía considerarse víctima. Casación refirió que esos argumentos remiten a una cuestión de valoración de la prueba, dado que la presencia o no de la víctima en el momento del allanamiento es una situación circunstancial. El tribunal considero verídico el relato de la víctima por su precisión, univocidad a lo largo del proceso y porque era armónico con el resto de las pruebas.

Finalmente, Casación consideró que la limitación a la libertad de autodeterminación se patentizó no solo en el aprovechamiento de la vulnerabilidad de las víctimas, sino también en el constante empleo de violencias y amenazas, lo que limitó sus posibilidades de elección.

## Case 214 – Argentina, 2015

Country: Argentina  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **7 de septiembre de 2015**

Tribunal: **Tribunal Oral Federal de Mar del Plata**

Resumen de los hechos:

Offender 1 captó en la localidad de Florencio Varela a las menores Victim 1 y Victim 2 el día 18 de enero de 2013, las transportó al día siguiente hacia la ciudad balnearia de Pinamar, Partido de la Costa, provincia de Buenos Aires, en un vehículo Renault Logan, y las acogió desde el día 20 de enero hasta el 07 de febrero de 2013, con la colaboración de Offender 2, en un departamento que alquilaba en la referida localidad, todo ello con fines de explotación sexual, mediando engaño, abuso de la situación de vulnerabilidad de las víctimas y prometiendo beneficios a la abuela materna, Person 1, quien tenía autoridad sobre las adolescentes, a los fines de obtener su consentimiento para que las mismas sean trasladadas a dicha ciudad balnearia.

El engaño consistió en promesas de trabajo formuladas en la localidad de Florencio Varela a las dos adolescentes mencionadas y a su abuela materna que consistían en cuidar niños, vender productos en puestos playeros o hacer tareas de limpieza, circunstancia que durante la primera semana efectivamente se cumplió, pero luego de ello se vio modificado por la explotación sexual de las menores.

La explotación se consumó desde aproximadamente una semana luego de su llegada a Pinamar hasta el día 7 de febrero de ese año, cuando ambas hermanas escaparon del lugar en el que se hallaban morando, un departamento alquilado por Offender 1 a través de su hijo Offender 2, sito en calle Constitución entre Avenida Intermédanos y Neptuno de la ciudad de Pinamar.

## Case 215 – Argentina, 2015

Country: Argentina  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 17  
Number of offenders: 6

### Case description:

Fecha de la sentencia condenatoria: **23 de septiembre de 2015**

Tribunal: **Tribunal Oral en lo Criminal Federal de Tierra del Fuego**

Resumen de los hechos:

La investigación se inició a raíz de una denuncia por averiguación de paradero efectuada el día 20 de marzo de 2010 ante la Comisaría n° 20 de la ciudad de Rosario, provincia de Santa Fe, por parte de una persona, Person 1, en la cual puso en conocimiento que su hija Victim 1, de 18 años de edad, hacía aproximadamente 20 días había viajado a la ciudad de Ushuaia, con el objeto de prostituirse y que ese día a través de un mensaje de texto le informó que tenía problemas. Por tal motivo, la denunciante procedió a llamarla por teléfono y al no obtener respuesta, presumió que su hija podría ser víctima de algún delito.

Como consecuencia de ello, se iniciaron las actuaciones y se realizó un control en los locales nocturnos de la ciudad a fin de encontrar a la nombrada, dando resultado negativo. Se solicitó también, la colaboración de otras fuerzas de seguridad. Seguidamente, se procedió a la intervención del abonado desde el cual Victim 1 envió el mensaje de texto a su madre.

Las actuaciones fueron remitidas a la Fiscalía donde se fueron recabando datos que permitieron establecer tanto el paradero de la Victim 1, como las circunstancias que las llevaron a viajar a la provincia de Tierra del Fuego, motivadas en la posibilidad de empleo en el local X de esta ciudad.

Asimismo, con fecha 23 de abril de 2010 se conoció lo actuado por la Policía de Seguridad Aeroportuaria, referente a Victim 2, quien manifestó que hacía unos días había llegado a la ciudad para trabajar en el local nocturno “X” y que deseaba comprar un pasaje y volver a Bs. As., dado que al comunicar al Sr. Offender 1 su deseo de regresar a Bs. As., éste le hizo saber que no podía irse porque le debía el monto del pasaje y de la libreta sanitaria.

Offender 1, ha sido el encargado de la captación, el traslado y el recibimiento de las víctimas, en su mayoría provenientes de diferentes provincias y países limítrofes. La pareja de Offender 1 y una de las hijas de ellos han sido las encargadas del prostíbulo junto a otra mujer quien, además, habría cumplido las funciones de “celadora” ya que muchas víctimas la señalaron como la responsable de impartir amenazas. No solamente vigilaba que nada se saliese del orden establecido por la organización criminal, sino que también sumaba infracciones para que se realizaran continuos descuentos. Si bien en la práctica, las mujeres rara vez recibían dinero, esas multas servían de excusa para que los escasos montos se reduzcan.

## Case 216 – Argentina, 2017

Country: Argentina  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 3

### Case description:

Fecha de la sentencia condenatoria: **22 de mayo de 2017**

Tribunal: **Tribunal Oral en lo Criminal Federal N°1**

Resumen de los hechos:

Se tuvo por acreditado que Offender 1, con la colaboración de Offender 2, captaron, trasladaron desde la localidad de Villa Berthet –Provincia de Chaco- y acogieron en el departamento de la calle Viamonte, Dto. “B” de Capital Federal, a Victim 1 y a Victim 2 con fines de explotación sexual, valiéndose para ello del engaño y del aprovechamiento de la situación de vulnerabilidad de las nombradas. Además, se tuvo por probado que los encartados propusieron a la niña Victim 3 (de 14 años de edad), con la aquiescencia de su madre, venir a Buenos Aires para trabajar como niñera del hijo de Offender 3. Así, trasladaron a la niña en las mismas circunstancias de tiempo y modo referidas en el punto anterior; aunque no llegara en definitiva la menor a desempeñar el rol en cuestión.

## Case 217 – Argentina, 2017

Country: Argentina  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **30 de Junio de 2017**

Tribunal: **Tribunal Oral en lo Criminal Federal de La Plata N°2**

Resumen de los hechos:

Offender 1, aprovechándose de la situación de extrema vulnerabilidad en la que se encontraba Victim 1 en su país, Uruguay, la explotó económicamente en el ejercicio de la prostitución.

La explotación consistió en facilitarle el ejercicio de la prostitución en la Rotonda de Llavallol, Camino de Cintura de Lomas de Zamora, Provincia de Buenos Aires. En esa zona Victim 1, debía permanecer aproximadamente, desde las 11:00 hasta las 19:00 atrayendo clientes entre los automovilistas que circulaban por allí y mantener relaciones en los vehículos o en los hoteles, ambos sitios en las inmediaciones de aquél lugar.

Un porcentaje de lo recaudado debía entregárselo a Offender 1, quién pasaba por la parada a recoger el dinero recaudado, por ella y otras mujeres. Al comienzo debía entregarle determinada suma, pero luego se acrecentó, hasta cubrir la mitad de las ganancias obtenidas, destinadas parte de ellas, a la policía.

Victim 1 viajó a la Argentina en el año 2012, en micro y con un boleto que compró su amiga con el dinero de Offender 1. Este fue a buscarla a la estación de ómnibus de Retiro, y la trasladó hasta su domicilio sito en calle Marcos Sastre de Llavallol, Lomas de Zamora, Provincia de Buenos Aires, donde estuvo hasta marzo de 2014.

Durante su estadía allí, Victim 1 compartía, una de las dos habitaciones de la casa con otras chicas, que se encontraban en su misma situación, algunas de las cuales eran familiares suyas (Victim 2 y Victim 3).

Respecto de las carencias y las necesidades apremiantes que padecía la víctima, la mayoría de índole económica, ante la falta de un empleo estable, se intensificaban aún más, con la crianza de su hija menor, la cual debía afrontar de manera individual sin la colaboración de su progenitor. Además de ello Victim 1 efectuaba de forma esporádica envíos de dinero al Uruguay, a los fines de colaborar con sus familiares.

Cuando Victim 1 decidió dejar de trabajar para Offender 1 y mudarse de la morada. Ante los reclamos y molestias permanentes del nombrado muchas veces cargadas de amenazas, debido a su decisión de alejarse de la órbita laboral que lideraba, efectuó una denuncia en su contra.

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Luego de ello permaneció trabajando por su cuenta en la parada de la Rotonda, a escondidas del imputado, en todo el Camino de Cintura, con la intención de recaudar la cantidad de dinero suficiente para pagar un pasaje que le permitiera volver a la República Oriental del Uruguay.

## Case 218 – Armenia, 2014

Country: Armenia  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

The date of rendering the criminal judgment of conviction: **18 September 2014**

Court: **Court of General Jurisdiction of Gegharkunik Marz**

### Case description:

The criminal judgment was investigated within the Department for Investigation of Especially Important Cases of the Investigation Committee of the Republic of Armenia with regard to Offender 1 was rendered by the Court of General Jurisdiction of Gegharkunik Marz on 18 September 2014.

The Court found Offender 1 guilty under part 1 of Article 132 and Article 118 of the Criminal Code of the Republic of Armenia for committing the following criminal offences: “Offender 1 (male) — with the intention of exploiting Victim 1 (female) holding marital relations with him, by means of abusing the feelings that his wife harboured for him, with the excuse of strengthening mutual love as a result of giving extra pleasure to him — convinced her to make an attempt of having together with him group sexual intercourse with the participation of another male, at the same time motivating her with the idea that the given male could pay in return for that. Extorting the consent of Victim 1 as a result of persuading her for about two months, in mid-2010, he arranged their intimate meeting at a Hotel located at Zakyan Street of the city of Yerevan with a certain Aka with whom he had previously got acquainted via a website, in return for which he received AMD 20.000 from Aka. Being informed by Victim 1 of her dissent to participate in further meetings of similar nature, Offender 1 — for the purpose of exercising criminal intention aimed at exploiting his wife, by threatening to disseminate the fact of having already once participated thereby in group sexual intercourse as discrediting information, by raising the issue of also depriving her of maternal rights through abuse of the mentioned fact, by using, to that regard, the vulnerability of the situation of his wife, by using in individual cases also violence not dangerous to health, *i.e.* subjecting her to battery— from the end of 2010 until June 2013 subjected her to exploitation of prostitution, *i.e.*, for the purpose of receiving material benefits and satisfying his unnatural passions, forcibly engaged her, on a periodical basis — approximately 20 cases in total, in having random sexual intercourse, as well as in having sexual intercourse with the participation of Internet users he had got acquainted with on “www.odnoklassniki.ru” and “Знакомства@та!1.ги” websites, *i.e.* Offender 2 and Offender 3, as well as his acquaintances Offender 4 and Offender 5 and their partners, whereafter he disposed of the money paid thereby at his discretion.

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In addition, on 2 November 2013, during the period of residing in the village of Chkalovka of Gegharkunik Marz, Offender 1, being in the state of having used alcohol, engaged in a quarrel with his wife Victim 1, on a trivial and frivolous subject, during which he subjected her to battery by hitting with hands and kicking different parts of her body”.

Offender 1 was sentenced to imprisonment for a term of 6 (six) years.

Offender 1 was born on 6 December 1980 in the city of Yerevan, Armenian by national origin, citizen of the Republic of Armenia, having completed eight-year education, married, previously not convicted, unemployed.

## Case 219 – Armenia, 2014

Country: Armenia  
Year of conviction: 2014  
Form of exploitation: begging, forced criminality  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

The date of rendering the criminal judgment of conviction: **18 September 2014**

Court: **Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of the city of Yerevan**

### Case description:

The criminal judgment was investigated within the Department for Investigation of Especially Important Cases of the Investigation Committee of the Republic of Armenia with regard to Offender 1 was rendered by the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts of the city of Yerevan on 18 September 2014.

The Court found Offender 1 guilty under point 1 of part 2 of Article 132.2, part 1 of Article 165 and points 1 and 3 of part 2 of Articles 38-177 of the Criminal Code of the Republic of Armenia for committing the following criminal offences: “In the middle of January 2013, Offender 1, with the intention of recruiting two and more children, putting or keeping them in exploitation by receiving and disposing of the money earned thereby through beggary on different streets of Yerevan, got acquainted in an Internet club located at Mashtots Avenue with minor Victim 1— victim in the given case, and being informed that he had run away from home, had no place of residence, that his father had abandoned them and left for the Russian Federation a long time ago, using, to that regard, the vulnerability of the situation of Victim 1, recruited by deception Victim 1 for the purpose of engaging him in beggary by giving false promises of obtaining in further a passport and driving licence therefor, of taking him to the city of Rostov of the Russian Federation with him, of marrying him off to a wealthy girl and providing him with a prosperous life, as well as of finding his father who had left the family, and of arranging their meeting, as well as put and kept him in exploitation until 19 March, during which he received and disposed of the money amounting to AMD 250.000 in total, earned by Victim 1 by means of beggary on different streets of Yerevan.

Thereafter, on 18 January 2013, Offender 1 got acquainted in the same Internet club with minor Victim 2— victim in the case, diagnosed with “mild degree of mental retardation with significant behavioural disorders”, oligophrenia, and deprived of the ability to realise the significance of his actions and manage them, and being informed that he was engaged in beggary, by taking advantage of the vulnerability of the situation caused both by his disease and lack of parental control, by giving false promises of obtaining in further a passport and driving licence therefor, of buying a cell phone for him, of making him an actor, on the same day recruited by deception Victim 2 for the

purpose of engaging him in beggary, as well as put and kept him in exploitation until 19 and 20 January 2013, during which he received and disposed of the money amounting to over AMD 7400 in total, earned by Victim 2 by means of beggary on different streets of Yerevan.

Thereafter, at the end of January 2013, Offender 1 met Victim 3 — victim in the given case, under the age of eighteen, engaged in beggary at the crossroad of Tumanyan and Nalbandyan streets of the city of Yerevan, got acquainted with him and, being informed that he was a pupil of “Special Educational Complex No 1”, by taking advantage of the vulnerability of the situation of Victim 3 caused by lack of parental control, recruited by deception Victim 3 for the purpose of engaging him in beggary by giving false promises of employing him in further as a bodyguard with a salary of AMD 250.000, of obtaining a passport and driving licence therefor, of taking him to the city of Rostov of the Russian Federation with him and providing him with a prosperous life, as well as put and kept him in exploitation for over five days by receiving and disposing of the money amounting to over AMD 25.000 in total, earned by Victim 3 by means of beggary on different streets of Yerevan.

In addition, at the end of January 2013, on a date yet not specified under the case, Offender 1 informed that Victims 1 and 2 found themselves in the state of being exploited by him, as well as minor Person 1 residing together with them in the same dwelling, that he was going to exercise trade in used European clothing for which he needed AMD 50.000 and asked Victims 1 and 2 whether they could collect that amount of money by means of beggary during 1-2 days. After having received a negative answer, Offender 1 informed that in that case they had to commit theft to acquire the mentioned AMD 50 000 and simultaneously asked what options they could offer as to the place of committing the theft. In response to the persuasions of Offender 1 on committing theft, Person 1 stated that taxis were parked at his previous working place — car service centre located in Nor Aresh, city of Yerevan, and it was possible to steal gas cylinders from the taxis during night time by means of disassembling them. After being informed about that and for the purpose of exercising the intention of committing theft, as well as realisation of the plunder, Offender 1 engaged minors Victims 1 and 2 found themselves in the state of being exploited by him, as well as Person 1 lacking parental control, in the committal of crime by means of deceiving and motivating them, as well as assigned respective roles to them, *i.e.* minors Victim 2 and Person 1 were assigned to commit the theft of the gas cylinder, whereas the responsibility of realisation thereof was assumed by Offender 1 and Victim 1. At the same night, Victim 2 and Person 1 acting in a conspiracy, organised by Offender 1, went to the car service centre located at Nor Aresh, city of Yerevan, opened it by breaking the window of the gate, illegally entered in, where they committed covert illegal taking of gas cylinder from the car of “Skoda” model parked there, causing a significant-scale property damage amounting to AMD 120.000. On the next day, Offender 1 and Victim 1 tried to sell the stolen gas cylinder, but did not manage, whereas some days later Person 1 sold it for AMD 30.000 to a person not identified under the case”.

Offender 1 was sentenced to imprisonment for a term of 11 (eleven) years.

Offender 1 was born on 11 March 1991, Assyrian by national origin, citizen of the Republic of Armenia, having completed secondary education, previously not convicted, unemployed.

## Case 220 – Armenia, 2016

Country: Armenia  
Year of conviction: 2016  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 3

### Case description:

The date of rendering the criminal judgment of conviction: **4 July 2016**

Court: **The Court of General Jurisdiction of Malatia-Sebastia Administrative District of the city of Yerevan**

The case part, as to Offender 1, was separated from Criminal Case investigated with regard to Offender 2, Offender 1 and Offender 3 —citizens of the People's Republic of China, within the Department for Investigation of Especially Important Cases of the Investigation Committee of the Republic of Armenia, and he was declared “wanted” by the police, whereas the criminal judgment with regard to Offenders 2 and 3 was rendered on 4 July 2016 by the Court of General Jurisdiction of Malatia-Sebastia Administrative District of the city of Yerevan / Offender 3 and Offender 1 are female, Offender 2 is a male/.

The Court found Offender 3 and Offender 2 guilty of committing a criminal offence under points 1 and 2 of part 2 of Article 132 of the Criminal Code of the Republic of Armenia. It was substantiated under the trial that in October 2014, Offender 2— a citizen of the People's Republic of China, acting in a conspiracy with fellow citizens Offenders 1 and 3, for the purpose of human trafficking recruited by deceiving fellow citizens Victim 1 and Victim 2 in China, by giving false promises of ensuring a high-paid job of a masseur in the Republic of Georgia, however, with the intention of subjecting them to sexual and labour exploitation in Armenia, and transported them to Yerevan on 14 October. During the period between the beginning of November and 10 December, they kept Victims 1 and 2 at X Hotel located at Leningradyan street, whereafter, taking advantage of the vulnerability of the situation caused by the fact that the location was not familiar to them, that they lacked the possibility to move freely as they did not have their passports with them and could not be issued a refund for travel expenses, they subjected them to sexual and labour exploitation during the same period by receiving, in that manner, the whole money earned thereby. In addition, in November 2014, Offender 2, acting in a conspiracy with fellow citizens Offender 3 and Offender 1, again for the purpose of human trafficking recruited by deceiving fellow citizens Victim 3 and Victim 4 in China by giving false promises of ensuring a high- paid job of a masseur in the Republic of Armenia, however, with the intention of subjecting them to sexual and labour exploitation, and transported them to Yerevan on 20 November. During the relevant period up to 10 December, they kept Victims 3 and 4 at X Hotel located at Leningradyan street, whereafter, taking advantage of the vulnerability of the situation caused by the fact that the location was not familiar to them, that they lacked the possibility to move freely as they did not have their passports with them and could not be issued a refund for travel expenses, they subjected them to

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sexual and labour exploitation during the same period by receiving, in that manner, the whole money earned thereby.

Offender 3 and Offender 2 were sentenced to imprisonment for a term of 8 (eight) years under points 1 and 2 of part 2 of Article 132 of the Criminal Code of the Republic of Armenia.

Offender 2 was born on 4 October 1996 in the city of Shenyang, China, Chinese by national origin, married, having completed secondary education, not convicted, unemployed.

Offender 2 was born on 13 January 1982 in the city of Harbin, China, Chinese by national origin, married, having completed secondary education, not convicted, unemployed.

## Case 221 – Australia, 2016

Country: Australia  
Year of conviction: 2016  
Form of exploitation: child pornography, sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Date of conviction: **19 May 2016**

Court: **County Court of Victoria**

Fact summary:

On 19 May 2016, the offender was sentenced to a total of 22 years' imprisonment with a non-parole period of 15½ years, having pleaded guilty to 38 charges involving child trafficking, incest, indecent acts and child pornography offences.

The offender fathered twin daughters born via an overseas surrogate and brought them to Australia with the intention of committing sexual acts on them. He sexually abused them and produced video recordings and images of those assaults for the purpose of making it available to others online.

He was convicted of trafficking in children for bringing the children to Australia for these purposes. He was also convicted of committing acts of incest and indecent acts against his daughters on 40 occasions in 2014 when they were aged 1-8 months, and producing video recordings and photographs of those assaults, which was child pornography material, for the purpose of making that material available to others online. The offender was also convicted of other child pornography and sexual abuse offences, some of which involved two of his nieces. A summary of the offences is provided below:

- Two charges of trafficking in children (s271.4 of the *Criminal Code* (Cth))
- Two charges of making available child pornography material using a carriage service (s474.19(1) of the *Criminal Code* (Cth))
- Two charges of accessing child pornography material using a carriage service (s474.19(1) of the *Criminal Code* (Cth))
- Two charges of transmitting child pornography material using a carriage service (s474. 19(1) of the *Criminal Code* (Cth))
- One charge of soliciting child pornography material using a carriage service, (s474.19(1) of the *Criminal Code* (Cth))
- Three charges of producing child pornography material for use through a carriage service (s474.20(1) of the *Criminal Code* (Cth))
- Four charges of indecent act with a child under the age of 16 (s47(1) of the *Crimes Act 1958* (Vic))
- 20 charges of sexual penetration with a child known to be a person's own child (s44(1) of the *Crimes Act 1958* (Vic))

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- One charge of knowingly possess child pornography (s70(1) of the *Crimes Act 1958* (Vic))
- One summary charge of intentionally visually capturing another person's genital area, a charge known colloquially as "up-skirting".

The offender was sentenced to 22 years' imprisonment reflecting the seriousness of the offending and the importance of deterrence, protection of the community, denunciation and punishment. The longest individual sentence of 8 years' imprisonment was imposed for each of the child trafficking offences.

## Case 222 – Australia 2017

Country: Australia  
Year of conviction: 2017  
Form of exploitation: forced labour, forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: 49  
Number of offenders: 4

### Case description:

Date of conviction: **8 February 2017**

Court: **District Court of Queensland**

An Australian Federal Police investigation commenced in August 2015 into the activities of two major telecommunication fraud ‘call centres’ in Brisbane. A Taiwanese criminal organisation responsible for operating the two call centres in luxury style residences in South Brisbane and Morningside had the centres staffed by Taiwanese slaves who were forced to work 15 hours a day, seven days a week, for no pay. The call centre operators each had to make up to 60 calls per shift which were designed to trick wealthy Chinese citizens into revealing their bank balances, pretend they were suspected of money laundering, and demand that they pay a large fine in return for not being prosecuted.

The offending was detected after one worker escaped the house in which he was being kept and was picked up by a motorist and taken to the local police station. When search warrants were executed there was a combined total of 49 workers at the two houses.

Police investigations revealed Offender 1 as the ‘boss’ or ‘leader’ of the house and fraud operation—responsible for enforcing the rules of the house and maintaining order and discipline within the house. The victim that came forward to Police and the other workers in the houses were required to work seven days per week, from approximately 7:40am to 4:45pm, with a break for lunch. In the evenings, from 4:45pm to 9:30pm, they were required to learn a ‘script’ to be used when answering calls, and to train in the commission of the fraud. There were other strict rules including when they could shower, eat and sleep.

Offender 1 and Offender 2 were originally charged with operating a business involving servitude, contrary to subsection 270.5(2) of the *Criminal Code* (Cth). This offence has a maximum penalty 15 years imprisonment. These charges were amended to causing another person to remain in servitude, contrary to s270.5(1) (maximum penalty 15 years imprisonment).

The successful prosecution resulted in:

- Offender 1 being sentenced to three years’ imprisonment for causing a person to enter into or remain in servitude, with release on recognisance after serving 548 days. Offender 1 was the boss of the house the victim escaped from, and was in charge of the day-to-day operation and management of the house

including liaising with other syndicate members and arranging deliveries. Offender 1 was deported as soon as he was released from custody.

- Offender 2 was sentenced to 2.5 years' imprisonment for causing a person to enter into or remain in servitude, with release on recognisance after serving 541 days. Offender 2 was Offender 1's second in command at the house. He enforced the rules of the house and maintained order and discipline. Along with Offender 1, Offender 2 would verbally abuse and threaten the victim, and told him it was impossible for him to leave. Offender 2 was deported as soon as he was released from custody.
- Offender 3 was sentenced to two years' imprisonment for supporting a criminal organisation, and three years and three months' imprisonment for dealing in proceeds of crime worth \$50,000 or more, with a non-parole period of 519 days. Between 19 March 2015 and 16 September 2015, Offender 3 had provided more than \$68,000 worth of purchases and payments for work, appliances and devices for the two houses and received an international funds transfer from Taiwan for more than \$93,000 into his account, to carry out the fraud. This was the first conviction and sentence for the offence of supporting a criminal organisation in Australia.
- Offender 4 was sentenced to 18 months' imprisonment for negligently dealing in proceeds of crime worth \$100,000 or more, and 2.5 years' imprisonment for recklessly dealing in proceeds of crime worth \$100,000 or more, with release on recognisance after serving 436 days in custody.

The prosecution of Offender 1 and Offender 2 was the first prosecution and sentence for an offence of causing a person to enter into or remain in servitude, since that offence provision was amended in 2013 to broaden the conduct covered by that offence from sexual servitude only to all forms of servitude.

## Case 224 – Austria, 2016

Country: Austria  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 9  
Number of offenders: unknown

### Case description:

Date of conviction: **27.09.2016**

Court: **Competent Court of Vienna**

#### Fact summary:

OPERATION SZIVEM: In 2015/2016 we noticed an increase of very young Hungarian girls in the area of illegal street prostitution. Several interviews with potential victims have been carried out, but none of the victims was willing to make a statement. However, since there were clear indicators for THB the CIS (THB Unit) established a plan of cooperated control measures with assistance of Hungarian specialized THB officers. This plan included for example: Monitoring of the area, contacts with hotel-owners, information gathering and exchange, common actions with Hungarian police officers, analyses and of course the identification of the suspects and the destruction of the criminal group. The joint actions with the Hungarian police were taking place under the umbrella of the ISEC Project “Operational cooperation for fighting against sexual exploitation committed by Hungarian organized crime groups in Europe” (HOME/2012/ISEC/AG/4000004399). The Hungarian National Bureau of Investigation and the CIS Vienna implemented in total 10 common actions. During these common actions about 200 persons were controlled and 9 victims of trafficking were identified (4 minors). In April 2016 one minor victim from Hungary (16 years old) was identified and interviewed by Austrian and Hungarian police officers. The victim made a clear statement against her perpetrators. The perpetrators were arrested on 31.05.2017 in Vienna and accused for trafficking in human beings and cross-border trafficking in prostitutes. The perpetrators were convicted to 3 years imprisonment. Remark: During the a/m common actions we were able to start 10 criminal procedures for trafficking in human beings, cross-border trafficking in prostitutes and procuring (7 Austrian, 3 Hungarian investigation), which are still on-going.

## Case 225 – Austria, 2014

Country: Austria  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 5

### Case description:

Date of conviction: **18. March 2014**

Court: **Landesgericht für Strafsachen Wien**

#### Fact summary:

The Bulgarian citizen Offender 1 (female) (born on 13.8.1974) and her partner, the Bulgarian citizen Offender 2 (born 6.1.1974) were resident in Austria, Vienna at least since 2008. Offender 2 has a relevant criminal record from Germany.

Offender 2 managed to establish himself as a leading figure in Vienna's Bulgarian pimp scene with a mixture of family ties, relevant understanding of humanity and, if necessary, brutal assertiveness, and to rally an organized group of pimps. Offender 1 on the other hand, because of her organizational talent in financial matters and her ability to deal with other, mostly younger prostitutes, understood how to gain respect as a woman by his side in the male dominated scene.

The condemned initially went through even prostitution, but subsequently allowed several women work as a prostitute for themselves, essentially exercised their supervision and control over these. They established a sort of common cash register under their administration, in which the group-related pimps paid a share of the proceeds they received from prostitution and from which they were able to withdraw larger sums of money, in particular to finance the purchase of new prostitutes. By November 2011, the activities of the offender groups were concentrated on the street in the area 1150 Vienna and were moved after the entry into force of the new Vienna Prostitution Act in the area 1020 Vienna near the Vienna Prater.

At an unspecified time, most likely in 2010, the defendants "took over" the prostitute Victim 1 from her former pimp for a fee of EUR 1,500 to EUR 2,000. Victim 1 was one day informed by her former pimp, Offender 3 that they now had to go with Offender 2 and work for him. In the absence of an alternative course of action, she submitted without contradiction and was quartered by the convicts in their apartment until their escape in November 2012.

In 2010, they also took over the prostitute Victim 2 for a fee of EUR 1.000, -. For this purpose, Offender 1 met with the previous pimp and with Victim 2 in a café and brought her subsequently in her apartment, where already Offender 2 waited. After clarifying the transaction and paying the transfer fee, Victim 2 remained with the convicts, where

she lived together with other prostitutes working for the convicts until the police intervened on 19 July 2013.

In June / July 2013, the convicts decided to acquire a new, young prostitute and were offered the 21-year-old Victim 3 for "sale" through relevant contacts. To handle the "purchase" Offender 2 drove on July 15, 2013 with Offender 4 to Dortmund, where he negotiated from her former pimp, Offender 5, a transfer fee of EUR 2,000, - took over the young woman after a partial payment and with brought to Vienna, where she remained until the police intervention about four days later.

Furthermore, in the summer of 2011, Offender 2 "bought" Bulgaria's resident Victim 4 for an amount of unknown amount from her cousin and let her go to Austria from an unknown man. Since he told Victim 4 that she was pregnant, she was only four days later returned by Offender 2 back to Bulgaria and "resold" against a transfer in unknown amount.

The authority of Offender 2 was also evident, for example, in the settlement of internal conflicts. The convicts cooperated in the recruitment, reception and lodging of all prostitutes (with the exception of Victim 4, in which only Offender 2 appeared). They practiced the pimping of the women they were subjected to in close consultation with each other, with Offender 1 providing direct supervision, escorting prostitutes on the street, and in some cases closely controlling them, while Offender 2 was mainly responsible for telephone reports, but she did even carried out on-site inspections or issued official orders. They comprehensively determined the conditions under which the women working for them had to practice prostitution. They used the usual intimidation methods in the milieu, although they did not physically abuse their prostitutes, which made them in the milieu to comparatively "popular" pimps. The condemned persons exploited in the manner shown constantly several women at the same time and collected at least the vast majority of the proceeds from the prostitution for themselves.

With judgment of the LGSt Vienna of 18 March 2014 to 41 Hv 6 / 14v Offender 1 became because of the offense of the criminal union after § 278 exp. 1 StGB, the crime of human trafficking after § 104a exp. 1, Abs Case StGB, the offense of pimping according to § 216 Abs. 2, Abs. 3 StGB idF BGBl I 15/2004 and another crime sentenced to imprisonment in the amount of three and a half years. Offender 2 became the crime of cross-border prostitution according to § 217 §

Abs. 1 StGB as well as the offense of pimping according to § 216 Abs. 2, Abs. 3 StGB idF BGBl I 15/2004 sentenced to a term of imprisonment of six years

## Case 226 – Austria, 2014

Country: Austria  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 3

### Case description:

Date of conviction: **19.8.2014**

Court: **Landesgericht für Strafsachen Wien**

#### Fact summary:

The Bulgarian citizen Offender 1 (born 8.7.1972) participated in a criminal organization around Offender 2 and Offender 3 between November 2012 and July 19, 2013 (see case study 1). Offender 1 has a judicial conviction for the offense of theft (sentencing of Radnevo Regional Court in Bulgaria from 01.06.1994).

During a stay in Bulgaria he met the resident Bulgarian national Victim 1, who had previously worked as a prostitute in Germany and was interested in coming to Austria. The condemned man offered to take her to Austria so that she traveled with him to Vienna on 8 November 2012, where he entered into a relationship with her and made her his partner. The convict was the pimp of Victim 1 until July 19, 2013, she was assigned to street prostitution in the area of the Vienna Prater, and she was supervised by her by regularly reporting by phone on the number of her clients repeatedly monitored her on the spot and gave her instructions on how, where, when and at what prices she had to prostitute and with whom she was allowed to have contact.

The proceeds from her work had to be paid almost entirely to them and there was also physical abuse in the form of beatings and verbal abuse if the convicted person was not satisfied with the proceeds.

Together with Offender 3 the convict drove to Dortmund on 15.7.2013 to "buy" the prostitute Victim 2 and bring her to Vienna.

With judgment of the LGSt Vienna from 19.8.2014 to 41 Hv 15 / 14w Offender 1 became because of the offense of the criminal union after § 278 exp. 1 StGB, the crime of the cross-border prostitution trade, partly as party under §§ 217 exp. 1, 12 third case StGB; of the crime of trafficking in human beings as a party under Paragraph 12 of the Third Case, Paragraphs 104a (1) and (4), First Instance of the Criminal Code and the offence of pimping under Paragraphs 216 (2) and 3 of the Criminal Code as amended by Federal Law Gazette I 15/2004 to imprisonment for a period of two and a half years Years ago.

## Case 227 – Austria, 2015

Country: Austria  
Year of conviction: 2014  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **16.9.2014**

Court: **Landesgericht für Strafsachen Wien**

#### Fact summary:

The respectable Romanian citizen Offender X (born 24.8.1979) and Romanian citizen Romanian Offender Y (born 18.6.1977), who was a Romanian citizen in Romania, lived in a cohabitation for several years when in November 2009 she married the then 29-year-old Victim 1. The victim happened to be hit on a train ride from Craiova to Bucharest. The victim suffered so much injuries in an accident in 2008 that both legs had to be amputated, his left hand in the area of the forearm and his right hand had to be amputated two fingers and therefore he could only move in the wheelchair or on his leg stumps, led a purse full of banknotes at this meeting with them, which attracted the interest of Offender 1 on. She pretended to pity him, offered to help him, among other things, in procuring prostheses, and was particularly successful because the victim was embarrassed by his current disability to confront his family. After arriving together in the house of Offender 2 in Romania, Offender 1 and Offender 2 came up with the idea to have the victim beg for them, because due to his severe disability they expected high begging proceeds from him and wanted to improve their financial situation in this way.

The victim did not agree with this proposal, but Offender 1 and Offender 2 began to physically attack him in order to persuade him to implement the planned begging. The victim began to beg for Offender 1 and Offender 2 under the impression of these attacks in Braşov, Bucharest and Arad, whereby his daily begging proceeds amounted to approximately EUR 150, - and was completely taken away from him. After about a month, Offender 1 and Offender 2, and the victim decided to beg to go to Vienna, as they expected higher begging proceeds there. The victim did not agree to his promotion to Austria, but was persuaded to approve it with threats. The victim then begged daily from Monday to Saturday from 8:30 am to 6:00 pm at Reumannplatz and on Sunday from 10:00 am to 12:00 pm at flea markets. He was taken every morning by Offender 1 and Offender 2. in a wheelchair to the beggar place and had to sit down on further instruction of the two on the ground. His wheelchair was fixed to a nearby bicycle stand with a chain to prevent him from traveling longer distances alone. The victim was never allowed to leave the place of begging, had to put his little need in a plastic bottle. In order not to lose the full day's legal fees in case of a possible police check, his begging proceeds were regularly taken from him by Aufpassern. The begetting proceeds amounted to approximately

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EUR 300, - to EUR 1,000, - daily, whereby Offender 1 and Offender 2 kept the entire proceeds for themselves. Several escape attempts of the victim failed and he continued to be regularly massively physically abused.

The (in Austria) respectable, Romanian national Offender 3, the older sister of Offender 1 took part from August 2013 to November 12, 2013 as a guardian in the actions of Offender 1 and Offender 2 and received for their work EUR 20,- per day.

With judgment of the LGSt Vienna of 16 September 2014 to AZ 41 Hv 48 / 14y were Offender 1 and Offender 2 because of the crime of human trafficking under § 104a para. 1, 2, 3 and 4, second case StGB and another criminal Act condemned. Over Offender 1 was imprisoned for a period of four years, over Offender 2 imprisonment for a period of four and a half years. Offender 3 was convicted of the crime of trafficking as a party under §§ 12, 104a para. 1, 2 and 3 StGB to imprisonment for a period of 15 months. Pursuant to Section 43a (3) of the German Criminal Code, part of the imprisonment was conditionally reviewed for a period of ten months, subject to a probationary period of three years.

## Case 228 – Austria, 2016

Country: Austria  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **27.9.2016**

Court: **Landesgericht für Strafsachen Wien**

#### Fact summary:

Hungarian nationalist Offender 1 (born on 14.4.1995), who was born in Austria in March 2016, contacted Facebook on March 20, 2000, Victim 1 whose friend Offender 2 he was friends with, and suggested that she join to drive him to Vienna together. He told her about his brother staying in Vienna and promised that they would look for a job there and that they would all be better off in Austria. Victim 1 who had previously been brought to prostitution by her friend Offender 2 and was staying at a Hungarian orphanage at that time, agreed and on 20 March 2016 Offender 1 traveled by car to Vienna, where she was accompanied by his elder Brother, the Hungarian citizen Offender 3 (born 11.6.1981) expected and was housed by him in Vienna. The Hungarian criminal record of Offender 3 has five convictions for theft, forgery and extortion.

Immediately after her arrival, the two convicts told the young woman that she now had to work as a prostitute in Vienna in order to earn money. The girl complied with this request without contradiction, since she did not want to return to the Hungarian orphanage and was afraid of both her ex-partner Offender 2 and Offender 3. The girl then worked around daily from 11:00 to 21:00 clock in the area of the Vienna Prater as a street prostitute and had to deliver the money after each service to one of the two brothers. In return she received from them food, drinks and cigarettes. At the end of March 2016, the convicts decided to go to Germany with the victim to explore their possible earning potential in prostitution. But shortly thereafter the victim came to a police check in Berlin and few customers were present, which is why the trio traveled by bus back to Vienna on 3 April 2016. There Victim 1 worked until 19 April 2014 then again as a prostitute.

With judgment of the LGSt Vienna of 27.9.2016 Offenders 1 and 3 were due to the crimes of human trafficking under § 104a Abs. 5 StGB and the crimes of cross-border prostitution according to § 217 Abs. 1 second case StGB each to a prison sentence of three Years ago. Pursuant to Section 43a (4) of the German Criminal Code, a penalty of two years was conditionally granted for the term of imprisonment imposed on Offender 1 subject to a probationary period of three years

## Case 230 – Belarus, 2017

Country: Belarus  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 100  
Number of offenders: unknown (multiple)

### Case description:

Date of conviction: **24 February 2017**

Court: **Pervomaisky District Court, Minsk**

#### Fact summary:

In February 2016, the law enforcement agencies of Belarus in Minsk and in the town of Borisov, Minsk province, arrested Offender 1 (female), born on 17 February 1992, and Offender 2 (female), born on 1 December 1969, who had organized channels for the supply of girls of model-like appearance from Belarus, Ukraine, the Russian Federation and Kazakhstan to Turkey for prostitution. Citizens of Ukraine, the Russian Federation and Turkey were involved in the trafficking.

All contact between members of the criminal group, as well as between the traffickers and the recruited girls, was conducted through the Internet, without face-to-face meetings or the handover of cash.

A female trafficker from Ukraine was identified. According to information provided by the Ministry of the Interior of Belarus, Ministry officers are conducting a criminal investigation. The traffickers from the Russian Federation and Turkey have not been identified.

In total, some 100 girls were sent to Turkey. They were recruited and sold as follows. On the social network "VKontakte" on the Internet, recruiters created accounts using fictitious identities and joined various groups where they advertised employment in Turkey with high earnings and the possibility of attractive holidays, in the form of work in the modelling business and the provision of escort services to wealthy clients, without prostitution. They invited applications from beautiful young girls of model-like appearance. The girls who were taken in by those offers submitted photographs of themselves in bikinis, as well as naked and partially naked, to one of the recruiters. The recruiter, using the messaging service "Viber", sent the photographs to the Minsk traffickers for approval. Once the "applications" had been approved, the recruiter told the girls the truth - that they would have to provide sexual services in return for payment, i.e. engage in prostitution. The recruiters used the nude photographs to blackmail the girls if they showed signs of backing out. The girls who agreed to be recruited were instructed by the recruiters to contact the female traffickers from Belarus. On receiving the call from each of the recruited girls, the Minsk traffickers sent the recruiter \$500 by Western Union and MoneyGram bank transfers. Thus, using the Internet, the recruiter sold each person for \$500 without even having met them in

person, thereby avoiding involvement in the physical transportation and transfer of the victims.

Thereafter, the girls were dealt with by the Minsk traffickers. After the traffickers had explained to the recruited girls all the details of the "work" for which they were being recruited, the girls sent photographs of their passport data to the traffickers through "Viber", together with photographs of their faces and a note certifying that the photographs corresponded to the original.

In collaboration with their Turkish accomplices, the traffickers from Belarus organized the girls' stay in Turkey and controlled their conduct. That role included the purchase of air tickets to Turkey, the selection of and payment for accommodation and places where the sexual services would be provided, and the establishment of "fines" for any non-compliance on the girls' part. Hotels were booked in Istanbul for one to two weeks.

The girls were obliged to return 50 per cent of the cost of their accommodation and flight and, twice a week, to pay 50 per cent of their income from sexual services, as well as any "fines". Any girl who failed to pay a "fine" received no clients and faced expulsion from the hotel.

The Belarusian traffickers controlled the girls from Minsk through the Internet, without even travelling to Turkey. For the provision of sexual services, several websites were created and administered under the guise of agency escort services, showing the telephone number of the Belarusian traffickers together with semi-nude photographs of the girls and information on the types of sexual service available and their cost (from the 400 Turkish lira for 30 minutes to 3,000 Turkish lira for a night, roughly equivalent to \$140 and \$1,050 dollars).

Turkish clients communicated through the messaging services Viber, WhatsApp and Telegram with the Belarusian traffickers, who provided the girls with the necessary information. The girls were not allowed to negotiate directly with the clients.

At a specified time, the girls transferred their "earnings" to the Belarusian traffickers through Western Union bank transfers.

Approximately \$360,000 were seized from the Belarusian organizers (\$220,000 dollars during a search of their apartments and \$140,000 dollars from bank accounts). That criminal income was accrued over two years of "work".

On 24 February 2017, the female traffickers were convicted under article 171 of the Criminal Code of the Republic of Belarus (on the organization and/or exploitation or facilitation of prostitution):

Offender 1 born on 17 February 1992, was sentenced to deprivation of liberty for three years and payment of a fine equivalent to \$3,730 (the sentence was suspended for two years);

Offender 2 born on 1 December 1969, was sentenced to deprivation of liberty for two years and six months and payment of a fine equivalent to \$2,485 (the sentence was suspended for one year).

Offenders 1 and 2 forfeited the equivalent of \$399,470 to the State.

## Case 231 – Belarus, 2016

Country: Belarus  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 3

### Case description:

Date of conviction: **25 January 2016**

Court: **Moskovsky District Court, Minsk**

#### Fact summary:

Offender 1 (male), born on 10 September 1973 and a native of Minsk with Australian citizenship, had concluded a fictitious marriage in 2005 with a citizen of Belarus, whom he took with him to Australia, where he drew her into prostitution in brothels in Melbourne (this fact was not among the charges subsequently brought against him). From September 2013 to November 2014, while in Minsk, he recruited three Belarusian girls for prostitution. Initially, the Australian engaged in procurement in Minsk. Thereafter, he entered into a fictitious marriage with one of the girls in order to take her to Australia. Two accomplices were supposed to come from Australia to conclude similarly fictitious marriages with the two other girls, but the principal was arrested before they arrived.

In addition to trafficking in persons offences, the principal was engaged in drug trafficking with accomplices from Belarus. On their arrest in November 2014, more than 1 kilogram of marijuana, 280 grams of cocaine and almost 18 kilograms of hashish, worth an approximate total of \$1,000,000 on the black market, were seized.

On 25 January 2016, Offender 1 born on 10 September 1973, was convicted under articles 171 (on the organization and/or exploitation or facilitation of prostitution) and 328 (on drug trafficking) of the Criminal Code of the Republic of Belarus and sentenced to deprivation of liberty for nine years with confiscation of property.

## Case 232 – Belarus, 2014

Country: Belarus  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 16  
Number of offenders: 1

### Case description:

Date of conviction: **6 October 2014**

Court: **Lida District Court, Hrodna province**

#### Fact summary:

In May 2014, Offender 1 (male), born on 19 June 1966, smuggled 16 Vietnamese nationals into Belarus from the Russian Federation for onward transfer to countries of the European Union. Subsequently, abusing their dependence on him (having taken their money from them and deprived them of the possibility of obtaining food) and with a view to personal gain, he exploited them by forcing them to work unpaid on his property.

On 6 December 2014, Offender 1, born on 19 June 1966, was convicted under articles 181-1 (use of slave labour) and 371-1 (on the organization of illegal migration) of the Criminal Code of the Republic of Belarus and sentenced to deprivation of liberty for six years with confiscation of property. In addition, a DAF curtain-sided truck, the market value of which was around \$45,000, was confiscated by the State.

## Case 233 – Belarus, 2016

Country: Belarus  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

Date of conviction: **26 October 2016**

Court: **Central District Court, Homiel (city)**

#### Fact summary:

Offender 1 (male), born on 15 October 1972, a Syrian national and native of Aleppo with a permit to reside in Belarus, having received permission to stay in Germany (lived at Koblenz), organized a channel for the supply of Belarusian girls to Germany for subsequent sexual exploitation. He was arrested on 1 April 2016 while transporting to Germany three residents of Homiel province whom he had planned to subject to sexual exploitation in illegal brothels.

On 26 October 2016, Offender 1, born on 15 October 1972, was convicted under article 171 of the Criminal Code of the Republic of Belarus (on the organization and/or exploitation or facilitation of prostitution) and sentenced to deprivation of liberty for a term of six years with confiscation of property.

## Case 234 – Belarus, 2014

Country: Belarus

Year of conviction: 2014

Form of exploitation: pornography, sexual exploitation

Type: cross-border trafficking

Number of victims of trafficking: unknown (multiple)

Number of offenders: 2

### Case description:

Date of conviction: **30 October 2014**

Court: **Partizansky District Court, Minsk**

Fact summary:

Offender 1 (male), born on 28 June 1986, acting as a member of a transnational criminal group, recruited Belarusian girls (residents of the cities of Minsk and Vitebsk) and transported them to France, Turkey and the Russian Federation for sexual exploitation in the form of prostitution in hotels and clubs and participation in pornographic film shoots.

On 30 October 2014, Offender 1, born on 28 June 1986, was convicted under article 171 of the Criminal Code of the Republic of Belarus (on the organization and/or exploitation or facilitation of prostitution) and sentenced to deprivation of liberty for a term of eight years with confiscation of property.

## Case 235 – Belgium, 2014

Country: Belgium  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 8  
Number of offenders: 5

### Case description:

Date de la condamnation: **28 avril 2014 (exploitation économique)**

Tribunal: **tribunal correctionnel de Liège (jugement définitif)**

Résumé de l'affaire:

Dans cette affaire, cinq prévenus ont été déclarés coupables de plusieurs délits, parmi lesquels le trafic et la traite des êtres humains à des fins d'exploitation du travail, ainsi que de plusieurs infractions au code pénal social et de non-respect des règles en matière de sécurité sociale.

L'affaire concernait l'exploitation de migrants irréguliers chinois qui travaillaient dans des restaurants et commerces chinois établis en Belgique entre mai 2003 et février 2010. L'organisation en question était extrêmement élaborée, non seulement en Belgique, mais aussi dans toute l'Europe, en Espagne, au Portugal, en Pologne, en République Tchèque et en Hongrie. En Belgique, les connexions entre les auteurs principaux étaient essentiellement d'ordre familial.

L'auteur principal, qui possédait un restaurant, facilitait l'entrée et la circulation des migrants chinois irréguliers en Europe, dans le but de les placer dans des restaurants chinois en Belgique. Son complice était un homme d'affaires chinois qui avait déjà exploité un restaurant dans le passé, mais qui au moment de l'enquête vivait et travaillait à Guarda, au Portugal.

Pendant leur déposition, plusieurs victimes ont souligné le fait que leur entrée en Europe avait été facilitée par une agence de voyage.

### *Visas d'étudiant*

Les connexions du réseau avec la Chine laissent penser que trois des victimes sont entrées en Europe grâce à un visa d'étudiant pour intégrer une école supérieure de Charleroi. Les victimes sont alors arrivées soit en Europe de l'Est (Pologne) avant de traverser l'Europe pour rejoindre la Belgique, soit directement en Belgique, accompagnées ou non. Une fois le visa expiré, les auteurs promettaient de les aider à régulariser leur statut, incluant assistance juridique.

### **Système « look a like »**

Le déplacement des trois victimes de Belgique vers le Portugal a été facilité par l'utilisation de passeports appartenant à la famille de la sœur de l'auteur.

### **Itinéraire classique de trafic via la Russie**

Les auteurs ont eu également recours à un itinéraire de trafic plus « classique ». L'entrée en Europe était organisée par les airs de la Chine vers la Russie, pour ensuite traverser par voie terrestre en camion l'Ukraine, la Hongrie, la Slovaquie et la République Tchèque. Les frontières étaient franchies à pieds à travers montagnes ou forêts. À leur arrivée dans un État Schengen, les migrants sont déposés à proximité d'un centre d'accueil pour réfugiés, où ils se présentent spontanément pour demander asile. Ils sont alors enregistrés dans l'EURODAC, ce qui signifie qu'en cas d'interception à un stade ultérieur dans un autre pays de l'UE, ils seront rapatriés vers cet État Schengen et non la Chine. Le voyage se poursuit par voie terrestre vers la Belgique dès l'instant où les migrants ont reçu leurs documents d'enregistrement.

### **Démarrage de l'enquête traite-traffic**

En janvier 2009, une victime qui avait été exploitée par l'auteur principal dans son restaurant chinois s'est présentée spontanément à la police judiciaire fédérale de Liège pour dénoncer son employeur ainsi que plusieurs autres personnes revêtant un rôle stratégique dans le réseau. La victime a transmis à la police les noms des personnes impliquées dans le réseau de trafic qui s'étend sur la Chine, la République Tchèque, le Luxembourg, la Belgique, l'Espagne et le Portugal, des informations relatives au placement des migrants irréguliers chinois dans différents restaurants, aux restaurants dans lesquels elle a travaillé les 5 dernières années (au Luxembourg et en Belgique), aux contrôles de police correspondants où elle a été arrêtée, aux détails de sa propre exploitation. Ainsi, les auteurs avaient par exemple reconnu avoir une dette à l'égard de la victime pour non-paiement du salaire. Sur base de ces informations, la police a mené une enquête préliminaire, qui a corroboré les déclarations de la victime.

### **Instruction**

L'instruction, menée par un juge d'instruction, reprend plusieurs éléments cruciaux qui établissent l'implication probable des auteurs dans une organisation criminelle. Le téléphone du principal auteur a été mis sur écoute entre mai et juin 2009. Une analyse ultérieure de ces données a montré qu'il disposait de nombreux contacts en Belgique qui étaient au courant de ses activités de trafic et l'aidaient, par exemple, à renvoyer des passeports et des copies de documents d'identité en Chine ou à employer sciemment des migrants irréguliers chinois. Nombre de ces individus, résidents en Belgique et liés à cette affaire, provenaient de la même région en Chine que les prévenus et les victimes : la Province de Zheijang.

### **Collaboration internationale**

Au début de l'enquête, la police belge a demandé l'aide des forces de l'ordre espagnoles pour identifier le statut de séjour de deux auteurs potentiels, ainsi que des forces de l'ordre portugaises pour identifier les personnes qui correspondaient à trois numéros portugais.

Les éléments de preuves retrouvés lors des perquisitions ont corroboré les informations transmises par la victime durant sa première déclaration et ont donné lieu à une commission rogatoire en collaboration avec la police portugaise. En septembre 2010, plusieurs perquisitions ont été menées dans des locaux commerciaux et résidentiels à Guarda au Portugal, où les trois victimes transportées de Belgique vers le Portugal ont été identifiées. En outre, 21 travailleurs immigrés ont été identifiés, aucun ne disposait de papiers d'identité ni de documents administratifs pertinents. L'auteur a été intercepté sous le coup d'un mandat d'arrêt européen et a été immédiatement extradé vers la Belgique.

La police a également contacté Interpol à Varsovie pour un numéro de téléphone retrouvé dans le carnet d'un des restaurants perquisitionnés. Interpol a également été contacté pour identifier les personnes qui correspondaient à des numéros de téléphone de République Tchèque. Ces éléments ont conforté les déclarations des victimes et prouvé les liens internationaux des prévenus.

### ***Victimes***

La police a identifié six victimes, qui ont ensuite été incluses dans le dossier final, et deux autres victimes ont obtenu le statut de victime suite à leur déclaration à la police. Toutes les victimes étaient originaires de la même région de Chine, la Province de Zhiejiang, et parlaient le même dialecte Qingtian.

### ***Déclarations de victimes***

La promesse d'un emploi reposait sur l'idée qu'il était possible de gagner 1.000 euros net par mois en étant logé et nourri. Il avait été annoncé à de nombreuses victimes qu'elles devaient travailler 6 jours par semaine de 11h à 15h et de 17h à 22h. En réalité, elles ont dû se rendre à l'évidence qu'elles devaient travailler sans interruption, sans aucun congé annuel ni jours de repos pour compenser de longues journées de travail, parfois de 12h par jour.

## Case 236 – Belgium, 2017

Country: Belgium  
Year of conviction: 2017  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 23  
Number of offenders: 8

### Case description:

Date de la condamnation: **23 juin 2017 (jugement définitif) (exploitation économique)**

Tribunal: **Tribunal correctionnel de Bruxelles**

Résumé à paraître dans le rapport annuel Traite et trafic des êtres humains 2017 de Myria (décision disponible sur son site :

<http://www.myria.be/fr/jurisprudence/tribunal-correctionnel-francophone-de-bruxelles-23-juin-2017>

Résumé de l'affaire:

Une princesse des Émirats arabes unis et sept de ses filles, également princesses, sont prévenues pour des faits de traite des êtres humains à l'égard de 23 femmes qui travaillaient à leur service, en 2007 et 2008, au sein d'un grand hôtel bruxellois. Elles sont également poursuivies pour traitement inhumain et dégradant à l'égard de ces mêmes femmes. Les travailleuses étaient en majorité d'origine philippine mais on comptait aussi parmi elles des travailleuses marocaines, indonésiennes, tunisiennes, ainsi qu'une travailleuse chinoise et érythréenne. Par ailleurs, deux jeunes femmes européennes, l'une française et l'autre belge travaillaient également à leur service.

Diverses préventions de droit pénal social leur sont également reprochées, ainsi qu'à leur majordome, également poursuivi du chef de ces préventions.

Le dossier a été initié lorsqu'une victime, de nationalité marocaine, est entendue par les services de police. Lors de cette audition, elle déclare travailler en tant que cuisinière au service d'une princesse des Émirats arabes unis qui séjourne actuellement dans un grand hôtel bruxellois. Les conditions de travail y sont particulièrement difficiles (travail 7 jours sur 7, 24h sur 24, surnom de « chienne »). La mère et sept de ses filles sont présentes dans cet hôtel, chacune ayant deux servantes. La travailleuse s'est enfuie de l'hôtel et a été accueillie par une famille. Elle justifie sa démarche par le fait que des servantes de nationalité philippine ont tenté de prendre la fuite il y a quelques jours mais ont néanmoins été interceptées. Deux personnes de nationalité philippine sont alors interceptées à l'aéroport de Zaventem. Elles venaient de l'hôtel et devaient reprendre l'avion vers les Émirats. L'une d'entre elles s'est déclarée victime de la traite des êtres humains.

Quelques jours plus tard, l'inspection sociale et la police procèdent à la visite domiciliaire et à l'identification des personnes logeant au 4<sup>ème</sup> étage de l'hôtel. Dix-sept personnes qui pourraient être victimes sont entendues le jour même. Leur passeport était détenu par le majordome. Le dossier est ensuite mis à l'instruction. Plusieurs princesses seront entendues, de même que le majordome. Le directeur de l'hôtel et certains membres du personnel sont également entendus. Des rapports d'enquête, des témoignages, réauditions et devoirs seront encore réalisés.

Devant le tribunal, la défense invoquait diverses causes d'irrecevabilité, toutes rejetées par les juges.

Le tribunal a considéré que la prévention de traite des êtres humains était établie, tant dans son élément matériel (l'hébergement) que dans son élément moral (la mise au travail dans des conditions contraires à la dignité humaine). Ainsi, les travailleuses étaient essentiellement engagées en qualité de femme d'ouvrage. Quelques autres (telles les européennes) se chargeaient de l'éducation des enfants. Le recrutement avait lieu de manière diverse (par une agence, par l'intermédiaire d'un membre de la famille, d'une connaissance ou d'une annonce dans la presse). C'est le bureau du « private department » qui se chargeait des multiples tâches administratives et notamment de l'engagement du personnel qui est par la suite mis au service des princesses tandis qu'elles-mêmes assurent l'hébergement des travailleuses. Le tribunal considère dès lors l'élément matériel de l'infraction comme étant rencontré.

De même, le tribunal considère qu'il y a bien eu mise au travail dans des conditions contraires à la dignité humaine et ce, en se basant sur les auditions des personnes au service des princesses, qui révèlent plusieurs constantes ; des témoignages du personnel de l'hôtel mais aussi des ressortissantes européennes au service des princesses ainsi que des constatations réalisées. Ces conditions de travail étaient les suivantes : mise à disposition totale, travail 7 jours sur 7, pour certaines 24 heures sur 24 et les autres selon des horaires excédant largement 8 heures de travail par jour, absence de jour de repos hebdomadaire. Par ailleurs, les congés annuels et moments de détente étaient exceptionnels et laissés à la discrétion des princesses. Les servantes ne sortaient pas de l'hôtel sans la compagnie des princesses et leur liberté de mouvement était donc confinée aux déplacements de celles-ci. Des gardes de sécurité assuraient une véritable mission de surveillance. Enfin, les passeports du personnel étaient conservés par le majordome.

Le tribunal acquitte toutefois les prévenues de la prévention de traite en ce qui concerne les travailleuses belge et française : leurs conditions de travail étant nettement plus favorables que celles des autres servantes, il estime qu'il ne peut être conclu à une mise au travail dans des conditions contraires à la dignité humaine en ce qui les concerne.

Le tribunal retient également les circonstances aggravantes de l'abus d'autorité et de l'abus de vulnérabilité. Il relève à cet égard que « *les princesses (...) ont abusé de l'autorité que leur procure leur statut privilégié et plus particulièrement leur appartenance à la famille royale des Émirats arabes unis, pour imposer des conditions contraires à la dignité humaine* ». En revanche, il les acquitte de la circonstance aggravante d'association de malfaiteurs.

En ce qui concerne les autres préventions, le tribunal estime qu'il est bien question d'un traitement dégradant à l'égard du personnel non-européen, du fait de l'asservissement

dont il a fait l'objet et de son absence de toute liberté personnelle. Il considère toutefois que les faits ne vont pas jusqu'au traitement inhumain.

Le tribunal acquitte en revanche les princesses et leur majordome des préventions de droit pénal social. Selon le tribunal, si les différentes servantes étaient au service des princesses, ces dernières n'étaient pas en tant que tel leur employeur : elles ne les recrutaient pas, n'avaient aucun pouvoir de décision quant à leur statut ni quant à la hauteur de leur rémunération. Les juges estiment que l'autorité qu'elles exerçaient au quotidien n'était liée qu'au statut particulier que leur offrait leur appartenance à la famille royale. Quant au majordome, il s'occupait essentiellement des relations publiques de la famille princière. À l'estime du tribunal, c'est la société « private department » qui doit être considérée comme employeur, celle-ci se chargeant du recrutement et des démarches liées au statut du personnel ainsi que de leur rémunération. C'est donc à elle – partie cependant non à la cause – qu'il incombait de veiller au respect des lois sociales.

Relevant que les conditions de travail confinaient à l'esclavagisme tout en estimant le délai raisonnable dépassé, le tribunal condamne les princesses à des peines de 15 mois de prison avec sursis complet et à des amendes pénales de 165.000 € avec sursis pour la moitié.

Le tribunal octroie aux travailleuses constituées parties civiles une indemnisation pour le dommage moral demandé (variant entre 500 € et 17.500 €). En revanche, il refuse de l'octroyer s'agissant du dommage matériel pour non-paiement de la rémunération, vu l'acquittement des princesses de ce chef d'accusation.

## Case 237 – Belgium, 2016

Country: Belgium  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 15

### Case description:

Date de la condamnation: **14 septembre 2016 (appel)\_(exploitation sexuelle)**

Tribunal: **tribunal correctionnel de Liège**

#### Résumé de l'affaire:

Dans cette affaire, quinze prévenus ont été poursuivis devant le tribunal correctionnel. Douze d'entre eux, dont le prévenu principal et de nombreuses femmes prévenues, le sont pour traite des êtres humains aux fins d'exploitation sexuelle à l'égard de nombreuses jeunes filles roumaines, ainsi que pour organisation criminelle.

Tous les prévenus sauf un sont par ailleurs poursuivis pour tenue de maison de débauche : il s'agit pour la plupart des tenancières des établissements dans lesquels avait lieu la prostitution.

Des préventions d'incitation à la débauche et d'exploitation de la prostitution sont également reprochées à la majorité des prévenus.

Enfin, le prévenu principal et une autre prévenue sont également poursuivis pour avoir publié et diffusé de la publicité pour des offres de services à caractère sexuel.

Le dossier a été initié en France en septembre 2007 : la police judiciaire de Lille apprend d'une source policière qu'une des prévenues exploite un bar en Belgique à Courtrai au profit d'un Parisien, le prévenu principal de ce dossier. Ce dernier est également propriétaire d'un autre bar à Liège, exploité par une autre prévenue, dans lequel un contrôle policier belge a eu lieu et d'où il apparaît que des relations sexuelles tarifées sont entretenues. Par ailleurs, le prévenu principal posséderait trois salons à Liège et il exercerait parallèlement comme gérant de multiples sociétés.

À la même époque, un contrôle policier effectué par la police de Courtrai au bar de Courtrai permet de constater la présence d'une nouvelle gérante, également prévenue dans ce dossier.

Préalablement, en juin 2007, deux personnes ont déposé plainte à Paris contre le principal prévenu l'accusant de les avoir engagées comme *barmaid* alors qu'il s'agissait en réalité d'un travail de prostituée.

Les recherches policières belges confirment en septembre 2008 l'existence d'un lien entre l'une des sociétés du prévenu principal et trois établissements, par le biais d'un site web donnant accès à ces trois établissements.

Sur la base de ces informations, une **équipe commune d'enquête franco-belge** est créée en octobre 2008 en vue d'enquêter sur des faits de proxénétisme aggravé, de blanchiment et de traite des êtres humains. Une opération policière est réalisée en mars 2009, permettant notamment de constater que la plupart des filles présentes dans ces établissements sont roumaines.

Le tribunal déclare établie la prévention de traite des êtres humains sur la base d'un faisceau de présomptions graves, précises et concordantes : plainte initiale de deux jeunes femmes engagées comme *barmaid* ; déclarations du prévenu principal admettant avoir financé le voyage de plusieurs jeunes femmes roumaines qui se sont ensuite prostituées dans ses établissements ; analyses téléphoniques ; résultats des opérations policières dans les différents bars, déclarations de co-prévenus.

Le tribunal estime dès lors qu'il est suffisamment démontré que le prévenu principal a recruté en Roumanie – lui-même ou par l'entremise de tierces personnes tels que deux co-prévenus – des jeunes femmes roumaines dont il a financé les voyages à destination de la Belgique où elles ont été accueillies et hébergées dans ses établissements de prostitution par des responsables qu'il engageait, à savoir plusieurs des co-prévenues. Par ailleurs, ces dernières, gérantes des établissements dans lesquels les jeunes femmes étaient amenées ont hébergé, surveillé et nourri les jeunes femmes arrivées de l'étranger, ayant ainsi contribué, activement et en connaissance de cause à l'infraction de traite des êtres humains.

Le tribunal retient également la prévention de tenue de maison de débauche : c'est le prévenu principal qui a embauché ses responsables pour s'occuper de ces établissements durant ses absences. C'est lui également qui les rémunère pour leur gestion, même s'il fixait un certain nombre de règles (tel que le partage des gains 50-50). Le rôle des prévenues en qualité de gérante des lieux est établi par leurs propres déclarations et celles du prévenu principal.

Les préventions d'incitation et d'exploitation de la prostitution sont également déclarées établies dans le chef des prévenus sauf un.

Le tribunal a statué contradictoirement à l'égard de 4 prévenus et par défaut à l'égard des 11 autres prévenus<sup>1</sup>. Il acquitte totalement un des prévenus des préventions lui reprochées. Il acquitte également des préventions d'organisation criminelle et de publicité les prévenus poursuivis de ces chefs.

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<sup>1</sup> Deux condamnées ont interjeté appel. L'arrêt est attendu pour septembre 2017.

## Case 238 – Belgium, 2016

Country: Belgium  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 48  
Number of offenders: 9

### Case description:

Date de la condamnation: **11 octobre 2016 (exploitation sexuelle)**

Tribunal: **tribunal correctionnel de Flandre orientale, division Termonde** ( Six prévenus ont été jugés par défaut. Un prévenu jugé contradictoirement a fait appel de la décision. L'arrêt est attendu le 11 septembre 2017).

Résumé à paraître dans le rapport annuel Traite et trafic des êtres humains 2017 de Myria

Résumé de l'affaire:

Vingt prévenus ont été poursuivis dans ce dossier. Les faits se sont produits entre 2006 et 2008, principalement en Belgique et en Thaïlande. Les prévenus étaient poursuivis pour traite des êtres humains à des fins d'exploitation sexuelle, avec comme circonstances aggravantes l'abus de la situation vulnérable des victimes, le caractère habituel de l'activité et son exercice dans le cadre d'une organisation criminelle. Ils étaient en outre poursuivis pour exploitation d'une maison de débauche et prostitution avec circonstances aggravantes, direction et participation à une organisation criminelle, association de malfaiteurs, activités de marchands de sommeil, pratiques de blanchiment, recel et tentatives d'escroquerie. L'enquête se composait elle aussi de deux volets : d'une part, l'enquête sur la traite des êtres humains et l'exploitation de la prostitution, et d'autre part l'enquête financière qui portait sur des transactions opérées avec des chèques volés.

L'affaire a été mise au jour lorsque la police locale a entendu début 2008 des rumeurs au sujet de l'exploitation d'un salon de massage thaïlandais à Wetteren qui était en fait une couverture pour une activité de prostitution. Quelques semaines plus tard, la police locale a été informée par la Thaïlande que plusieurs ressortissants belges étaient impliqués dans l'exploitation de prostituées thaïlandaises en Belgique. Il a alors été procédé à une information pour vérifier qui était le gérant du salon de massage. Des observations ont été réalisées et ont permis de constater que plusieurs prévenus, dont un avocat, étaient régulièrement présents dans le salon de massage et que le salon recevait en moyenne 30 clients par jour. Il a ensuite été procédé à des contrôles administratifs ainsi qu'à un contrôle à la demande de l'Office des étrangers. Certaines jeunes filles qui se trouvaient en séjour illégal ont été arrêtées et placées dans un centre fermé. Plusieurs des victimes ont été interrogées. Elles ont déclaré qu'elles avaient été recrutées en Thaïlande par le biais d'une organisation thaïlandaise et étaient ainsi arrivées en Belgique. La plupart des jeunes filles avaient déjà des difficultés financières dans leur pays. Certaines savaient qu'elles se retrouveraient dans la prostitution. La

plupart parlait uniquement le thaïlandais. Elles ont déclaré qu'elles étaient venues en Europe avec un visa Schengen suédois délivré à des fins touristiques. Une fois en Belgique, on leur a dit qu'elles avaient accumulé une dette de 15.000 € qu'elles devaient rembourser en faisant des massages. Elles devaient remettre toutes leurs rentrées d'argent. À la fin, lorsque toutes les dettes étaient remboursées, elles pouvaient garder la moitié de leurs revenus. Elles payaient par ailleurs 80 € par semaine pour le loyer et les frais. Elles devaient demander 50 € par demi-heure de massage et 80 € par heure, prix qui incluait la masturbation. Si les clients souhaitaient d'autres contacts sexuels, ils devaient payer pour ce faire un supplément de 50 €. Les jeunes filles pouvaient garder l'argent qu'elles gagnaient pour les contacts sexuels. De cette manière, le remboursement de leurs dettes durait deux à trois mois. Les jeunes filles n'avaient guère d'autre choix que de se procurer par le biais des contacts sexuels un revenu d'appoint pour assurer leur subsistance. Elles travaillaient 7 jours sur 7 et avaient en moyenne chacune 5 clients par jour. Elles ne quittaient pour ainsi dire jamais le bâtiment.

Les jeunes filles qui ne faisaient pas de leur mieux ou qui refusaient les avances d'un client étaient menacées d'un renvoi en Thaïlande. Même si certaines filles savaient pour quelle activité elles étaient venues en Belgique, elles se sentaient exploitées.

L'enquête a été réalisée par le biais de perquisitions, combinées aux résultats des écoutes téléphoniques, des déclarations, de l'analyse d'ordinateurs portables, d'une **commission rogatoire** en Thaïlande, etc.

Le prévenu principal était le patron du salon de massage, qu'il avait créé avec son épouse. Il était en outre coassocié d'une firme britannique. Cette firme avait été créée sur les conseils des comptables et des conseillers financiers du prévenu. En nommant les jeunes filles thaïlandaises comme cogérantes, il était possible de contourner la réglementation sur l'immigration. Le prévenu principal entretenait des contacts avec l'organisation thaïlandaise (T.C.), à laquelle il commandait les jeunes filles. Cette dernière s'occupait des visas, des billets d'avion, des passeports, etc. Le prévenu avait aussi convenu avec elle de fixer la dette à 15.000 €, montant dont T.C. recevait 3000 € et sur lequel il réalisait lui-même une marge bénéficiaire de 7.500 €. À partir de la fin 2008, il faisait venir deux jeunes filles par mois en Belgique. L'épouse du prévenu principal était au courant de ce qui se passait au salon de massage. Les autres prévenus devaient lui rendre compte à elle lorsque le patron était en déplacement à l'étranger. Après sa remise en liberté provisoire, le prévenu principal s'est encore renseigné sur les possibilités d'ouvrir un nouveau salon de massage. De plus, il a tenté d'influencer les victimes pour qu'elles orientent leurs déclarations en sa faveur.

Les deux autres prévenus principaux s'occupaient de l'organisation pratique et journalière du salon de massage. L'un d'eux était marié avec une des premières jeunes filles thaïlandaises arrivées en Belgique. Elle servait d'intermédiaire entre les jeunes filles et les patrons, et communiquait les instructions aux jeunes filles.

Les deux comptables et l'avocat ont également été poursuivis. Les comptables recommandaient des constructions financières pour le salon de massage et étaient bien au courant des activités. L'avocat conseillait le patron dans le domaine de la réglementation sur l'immigration et se faisait payer en nature sous la forme de services du salon de massage. Il a également rendu visite à des victimes entretemps placées dans des centres fermés afin de leur soutirer les déclarations qu'elles avaient faites contre les prévenus dans le cadre de l'enquête.

La commission rogatoire envoyée en Thaïlande a permis de découvrir des données de contact, etc. par le biais de l'adresse IP des e-mails de la firme T.C., et il a été constaté qu'elle était exploitée par deux Thaïlandaises et qu'elle opérait depuis une boutique internet/ agence de voyage, exploitée par une autre prévenue et son époux. Cette dernière a également été poursuivie dans le cadre de ce dossier, de même que les deux Thaïlandaises qui exploitaient la firme.

Le tribunal a estimé qu'il était question d'exploitation sexuelle. Le fait que les jeunes filles aient été consentantes n'y changeait rien. Elles se trouvaient dans une position vulnérable et n'avaient d'autre choix que de se laisser exploiter sexuellement. Le tribunal a évalué les préventions individuellement pour chaque prévenu. Six prévenus ont été condamnés par défaut. Le prévenu principal et son épouse ont été déclarés coupables de l'infraction de traite des êtres humains avec circonstances aggravantes. Pour les deux autres prévenus principaux, les faits ont également été estimés établis. Pour un autre des prévenus, le tribunal a estimé qu'il y avait trop peu d'éléments pour prouver que le prévenu avait fait davantage que préparer le terrain, d'autant qu'il s'était retiré avant que l'infraction ne soit commise. Pour la prévenue qui avait elle-même auparavant travaillé comme « masseuse » au salon de massage, le tribunal a estimé que bien qu'elle ait indéniablement contribué à l'exploitation sexuelle, elle n'agissait pas dans le but d'exploiter les masseuses et ne prenait pas sciemment part à l'exploitation sexuelle. La prévenue elle-même se trouvait encore dans une position vulnérable du fait de sa situation sociale précaire. Le tribunal a estimé qu'il était question dans son chef de force majeure morale et l'a acquittée pour l'infraction de traite des êtres humains. Les trois prévenues qui en Thaïlande opéraient sous le nom de T. C. ont également été déclarées coupables de traite des êtres humains. Les cinq prévenus principaux ont par ailleurs été déclarés coupables de l'exploitation d'une maison de débauche et de prostitution. Le tribunal a en outre estimé que les jeunes filles étaient hébergées dans des conditions contraires à la dignité humaine et a jugé que les prévenus principaux étaient également coupables d'activités de marchands de sommeil. Le tribunal a considéré que tous les éléments constitutifs d'une organisation criminelle étaient réunis, organisation dans laquelle chaque prévenu avait un rôle. Plusieurs prévenus ont également été déclarés coupables de recel et tentative d'escroquerie.

Au cours de la procédure, plusieurs prévenus ont invoqué le dépassement du délai raisonnable. Même s'il s'agissait d'un dossier complexe ayant notamment nécessité plusieurs commissions rogatoires au Royaume-Uni, aux Pays-Bas, en Thaïlande, en Suisse, en Suède et au Rwanda, le tribunal a dû constater le dépassement du délai raisonnable et qu'il devait en tenir compte lors de la fixation des peines.

Le tribunal a prononcé plusieurs confiscations de sommes importantes et de véhicules.

## Case 239 – Belgium, 2017

Country: Belgium  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case description:

Date de la condamnation: **31 mars 2017 (appel)\_(exploitation sexuelle)**

Tribunal: **tribunal correctionnel de Flandre orientale, division Gand**

#### Résumé de l'affaire:

Dans cette affaire, plusieurs membres d'un réseau de prostitution hongrois ont été poursuivis pour traite des êtres humains aux fins d'exploitation sexuelle, embauche et exploitation de la prostitution. Les faits se sont produits en 2013 et 2014. L'affaire a été mise au jour lorsque la police locale de Gand a reçu des informations de Western Union concernant des transactions financières suspectes à destination de la Hongrie. La police a examiné la question et a constaté qu'une bande était active dans le milieu hongrois de la prostitution à Gand. Dans ce contexte, le rapprochement a été fait entre plusieurs jeunes filles et certains bars et plusieurs hommes hongrois. La police a également relevé de nouveaux transferts suspects. L'un des membres de la bande a pu être mis en relation avec un ancien dossier de proxénétisme. Un message transitant par Europol a par ailleurs révélé une plainte de l'époux d'une jeune fille hongroise active dans le milieu gantois de la prostitution. Au vu de ces informations, le parquet a demandé une enquête plus approfondie. Une collaboration a été mise en place avec les autorités hongroises sous la forme d'une JIT (Joint Investigation Team-équipe commune d'enquête (ECE)). Plusieurs jeunes filles ont été interrogées en détail. L'une d'elles avait enregistré une conversation sur Skype avec l'un des prévenus. La police a pu visionner cette conversation et en confronter le contenu aux déclarations. L'enquête a également révélé que les différents prévenus attiraient en Belgique de jeunes Hongroises vivant dans une situation financière et sociale précaire, dans le seul but de les faire travailler dans la prostitution. Ils faisaient en sorte que les filles, souvent jeunes, tombent amoureuses d'eux. Ils contrôlaient les filles et encaissaient leurs rentrées, de sorte que les jeunes filles ne gardaient presque rien de leurs revenus. Certaines filles ont été victimes de violences. Les prévenus ont fait l'objet d'un signalement international qui a permis l'arrestation de plusieurs d'entre eux.

L'un des prévenus a invoqué pendant la procédure le fait que les preuves réunies dans le cadre de la JIT étaient problématiques parce que :

- la convention JIT stipule que l'équipe d'enquête est dirigée collégalement par le juge d'instruction et le procureur du Roi, sans que leurs compétences ne soient délimitées dans la convention ;
- l'objectif décrit dans la convention JIT n'est pas compatible avec le rôle légal du juge d'instruction.

*These court case narratives were provided by Member States. The content does not necessarily reflect the views or policies of UNODC, and nor does it imply any endorsement.*

Le tribunal a cependant estimé que la base légale de la procédure JIT a été définie dans la convention du 29 mai 2000 du Conseil de l'Union européenne relative à l'entraide judiciaire en matière pénale entre les États membres de l'Union européenne et dans la décision-cadre du Conseil du 13 juin 2002 relative aux équipes communes d'enquête. La réglementation européenne a été transposée en Belgique par la loi du 9 décembre 2004 sur l'entraide judiciaire internationale en matière pénale. Cette loi a encore été adaptée à deux reprises par la suite. Selon le tribunal, ces instruments de droit international n'ont aucune influence sur la délimitation des compétences entre le juge d'instruction et le procureur du Roi.

Le tribunal a estimé les préventions établies pour ainsi dire sur toute la ligne. Les déclarations des victimes étaient particulièrement détaillées, nuancées et cohérentes, et dès lors crédibles. L'enquête financière avait également mis au jour certains éléments.

## Case 240 – Brunei Darussalam, 2016

Country: Brunei Darussalam  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

This is the first case of child trafficking in Brunei Darussalam. All three defendants were Thai nationals (2 males, 1 female). They were charged for offences under the Trafficking and Smuggling of Persons Order 2004 as well as for offences under the Women and Girls Protection Act, Chapter 120. All 3 defendants pleaded guilty before the Intermediate Court.

The first defendant pleaded guilty to one charge of child trafficking under the Trafficking and Smuggling of Persons Order 2004, and one charge of knowingly living in part of the earnings of prostitution under section 5(1)(a) of the Women and Girls Protection Act, Chapter 120. For the charge of child trafficking, she was sentenced to 4 years and a fine of \$20,000 in default of which she would serve 20 months imprisonment. In lieu of whipping, she was sentenced to a fine of \$10,000 in default, of which she would serve 10 months imprisonment. For the charge under the Women and Girls Protection Act, she was sentenced to 1 year imprisonment. The sentences were ordered to run concurrently. If the fines were unpaid, the in default sentences would be consecutive to the imprisonment term.

The second defendant was sentenced to 4 years imprisonment and 3 strokes and a fine of \$10,000 in default, of which he would serve 10 months imprisonment, for profiting from the exploitation of a trafficked person under section 6(b) of the Trafficking and Smuggling of Persons Order 2004. He was sentenced to 1 year imprisonment and 1 stroke for an offence under section 3(1)(a) of the Women and Girls Protection Act, Chapter 120. The sentences were to run concurrently with the strokes to be cumulative.

The third defendant was sentenced to 4 years imprisonment and 5 strokes and a fine of \$20,000 in default of which he would serve 20 months imprisonment for the offence of child trafficking under section 5 of the Trafficking and Smuggling of Persons Order 2004.

The victim's customer, a Malaysian national was charged under Section 294B Penal Code Chapter 22 for obtaining sexual services from her and was fined BND\$2,500.

## Case 241 – Canada, 2016

Country: Canada  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

Date of conviction: **2016-01-22**

Court: **Alberta Court of Queens’s Bench**

Fact Summary:

#### **Type:**

Domestic human trafficking for sexual exploitation

#### **Significance of case:**

Offender 1 (female) plead guilty in Court of Queen’s Bench to 9 counts of a 17 count information. The guilty pleas included Human Trafficking, Sexual Assault with a Weapon, Unlawful Confinement, Administering a Noxious Substance, and others. She was sentenced to 8 years in prison for several of the individual offences, including Human Trafficking, all of which will be served concurrently. This is one of the longest sentences in Canada for trafficking in persons, and the Justice stated that had she proceeded to trial, and was found guilty, he would have imposed a life sentence.

#### **Profile of the trafficker(s):**

Offender 1 is a former health care worker who, during her time with the victim, worked as an escort and claimed to be working at the direction of a larger criminal enterprise. Investigators were never able to confirm or deny this.

#### **Profile of the victim(s):**

There were 3 victims uncovered in this investigation: the primary victim, and a second and third victim who were only discovered during the forensic examination of Offender 1’s electronics. One victim was 16 years old at the time of the offence.

#### **Modus Operandi of the trafficker(s):**

Offender 1, who was 34 years old at the time of the offence, contacted the primary victim via social media, when the latter was trying to find accommodation. Within 24 hours of meeting, Offender 1 spiked her drink with a variety of drugs, sexually assaulted her and digitally recorded the assault. The victim was then threatened with exposure unless she worked as a prostitute, which she did, under Offender 1’s control for the next several months. Evidence uncovered during the investigation indicated that Offender 1 would regularly attend meetings such as Sex Addicts Anonymous, in an effort to identify other potential victims, and would frequent areas in which young people would congregate, for a similar purpose.

## Case 242 – Canada, 2016

Country: Canada  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Date of conviction: **2016-10-21**

Court: **Provincial Court of Manitoba**

Fact Summary:

#### **Type:**

Domestic human trafficking for sexual exploitation

#### **Significance of case:**

Offender 1 (male) pled guilty of human trafficking specific and related offences before a Judge, and subsequently sentenced to 3 years in jail. In addition to the human trafficking related charges, Offender 1 also pled guilty to drug trafficking related charges and sentenced to an additional two years.

Offender 1's conviction was the first Human trafficking specific conviction in the Province of Manitoba, and represented trafficking that occurred within several jurisdictions within the Province.

#### **Profile of the trafficker(s):**

Offender 1 is the trafficker in this case. He is male, Caucasian, Canadian Citizen, and was over the age of 18 years at the time of the offence. He has post-secondary education and held several legitimate positions in human resources consulting prior to the offence.

#### **Profile of the victim(s):**

Although multiple victims were identified, only one conviction was registered. The victim in that matter was a Caucasian female above the age of 18 years old and was born in Manitoba. The victim did work in the medical field prior to suffering from addiction issues. The victim had prior experience in the sex trade, however suffered from mental health and addiction issues that made her vulnerable to exploitation. Although the offence itself was investigated by the Winnipeg Police Service, the victim was not from Winnipeg. However, the offences related to this conviction occurred mainly around the Brandon Manitoba area.

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**Modus Operandi of the trafficker(s):**

The victim in this matter met Offender 1 due to drug trade connections. Offender 1 targeted his drug sales towards sex trade workers, and then used force, threats and violence to gain compliance. He used Methamphetamine addiction as a means of control, providing the victim with drugs to gain compliance. The victim was required to work through online advertisements based out of hotels and turn over all money earned to Offender 1. If Offender 1 believed money was missing, violence was threatened and used to gain compliance. Offender 1 often spoke of his connections to larger criminal organisations using it as a fear and control tactic.

## Case 243 – Canada, 2017

Country: Canada  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **2017-02-01**

Court: **Ontario Court of Justice**

Fact Summary:

#### **Type:**

Domestic human trafficking for sexual exploitation

#### **Significance of case:**

Offender 1 was found guilty of Trafficking in persons, Material benefit from sexual services, Procuring, Exercising control, Aggravated assault, Sexual assault, Assault x3, and Choking. The accused received a custodial sentence of 13 years which is the second highest sentence ever to be handed down for Human Trafficking in Canada.

The Judge stated that after hearing the evidence and reading related case laws in Canada that what distinguishes this case so materially from earlier Human Trafficking cases is the extent of the manipulation, the physical, intellectual and psychological control exhibited over the complainant. Most importantly, the willingness of the offender to resort to psychological terrorism and violence, dressed up in a package of caring for the person being controlled, combined with the ultimate exceptionally egregious acts of violence involved in nearly choking the complainant to the point where she could not breathe, and most importantly, committing a vicious and grievous aggravated assault against the victim, resulting in significant permanent injury and impairment, and which could well have led to the death of the victim.

#### **Profile of the trafficker(s):**

Offender 1 is the trafficker in this case. He is male, black, Canadian Citizen, was raised by his grandmother, did not know his father, has a grade 11 education and was over the age of 18 years at the time of the offence.

#### **Profile of the victim(s):**

The victim in this case is an indigenous female who grew up in Sault St. Marie. The victim had a rough and abusive childhood and did not know her father. She was sexually abused as a child. She was taken away from her mother who was addicted to crack cocaine.

**Modus Operandi of the trafficker(s):**

The victim met Offender 1 when she came to Toronto looking for a new start and a job. Offender 1 quickly realized that the victim had no money and nowhere to stay and took advantage of the victim's vulnerability. Offender 1 told the victim that he would take care of her. During the start of the relationship Offender 1 treated the victim nice which resulted in the victim falling in love with him. Within days Offender 1 told the victim that she had to start repaying him for everything that he had done for her and convinced her to work in the sex trade.

For the duration of 4 years Offender 1 transported the victim to hotels, spas, strip clubs throughout Canada and forced her to provide sexual services to clients in exchange for money. Offender 1 would enforce a quota for the victim to reach every night and would withhold all of her earnings made. Failing to comply with Offender 1 demands would result in the victim being repeatedly violently assaulted, choked, and burnt. The victim was fearful of Offender 1 and believed he was capable of killing her.

Offender 1 eventually rented an apartment for the victim to reside in and provide sexual services to clients. One night while the victim was sleeping, Offender 1 attended the apartment and made a demand for money. When the victim refused and went back to sleep, Offender 1 slashed the victim's Achilles with a mason jar. Offender 1 then carried the victim outside the apartment building, dumped her by the garbage and drove away. In order to avoid apprehension from the Police, Offender 1 fled Ontario to British Columbia where he was later arrested.

## Case 244 – Chile, 2016

Country: Chile  
Year of conviction: 2016  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **30 noviembre de 2016**

Tribunal: **Séptimo Juzgado de Garantía de Santiago**

Resumen de los hechos: (que se tuvo acreditados por el tribunal, la pena impuesta fue de 5 años de presidio menor en su grado máximo más accesorias legales, con libertad vigilada intensiva para ambos condenados. Los acusados realizaron un depósito por la suma total de \$5.000.000 que fue depositado a en una cuenta de la fundación Scalabrini, hasta que la víctima cumpliera 18 años; lo que una vez que aconteció, el Ministerio Público hizo las gestiones para que se le entregara este dinero en Ecuador).

Con fecha anterior al día 30 de julio de 2012 los ciudadanos ecuatorianos OFFENDER 1 e Offender 2 captaron en Ecuador al menor de nacionalidad ecuatoriana VICTIM 1, de 13 años de edad, nacido en la localidad de MINAS CHUPA, República de ECUADOR, en 1999. La oferta que le hicieron fue venir a Chile para trabajar como vendedor ambulante, a cambio de una remuneración de 50 dólares mensuales, la que fue aceptada por él y sus padres, quienes le dieron la autorización por escrito para salir del país. Esta autorización fue extendida ante Ministro de Fe el día 30 de julio de 2012 en la ciudad de Ibarra, República de Ecuador, con expresión de que era otorgada para viajar en el mes de agosto del mismo año a la ciudad de Santiago de Chile, con motivo de vacaciones y por un lapso de dos meses. Los padres del afectado, doña PERSON 1 y don PERSON 2, pertenecen a la etnia quichua Otalavaleña de la República de Ecuador, trabajan como jornaleros agrícolas, padecen de un 51% de discapacidad auditiva, y no cuentan con ningún tipo de educación escolar.

El 05 de agosto de 2012 los imputados trasladaron a Chile al menor, con quien ingresaron por el paso fronterizo CHACALLUTA, en calidad de turista.

Una vez en territorio Nacional, los imputados llevaron al menor antes individualizado a su domicilio ubicado en la calle ABATE MOLINA, comuna de SANTIAGO, lugar donde los imputados residían junto a su familia compuesta por cuatro adultos y dos niños. Con posterioridad la familia completa, además de la víctima, se trasladó al domicilio de calle ABATE MOLINA de la misma comuna. Desde el momento en que llegaron a Santiago, los imputados le exigieron al menor dedicarse a la fabricación de collares artesanales, para luego desde el verano del año 2013 hasta el día 15 de julio de 2014 dedicarse a la venta en forma ambulante de tales especies y otras artesanías.

La jornada de trabajo de la víctima se extendía desde aproximadamente las 08:00 de la mañana hasta las 20:00 horas, sin ningún día de descanso en la semana. Durante ella la

víctima, debía preparar el desayuno para todos los ocupantes de la casa, limpiar los utensilios y luego, aproximadamente desde las 10:00 horas, salir con un bolso cargado de prendas de vestir y de collares de fabricación artesanal, para dirigirse a distintas localidades próximas a Santiago a fin de venderlas en forma ambulante. Para tal efecto la víctima debía tomar un bus de locomoción colectiva que se dirigiera a SAN FELIPE, LOS ANDES o CURACAVÍ, por ejemplo, a vender las prendas señaladas y luego regresar a Santiago, haciendo entrega del dinero recaudado producto de las ventas a los imputados.

Desde el día 05 de agosto de 2012 hasta el día 15 julio de 2014 los imputados nunca le pagaron remuneración alguna a la víctima, indicándole que en dos ocasiones le habían enviado dicho dinero a sus padres que se encontraban en Ecuador y que el resto de su sueldo le sería pagado una vez que trabajara tres años para ellos. Por otra parte, la víctima pidió a los imputados, en reiteradas ocasiones, regresar a Ecuador, a lo que los imputados se opusieron, bajo distintos pretextos, manteniéndolo en la obligación de trabajar durante tres años para ellos.

Durante el tiempo señalado los documentos personales de la víctima, tales como Cédula de Identidad ecuatoriana y la autorización otorgada por sus padres, han sido retenidos por los imputados, no accediendo a entregarlos al afectado, quien se encuentra en situación migratoria irregular en Chile, sin que los imputados hayan efectuado ninguna gestión destinada a regularizarla ni tampoco para obtener cédula de identidad para extranjeros; impidiendo a la víctima acceder al sistema educacional y al sistema de Salud, sea pública o privada. Además, la víctima pernoctaba en una habitación de la casa de los imputados sin las condiciones mínimas de salubridad, comodidad ni aislamiento térmico.

## Case 245 – Chile, 2016

Country: Chile  
Year of conviction: 2016  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **31 de diciembre de 2016**

Tribunal: **Tribunal Oral de Punta Arenas**

Resumen de los hechos: (Fallo condenatorio en segundo juicio oral respecto del acusado Tuquerres (el primero fue absolutorio y fue anulado por interposición de recurso de la Fiscalía), condenado a 5 años de presidio menor en su grado máximo, multa de 20 UTM, más accesorias legales, con libertad vigilada intensiva).

I.- Que en el mes de agosto del año 2012, Offender 1, ciudadana ecuatoriana que reside en la ciudad de Otavalo, contactó a los padres de las niñas de nacionalidad ecuatoriana Victim 1, nacida en 1997 y a su hermana Victim 2, nacida en 1995, de entonces 14 y 17 años de edad respectivamente, quienes residían en la comunidad indígena de Gualsaquí, Otavalo, República del Ecuador, para trasladarlas, en compañía de su hermano hasta Chile, a trabajar como empleadas con una remuneración mensual de 180 dólares a cada una, financiando los pasajes aéreos y tramitando sus pasaportes y visas en calidad de turistas.

II.- En la etnia kichwa otavaleña se ha internacionalizado la venta de productos de su artesanía, emigrando los jóvenes desde Ecuador a otros países para aprender el rol de comerciantes como una estrategia de ascenso social.

III.- Las niñas llegan a Chile desde Ecuador el 29 de agosto del año 2012, acompañadas de su hermano mayor, siendo recibidas en el aeropuerto de Santiago por Offender 1 y acogidas en el domicilio de calle Gorbea, ciudad donde Victim 1 permanece hasta fines de septiembre y Victim 2 hasta comienzos de octubre, periodo en que el hermano vuelve a Ecuador dejando a las niñas con los imputados.

IV.- Offender 2 les dice que a las niñas que se vienen a Punta Arenas para lo cual los días 27 septiembre y 3 de octubre de 2012 son trasladadas a esta ciudad en donde las acogen y reciben, en su domicilio de calle Arauco, obligándolas desde esas fechas a trabajar confeccionando gorros en algunas oportunidades y a vender los mismos productos de artesanía que elaboraban u otros que el imputado les entregaba, de manera ambulante en la Plaza de Armas de esta ciudad o en el sector de la Zona Franca, debiendo levantarse algunos días a las 05:00 horas A.M. aproximadamente, a fin de realizar labores domésticas de lavado y cocina previas a cumplir su función como vendedoras ambulantes.

Los trabajos antes descritos no les fueron pagados, prevaleciendo de la condición de vulnerabilidad en que las niñas se encontraban en ese momento, toda vez que estaban al cuidado del imputado, ya que no tenían familiares directos que las protegiesen, manteniéndolas con restricciones de comunicación a terceros, de su aseo y cuidado personal y sin enviarlas al colegio.

V.- El día 15 de marzo de 2013, la niña Victim 1 se encontraba vendiendo en la salida de Zona Franca, donde conversa con una señora que se acercó a mirar los productos que vendía, a la que le preguntó dónde podía tomar un bus para ir a su casa en Ecuador comentándole que no estaba bien en el lugar en que se encontraba, por lo que la señora llamó a su marido, quien a su vez se comunicó con funcionarios de la PDI, los que concurrieron al lugar, siendo posteriormente la niña y su hermana Victim 2 ingresadas al Hogar del Niño, regresando a Ecuador el 17 de mayo de ese año.

## Case 246 – Chile, 2017

Country: Chile  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 5

### Case description:

Fecha de la sentencia condenatoria: **21 de abril de 2017**

Tribunal: **Juzgado de Garantía de Punta Arenas**

Resumen de los hechos (ambos acusados fueron acusados a 5 años de presidio, pena sustituida por libertad vigilada intensiva, más multa de 50 Unidades Tributarias Mensuales, y penas accesorias):

1: Desde el año 2008, la imputada Offender 1, argentina, y su cónyuge Offender 2, chileno, socios de la Sociedad de Inversiones Latorre Limitada, desarrollaban a través de esta sociedad la actividad en el rubro Cabaret, en el local de nombre de fantasía “X Night Club”, que funcionaba en el inmueble ubicado en Avenida Colón de Punta Arenas, el que era administrado y regentado por la imputada. En el año 2014, los imputados se coordinaron con terceros captadores en la ciudad de Mendoza, República Argentina, específicamente con Offender 3, quien ya había trabajado en el local “Tentación”, con Offender 4 e Offender 5, todos ciudadanos argentinos, quienes a cambio de dinero, persuadieron a dos mujeres de nacionalidad argentina, Victim 1 y Victim 2, para que viajaran a Chile, a la ciudad de Punta Arenas bajo engaño, toda vez que se les indicó que trabajarían como garzonas en un local de esta ciudad, que recibirían buena remuneración y que serían acogidas en una vivienda proporcionada por los imputados, esto es, Offender 1 e Offender 2, entre otros beneficios, asimismo aprovechándose de su situación de vulnerabilidad, dado por el hecho de ser mujeres de 18 y 21 años de edad respectivamente, de baja escolaridad, desempleadas, una de ellas madre de dos hijos menores y con carencias económicas, ocultándoseles la verdadera finalidad para captarlas y trasladarlas a Chile y que consistía en someterlas a explotación sexual. Fue así, como las víctimas 1 y 2 fueron trasladadas por dichos captadores al aeropuerto “El Plumerillo” de la Provincia de Mendoza, República Argentina, el 1 de octubre del año 2014, para abordar un vuelo a Punta Arenas, cuyos pasajes fueron financiados por los imputados Offender 1 e Offender 2, siendo en esa instancia frustrada esta acción ilícita, debido a la intervención de la autoridad Argentina que prestó ayuda a las víctimas en el referido aeropuerto, lográndose la detención y posterior castigo penal en dicho país, a los captadores por el delito de trata de personas.

2: Asimismo, en el mes de octubre del año 2014, los imputados Offender 1 e Offender 2, aprovechándose de la situación de vulnerabilidad de la víctima de iniciales Victim 3, ciudadana argentina a quien le financiaron el viaje desde Mendoza a Punta Arenas, la que fue trasladada vía aérea a esta ciudad, siendo acogida en la vivienda de avenida Colón 204 de Punta Arenas, de propiedad de los imputados, lugar donde fue explotada sexualmente toda vez que para pagar el financiamiento de los pasajes, debió servir como

garzona en el local comercial “X Night Club” y además, cumplir funciones como trabajadora sexual en un privado situado al interior del referido local de alcoholes, como también en habitaciones de un inmueble contiguo al local, perteneciente a los imputados, el que se comunicaba a través de puertas posteriores, de manera de otorgar servicios sexuales a los clientes del local, bajo el control y supervigilancia de la imputada Offender 1, ejercido a través de sistema de cámaras de vigilancia que le permitía monitorear el flujo de clientes que accedía al local y que luego comunicaba a la vivienda, todo lo cual le permitía exigir a la víctima el porcentaje de dinero obtenido por los servicios sexuales.

3: Durante los años 2014 y 2015, se constató que en el local comercial ubicado en avenida Colón, de esta ciudad, denominado “X Night Club”, ambos imputados facilitaron la entrada al país de 26 ciudadanas extranjeras para ejercer la prostitución y complementariamente para trabajar como copetineras, esto es, sirviendo tragos y obteniendo la compra de tragos a clientes, actividades todas de las cuales ambos imputados reportaban utilidad económica.

## Case 247 – Chile, 2016

Country: Chile  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **10 de noviembre de 2016**

Tribunal: **Cuarto Juzgado de Garantía de Santiago**

Resumen de los hechos (acusado de nacionalidad rusa condenado a 4 años de presidio, sustituidos por libertad vigilada intensiva, multa de 10 Unidades Tributarias Mensuales y accesorias legales):

En los primeros meses del año 2016, estando en Santiago de Chile, el imputado Offender 1 captó a la víctima mayor de edad Victim 1, que se encontraba en su país Rusia, aprovechando que esta había ingresado sus datos en una página de internet para conseguir trabajo como masajista. Actuando con la finalidad de explotar sexualmente a la víctima en nuestro país, toda vez que su objetivo era ofrecerla como trabajadora sexual, el imputado la engañó ofreciéndole trabajo como masajista y una remuneración entre 200 a 300 dólares diarios, la trasladó desde Rusia a Santiago de Chile, para lo cual adquirió los respectivos pasajes aéreos, la recibió en el aeropuerto de Santiago de Chile el 01 de junio del 2016, la trasladó a su departamento ubicado en calle Lo Beltrán, departamento 84 de la comuna de Vitacura, lugar donde la acogió, dándole alojamiento habitación y le exigió que prestara servicios sexuales a distintos clientes. Ante lo cual la víctima con fecha 07 de junio del presente año, logro huir del departamento y se dirigió al aeropuerto de Santiago, hasta donde llegó el imputado quien la obligó a regresar al departamento, trasladándola nuevamente al inmueble donde la mantuvo encerrada. Durante los días siguientes el imputado traslado a la víctima al local de masajes ubicado en Avenida Vitacura, de la comuna de Vitacura y le exigió que realizara masajes y prestara servicios sexuales a los clientes, para lo cual la víctima se sacaba la ropa quedando desnuda, logrando en una de estas atenciones huir del lugar

## Case 248 – Chile, 2014

Country: Chile  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **2/09/2014**

Tribunal: **Juzgado de Garantía de Arica**

Resumen de los hechos (acusada Offender 1 condenada a pena de 3 años y un día de presidio sustituida por libertad vigilada intensiva y multa de 5 Unidades Tributarias Mensuales; acusado Offender 2 condenado a pena de 600 días de presidio sustituida por reclusión parcial nocturna, en ambos casos más multa de 5 unidades tributarias mensuales y accesorias legales):

El 21 de febrero de 2014, la víctima de nacionalidad peruana, Victim 1, mayor de edad fue captada en la ciudad de Tacna, por los acusados Offender 1 e Offender 2, quienes se dedican al negocio ilegal de captar mujeres extranjeras, para trasladarlas a Chile con fines de ejercer la prostitución en inmuebles acondicionados para tales efectos. El paso de la frontera se efectuó de manera irregular en un bus en que el encartado Offender 2 efectuaba labores de auxiliar, escondiendo a la afectada para evitar la pesquisa policial y siendo acompañada en el referido viaje por la imputada Offender 1. Por el traslado anterior a la víctima se le cobró la cantidad de \$100.000. Luego de logrado el traslado a Chile, a cargo de los dos imputados, la víctima comienza a ejercer el comercio sexual en el inmueble regentado por los acusados, ubicado en Chapiquiña, en una habitación del mismo. Los imputados Offender 1 e Offender 2, se aprovecharon de la situación de vulnerabilidad de la víctima y de la intimidación, pues ante el cese de la voluntariedad en el ejercicio de la prostitución, es obligada a seguir ejerciendo el comercio sexual en virtud del no pago completo del costo del traslado y de otros gastos, supuestamente generados en el ejercicio de la prostitución y en su situación migratoria irregular.

## Case 249 – Côte d'Ivoire, 2014

Country: Côte d'Ivoire  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 5  
Number of offenders: 1

### Case description:

Interpellation d'un individu a la frontière du Ghana en possession de cinq (05) enfants aux fins d'exploitation dans las plantations. Les faits ont eu lieu en avril 2014.

Les victims ont été remis a l'Ambassade du Togo, par la truchement de la Communauté Togolaise.

L'auteur defere au Parquet.

## Case 250 – Côte d'Ivoire

Country: Côte d'Ivoire  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 7  
Number of offenders: 2

### Case description:

Deux (02) ressortissants chinois défères devant le Procureur de la République d'Abidjan pour les faits de Traite de personnes et proxénétisme.

Les victimes au nombre de sept (07) jeunes filles de nationalité chinoise ont été remises à l'OIM pour leurs prises en charge et rapatriement.

## Case 251 – Czechia, 2013

Country: Czechia  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 3  
Number of offenders: 5

### Case description:

Date of conviction: **31<sup>st</sup> October 2013**

Court: **Regional Court in Ostrava (Krajsky soud v Ostrave)**

#### Fact summary:

On 31<sup>st</sup> October 2013 five persons were sentenced by Regional Court in Ostrava. Two of them – Offender 1 and 2 were also sentenced for committing criminal offence of human trafficking. Offender 1 was sentenced according to Section 168 (2) (a) (3) (d) of Criminal Code and Offender 2 was sentenced according to Section 168 (1) (a) (3) (d) of Criminal Code. The Court imposed Offender 1 sentence of 6 years of confinement and Offender 2 of 5 years of confinement. The essence of criminal offence committed by Offender 1 was that he enticed by using deceit two women older than 18 years and forced them to be used by another for sexual intercourse and prostitution. Offender 2 committed criminal offence in intention to use child (girl in this case) for prostitution.

The High Court of Justice in Olomouc (Vrchni soud v Olomouci) on 22<sup>nd</sup> January 2015 rejected appeals filed by offenders 1 and 2. The Supreme Court on 24<sup>th</sup> October 2015 denied extraordinary appeal filed by Offender 1. Subsequently Constitution Court on 7<sup>th</sup> March 2016 denied his constitutional petition.

Offenders in this case were adults. Excluded one victim all victims were also adults.

## Case 252 – Czechia, 2016

Country: Czechia  
Year of conviction: 2016  
Form of exploitation: pornography  
Type: unknown  
Number of victims of trafficking: 2  
Number of offenders: 4

### Case description:

Date of conviction: **3<sup>rd</sup> March 2016**

Court: **Regional Court in Hradec Kralove (Krajsky soud v Hradci Kralove)**

Fact summary:

Four persons were sentenced on 3<sup>rd</sup> March 2016 by Regional Court in Hradec Kralove. One of them – Offender 1 was sentenced according to Section 168 (1) (a) of Criminal Code. The Court imposed her sentence 3 years of confinement for committed criminal offence human trafficking, because she offered her 7 years old daughter and son of the same age as models for production of child pornography.

Other three accused persons were sentenced for committing criminal offences qualified as dealing with production of child pornography.

## Case 253 – Cyprus

Country: Cyprus  
Year of conviction: unknown  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 5

### Case description:

A notable case that resulted in conviction is considered a case of trafficking for the purpose of labor exploitation. In that specific case, there were convictions for three (3) Cypriot Nationals and two (2) foreigners. The case concerns the action of an organised criminal network. Victims mostly from Bangladesh were recruited by the members of the criminal group (co-patriots\_ and they were promised of well paid jobs in Cyprus. The victims paid huge amounts of money to their countries following instructions of intermediaries in Cyprus. Upon arrival, they were transported to their workplaces where they were consequently subjected to exploitation. It is very important to note that the main suspect (Bangladesh national), was convicted by the Court in his absence. He was sentence to five (5) years imprisonment for the offences of conspiracy to commit a felony, human trafficking, money laundering and other offences. One )1) person was sentenced to twelve (12) months imprisonment for the offence of human trafficking and illegal stay to the territory of the Republic of Cyprus, one (1) person was sentenced to twelve (12) months imprisonment for the offences of labor exploitation and withholding of personal documents while two (2) other persons were sentenced to eighteen (18) months imprisonment for the offences of labor exploitation.

## Case 254 – Dominican Republic, 2017

Country: Dominican Republic  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **10 del mes de mayo del año 2017**

Tribunal: **Tribunal Colegiado de la Camara Penal del Juzgado de Primera Instancia del Oistrto Judicial de Santiago**

Por el hecho de que el señor Offender 1 se dedicaba a reclutar y/o captar menores de edad aprovechándose de su situación de vulnerabilidad (determinada por la edad, género y situación económica), trasladándolas en su propio vehículo por los diferentes barrios de la ciudad de Santiago para ofertarlas al mejor postor; todo esto para recibir beneficios económicos a cambio de las menores de edad.

Esta Procuraduría Especialidad fue apoderada por dos denuncias interpuestas por dos madres de las menores de edad involucradas por ante el Departamento de Tráfico Ilícito de Migrantes y Trata de Personas de la ciudad de Santiago; posteriormente fue presentada acusación y en fecha 10 de mayo de 2017 se celebró un juicio donde Offender 1 resultó condenado a cinco (5) años de reclusión por violación a los artículos 3 y 7 de la Ley 137-03 sobre Tráfico Ilícito de Migrantes y Trata de Personas.

## Case 255 – Dominican Republic, 2017

Country: Dominican Republic  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **del mes de junio del año 2017**

Tribunal: **Corte de Apelación del Distrito Judicial de la Vega**

Por el hecho de que a partir del mes de enero hasta octubre del año 2014, Offender 1, abusando del poder y la autoridad que tiene sobre la adolescente Victim 1, por ser madre de la misma, se la llevó de la casa de sus abuelos paternos bajo el engaño de que sólo estaría con ella el resto de las vacaciones, a estos fines la trasladó al domicilio de su entonces, tanto en la referida casa, como en montes y cabañas ubicadas en Piedra Blanca de Provincia Monseñor Nouel, y en otros lugares donde era transportada y trasladada la adolescente por ambos, la obligaron a sostener relaciones sexuales con hombres, recurriendo a la amenaza, fuerza y/o coacción (infiriéndole amenazas de muerte y golpes con el uso de un palo y de sus manos), aprovechando su condición de vulnerabilidad (determinadas por su corta edad y género) y abusando de la autoridad o poder que ejercían sobre ella en su condición de madre y padrastro, respectivamente, realizaron todo esto con el propósito de lucrarse con el dinero que le daban a cambio los clientes por sostener relaciones sexuales con su hija, contrayendo la adolescente enfermedades de transmisión sexual (sífilis), por las actividades sexuales a las que era obligada, resultó también con severos daños psicológicos, como estrés post traumático, ansiedad-depresión, entre otros.

Esta Procuraduría Especializada fue apoderada por una denuncia interpuesta por el abuelo paterno de la adolescente en la Fiscalía de Monseñor Nouel; posteriormente fue presentada acusación y en fecha 24 de agosto de 2016 se celebró un juicio donde Offender 1 resultó condenada a 15 años de reclusión por violación a los artículos 3 y 7 de la ley 137-03 sobre tráfico ilícito de migrantes y trata de personas.

## Case 256 – Dominican Republic, 2017

Country: Dominican Republic  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **7 del mes de junio del año 2017**

Tribunal: **Tribunal Colegiado de la Cámara Penal del Juzgado de Primera Instancia del Distrito Judicial de Montecristi**

Por el hecho de que la señora Offender 1 dio acogida en su casa a las adolescentes Victim 1 y Victim 2, a quienes previamente había reclutado o captado aprovechándose de su situación de vulnerabilidad (determinada por la edad, género y pobreza) y recurriendo en ocasiones al engaño y coacción las explotaba sexualmente, y para estos fines la señora Offender 1 procedía a trasladarlas a los lugares donde se encontraban los clientes (hombres que se contactaban con la acusada ya de manera personal o por la vía telefónica requiriendo la presencia de adolescentes con las cuales sostener relaciones sexuales) y donde dichas adolescentes como otras, eran abusadas sexualmente por estos, haciendo todo esto con el propósito de recibir un beneficio económico. Así como también, abusaba sexualmente de las adolescentes para su propia gratificación sexual haciendo uso de abuso y/o agresiones físicas y psicológicas.

Esta Procuraduría Especializada fue apoderada por las denuncias interpuestas por las madres de las adolescentes Victim 1 y Victim 2 en la Fiscalía de Montecristi; posteriormente fue presentada acusación y en fecha 7 de junio de 2017 se celebró un juicio donde Offender 1 resulto condenada a 15 años de reclusión mayor y al pago de una indemnización de RD\$100,000.00 pesos dominicanos a favor de las víctimas, por violación a los artículos 3 y 7 de la Ley 137-03 sobre Tráfico Ilícito de Migrantes y Trata de Personas.

## Case 257 – Dominican Republic, 2017

Country: Dominican Republic  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **14 del mes de junio del año 2017**

Tribunal: **Tercer Tribunal Colegiado de la Cámara Penal del Juzgado de Primera Instancia del Distrito Nacional**

Por el hecho de que la señora Offender 1 se dedicaba a captar mujeres, tanto adolescentes como mayores de edad; incluyendo a su hija menor de edad, para trasladarla al vecino país de Haití ofreciéndole una mejor vida y un empleo. Aprovechándose de su estado de vulnerabilidad (determinadas por su corta edad, género y situación económica), la señora Offender 1, cruza a las víctimas por la frontera de Jimaní pagando una suma de dinero indeterminadas a los guardias de turno y las lleva a un burdel a los fines de explotarlas sexualmente, así como también eran agredidas por negarse a sostener relaciones sexuales, bailar y/o consumir sustancias psicoactivas.

Esta Procuraduría Especializada fue apoderada por una denuncia interpuesta por la hermana de una de las menores de edad; posteriormente fue presentada acusación y en fecha 14 de junio de 2017 se celebró un juicio donde Offender 1 resultó condenada a 20 años de reclusión mayor por violación a los artículos 3 y 7 literales d, e y f de la Ley 137-03 sobre Tráfico Ilícito de Migrantes y Trata de Personas.

## Case 258 – Dominican Republic, 2017

Country: Dominican Republic  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3

### Case description:

Fecha de la sentencia condenatoria: **22 del mes de junio del año 2017**

Tribunal: **Corte de Apelación del Distrito Judicial de Barahona.**

Condenó a Offender 1 e Offender 2 a cumplir la pena de tres (3) años de reclusión mayor a cada uno, al pago de treinta (30) salarios mínimos; esto por el hecho de que en fecha 12 de mayo del año 2016, la fiscalía del Distrito Judicial de Barahona, presento formal acusación a OFFENDER 1 E OFFENDER 2, ya que estos se asociaron entre sí y con otra persona conocida como OFFENDER 3. Conformando un grupo delictivo de criminalidad que se ha dedicado a captar mediante engaño y fraude a adolescentes, entre ellas a VICTIM 1 Y VICTIM 2, quienes se encontraba en una situación de vulnerabilidad. Las adolescentes desde Santo Domingo Norte son trasladadas hacía el municipio de la Ciénega, Barahona, específicamente al hotel conocido como "X", donde proceden acogerlas conjuntamente con otras adolescentes, para que estas sean explotadas sexualmente, como al efecto lo hicieron en el negocio conocido como "Bar X" y/o "Bar Y" y/o "Bar Z", a estas adolescentes las obligaban a trabajar diciéndoles que si no lo hacían no recibirían dinero, el cual les era necesario para poder alimentarse, todo con la finalidad de obtener beneficios económicos en provecho de este grupo criminal.

En el lugar ya identificado prostituían a las menores, donde este les permitía consumir bebidas alcohólicas. A dichas menores le pagaban alrededor de RD\$200 a \$300 pesos por cada hombre, este dinero se pagaba en la caja y luego iban al hotel X. Aquí a las menores no las dejaban salir solas, para ellas trasladarse de un sitio a otro, las pasaban a recoger en un motor y las esperaban afuera.

Estos hechos fueron calificados por los jueces como violación de los artículos, 23, 24,407 y 410 de la Ley 136-03, que Instituye el Código para el Sistema de Protección y los Derechos Fundamentales de los Niños, Niñas y Adolescentes en la República Dominicana.

## Case 259 – Egypt, 2014

Country: Egypt  
Year of conviction: 2014  
Form of exploitation: begging  
Type: domestic trafficking  
Number of victims of trafficking: 6  
Number of offenders: 3

### Case description:

Date of conviction: **21/10/2014**

Court: **Cairo Criminal Court (Heliopolis District)**

#### Fact summary:

Creation and management of an organized human trafficking criminal group for begging purposes (Heliopolis District). The Public Prosecution in Heliopolis district accused three Egyptian males of creating, during 2012 and 2013, an organized criminal group with the purpose of committing human trafficking offences. They had taken advantage of the state of need and vulnerability of 5 children and one adult by abusing and sheltering them in order to force them to exercise begging and taking possession of the collected money. One member of the criminal group was also accused of sexually abusing the children by force. The court found two of the three accused guilty and sentenced them to 7 years of rigorous imprisonment, and abated the criminal suit against the third accused because of his death. The court had also ordered the confiscation of the seized weapons.

## Case 260 – Egypt, 2015

Country: Egypt  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

Date of conviction: **10/05/2015**

Court: **Giza Criminal Court (Embabe District)**

#### Fact summary:

Human trafficking for prostitution purposes (Embabe District). The Public Prosecution in Embabe district accused nine Egyptians (6 males and 3 females) and one Saudi national of creating and managing, during 2013, an organized criminal group with the purpose of committing human trafficking offences. The first six accused persons had taken advantage of the state of need and vulnerability of a female minor victim (below the age of 18) to force her to provide sexual services to Saudi citizens in exchange for money. Some members of the criminal group had falsified official documents to hide the offence and make the relationship appear as an official marriage. Two of the accused persons were in fact relatives of the victim, who had the responsibility of taking care of her. The court found one of the accused persons guilty and sentenced him, in his presence, to 2 years of imprisonment, sentenced three other accused persons, in absentia, to 5 years of imprisonment and acquitted the remaining accused persons.

## Case 261 – Egypt, 2015

Country: Egypt  
Year of conviction: 2015  
Form of exploitation: begging  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Date of conviction: **21/12/2015**

Court: **Cairo Criminal Court (Abdin District)**

Fact summary:

Creation and management of an organized human trafficking criminal group for begging purposes (Abdin District).

The Public Prosecution in Abdin district accused two Egyptian street vendors of kidnapping, in 2014 in Abdin District, Cairo, two children without forcing them, just by taking advantage of their state of need for a shelter and their vulnerability. Then, both street vendors created and managed an organized human trafficking criminal group. They then forced the two children, using violence and threats, to begging. The court sentenced the two accused persons, in their presence, to life imprisonment.

## Case 262 – El Salvador, 2014

Country: El Salvador  
Year of conviction: 2014  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 11  
Number of offenders: 13

### Case description:

Fecha de la sentencia condenatoria: **02 de mayo de 2014**

**Tribunal: TRIBUNAL PRIMERO DE SENTENCIA DE SANTA ANA**

**RESUMEN DE LOS HECHOS:** Los hechos iniciaron cuando en el año dos mil seis, la madre de una joven desaparecida interpone una denuncia interpuesta, manifestando que su hija fue reclutada por una vecina de nombre **OFFENDER 1**, conocida en el lugar como TITA, quien le propuso trabajo de labores domésticas; no obstante en el desarrollo de la investigación se determina que Offender 1, formaba parte de una estructura delincencial conformada en su totalidad por trece imputados, siendo la imputada **OFFENDER 1**, quien recluto aproximadamente once jóvenes salvadoreñas, a quienes llevo con engaños hacia Guatemala, a un bar conocido como X; lugar que refieren las victimas en sus declaraciones se les obligaba a prostituirse y vender su cuerpo a los hombres, por la cantidad de cincuenta Quetzales, dinero que era percibido por los tratantes; a quien los clientes pagaban los Cincuenta Quetzales, y si intentaban escapar eran castigadas por sujetos armados que se encargaban de cuidar el negocio y vigilar que las mujeres no se escaparan, golpeando a las mujeres que se "portaran mal" según los tratantes. Siendo el propietario de dicho lugar de explotación el imputado **OFFENDER 2** y su esposa Offender 3. Expresando además las víctimas que también eran trasladadas a un lugar llamado "FINCA EL JUTE"; lugar en que las obligaban a realizar trabajos agrícolas, cultivando en terrenos fríjol y maíz, situación de explotación en la mantuvieron a diversas víctimas por más de un año; hasta que finalmente el día nueve de agosto del dos mil siete, fueron rescatadas en un operativo preventivo por la Policía de Guatemala y retornadas El Salvador. Posterior a esto hechos se logra la detención de los imputados que conforman dicha estructura delincencial habiéndose condenados el resto de los imputados en anteriores audiencias de vista pública. Encontrándose rebeldes los imputados **OFFENDER 1 e Offender 2**, quienes fueron capturados hasta el año 2014.

**VISTA PUBLICA:** El día 02 de mayo de 2014, el Tribunal Primero de Sentencia de Santa Ana, llevo a cabo la Vista Publica contra los imputados **OFFENDER 1 e Offender 2**, habiendo condenado al imputado **OFFENDER 2**, a **63 AÑOS DE PRISIÓN** y la imputada **OFFENDER 1**, a **28**

**AÑOS DE PRISIÓN;** por los delitos de Trata de Personas Agravada, Lesiones Graves y Agrupaciones Ilícitas; en relación a **11 VICTIMAS SALVADOREÑAS**. Condena ejemplarizante tomando en consideración la complejidad que representa la investigación del delito de trata de personas.

## Case 263 – El Salvador, 2015

Country: El Salvador  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **09 de junio de 2015**

Tribunal: **TRIBUNAL DE SENTENCIA DE AHUACHAPÁN**

**RESUMEN DE LOS HECHOS:** Dicho caso inicio a raíz de la detención en flagrancia de la imputada **OFFENDER 1**, por el delito de Trata de Personas Agravada, dicha detención se realizó en la subdelegación Fronteriza Las Chinamas de la Policía Nacional Civil, División de Control Migratorio y Fiscal, ubicada en el Caserío Puente El Jobo, Cantón Santa Cruz, Municipio y Departamento de

Ahuachapán, a las catorce horas con quince minutos del día diecisiete de noviembre del año dos mil catorce; por los agentes policiales Cabo PERSON 1, PERSON 2 y PERSON 3, ya que en momentos en que se encontraban en la Oficina Policial antes detallada, fueron informados por el Clase de Servicio que el delegado de Migración PERSON 4, había abordado a una adolescente que pretendía ingresar a El Salvador de forma ilegal por lo que dicho Delegado la condujo a las oficinas donde la delegada de Migración conversó con la adolescente y la identificó con el nombre de VICTIM 1, quien le comenta el motivo por el cual ella salió de El Salvador hacia Guatemala, porque entró de la misma forma, conversación en la que expresó que ella viajaba con las señora a quien conoce como doña "OFFENDER 2", quien hace unos días atrás la sacó del país para que trabajara en un bar llamado "X", donde se prestan servicios sexuales y la adolescente se prostituía por necesidad, por lo que los delegados intervinieron rápidamente a la señora OFFENDER 2, poniéndola a la disposición de la División de Control Migratorio y Fiscal de la Frontera Las Chinamas y se procedió a la aprehensión de la señora OFFENDER 1 por el delito de Trata de Personas Agravada. Que en fecha diecisiete de noviembre del año dos mil catorce se entrevistó a la víctima **VICTIM 1**, quien en lo medular manifestó: "...Que conoce desde hace dos o tres años, a una señora con el nombre de " OFFENDER 2", ya que reside en la Colonia Las Victorias, siempre en Chalchuapa, que en el mes de septiembre de dos mil catorce, hizo tratos con ella y le pidió que la llevara para Guatemala ya que quería trabajar prostituyéndose debido a problemas económicos, ya que únicamente reside con su madre en la Colonia El Castaño, Chalchuapa, Santa Ana, es que le solicitó a OFFENDER 2, quien trabaja como cajera en un prostíbulo que la llevará a trabajar a dicho lugar, por lo que el quince de septiembre de dos mil catorce la señora OFFENDER 2 por la frontera de San Cristóbal la condujo al bar llamado X, ubicado en Guatemala, teniendo conocimiento que la dueña de ese negocio se llama PERSON 1, de nacionalidad guatemalteca, por lo que comenzó a trabajar en dicho lugar, siendo que la señora OFFENDER 2 le administra el dinero que ella gana en ese lugar, entregándole OFFENDER 2 la cantidad de dos mil cuatrocientos quetzales, mandando dinero previamente por Western Unión a nombre

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de la señora OFFENDER 2, con quien duerme en el mismo cuarto. Por lo que este día salió a las cuatro de la mañana de dicho bar a visitar a su mamá, y la señora OFFENDER 2 la llevó hasta la frontera, lugar donde fue capturada la señora OFFENDER 2..."

**VISTA PUBLICA;** La vista pública se realizó el día **09 de junio de 2015**, en el Tribunal de Sentencia de Ahuachapán, donde se condenó a la imputada **OFFENDER 1**, a **OCHO AÑOS CON CUATRO MESES DE PRISIÓN**, por el delito de **TRATA DE PERSONAS AGRAVADA**.

## Case 264 – El Salvador, 2016

Country: El Salvador  
Year of conviction: 2016  
Form of exploitation: forced labour, sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **28 de octubre de 2016.**

Tribunal: **Tribunal Segundo de Sentencia de San Salvador**

**Delitos:** **TRATA DE PERSONAS**, en la Modalidad de Explotación Sexual, Art. 367-B Código Penal y **REMUNERACIÓN DE ACTOS SEXUALES O EROTICOS**, Art. 179 Código Penal.

#### Imputados:

**OFFENDER 1** (Trata de Personas Agravada)

**OFFENDER 2** (Remuneración por Actos Sexuales o Eróticos)

**OFFENDER 3** (Remuneración por Actos Sexuales o Eróticos)

#### Resumen de los hechos:

La víctima menor de edad que cuenta con régimen de protección, conoció a través de facebook al imputado OFFENDER 3, con quien tuvo relaciones sexuales en el mes de octubre de 2013 y éste le pagó la cantidad de 25 dólares; posteriormente vía telefónica y desde USA le dijo que le había dejado \$15 dólares en el Restaurante X. Fue en el mes de noviembre que la víctima llegó a traer el dinero que le había dejado OFFENDER 3 al restaurante X de San Salvador, ahí fue atendida por el imputado OFFENDER 1, quien la reclutó al ofrecerle que se podía prostituir en ese lugar, que él le indicaría con cuál cliente tendría relaciones sexuales, por las que debía cobrar \$25 de los cuales \$5 dólares eran para él; ese día la víctima mantuvo relaciones sexuales con cuatro personas, incluyendo al imputado OFFENDER 2, **quien fungía como Juez de Cuentas de la Corte de Cuentas de la República**, al momento de ocurrir los hechos y al momento de su detención, y el cual mantuvo relaciones sexuales con la víctima a quien le pagó \$25, habiendo intentado violar a la víctima analmente, pero de esto no se pudo obtener evidencia física, porque la víctima denunció varios meses después.

#### Resultado de Vista Pública:

Imputado **OFFENDER 1**, fue condenado por el delito de **TRATA DE PERSONAS AGRAVADA**, a 10 años 6 meses de prisión.

Imputado **OFFENDER 2** fue condenado por el delito de **REMUNERACIÓN POR ACTOS SEXUALES O EROTICOS**, a 5 años de prisión.

Imputado **OFFENDER 3**, fue condenado por el delito de **REMUNERACION POR ACTOS SEXUALES O EROTICOS**, fue condenado a 3 años de prisión y se le aplicó la suspensión condicional de la ejecución de la pena.

## Case 265 – El Salvador, 2017

Country: El Salvador  
Year of conviction: 2017  
Form of exploitation: forced criminality, forced marriage  
Type: domestic trafficking  
Number of victims of trafficking: 4  
Number of offenders: 8

### Case description:

Fecha de Judicialización del caso: **24 de Febrero de 2017**

Tribunal que actualmente conoce del caso: **Juzgado de Instrucción de San Marcos**

#### Delitos:

**TRATA DE PERSONAS AGRAVADA**, en la modalidad de trabajo forzado, matrimonio forzado y explotación sexual, Art. 54 de la Ley Especial Contra la Trata de Personas.

**PROPOSICIÓN Y CONSPIRACIÓN EN EL DELITO DE HOMICIDIO AGRAVADO.**

**AGRUPACIONES ILÍCITAS y ESTAFA AGRAVADA.**

#### Imputados:

**Offender 1**  
**Offender 2**  
**Offender 3**  
**Offender 4**  
**Offender 5**

#### Resumen de los hechos:

Caso que actualmente se encuentra en instrucción, encontrándonos pendiente de la emisión de las respectivas Órdenes Judiciales de Captura para los imputados: **Offender 1, Offender 2, Offender 3, Offender 4 e Offender 5**, ya actualmente únicamente se encuentran en Detención Provisional la imputadas: **Offender 6, Offender 7 e Offender 8**. La estructura criminal cuyos miembros pertenecen a la mara SM, se dedicaba a reclutar mujeres para obligarlas a casarse con hombres a quienes posteriormente mataban para cobrar seguros de vida que previamente habían convencido de contratar. Actualmente se cuenta con dos víctimas con régimen de protección y se están ubicando más víctimas.

#### Estado Actual:

Proceso penal se encuentra en la etapa de Instrucción Formal con Detención Provisional, en el juzgado de Instrucción de San Marcos, San Salvador.

## Case 266 – El Salvador, 2017

Country: El Salvador  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **25 de abril de 2017**

Tribunal: **Tribunal de Sentencia de Ahuachapán.**

**Delitos: TRATA DE PERSONAS AGRAVADA, en la modalidad de explotación sexual, Art. 54 de la Ley Especial Contra la Trata de Personas.**

**Imputada:**

**OFFENDER 1**

### Resumen de los hechos:

La imputada **OFFENDER 1**, en agosto de 2016, contacto a través de las redes sociales a una joven salvadoreña mayor de edad que buscaba trabajo, ofreciéndole la imputada un trabajo bien remunerado en un negocio ubicado en territorio guatemalteco propiedad de la imputada, convenciendo a la joven salvadoreña que aceptara dicho trabajo y acordando la imputada que ella vendría a traerla a El Salvador, acordando reunirse en el departamento de Ahuachapán, y es el caso que al reunirse la imputada **OFFENDER 1**, con la joven víctima, le dice que el trabajo que realizara consistirá en prestar servicios sexuales remunerados, en un negocio de su propiedad, explicándole incluso el costo de los servicios sexuales y el porcentaje que corresponde a la caja del negocio, ante la cual la víctima le responde que ella no buscaba un trabajo de esa naturaleza, ya que nunca había trabajado prestando servicios sexuales remunerados, insistiéndole la imputada a la víctima que viaje con ella hacia Guatemala y en momentos en que pretendía sacarla del país, fue interceptada por personal policial, que procedió a realizar un abordaje de la víctima que culminó en la detención de la imputada.

### Resultado de Vista Pública:

La imputada **OFFENDER 1**, fue condenada a 10 años de prisión, por el delito de TRATA DE PERSONAS, en la modalidad de explotación sexual, por el Tribunal de Sentencia de Ahuachapán.

## Case 267 – France, 2015

Country: France  
Year of conviction: 2015  
Form of exploitation: begging, forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: 2661  
Number of offenders: 11

### Case description:

Affaire n° 1 (traite de mineurs aux fins de délinquance forcée)

Date de la condamnation: **8 septembre 2015**

Tribunal: **Cour d'appel de Paris**

### Résumé de l'affaire :

Cette affaire dite « Les enfants du Métro 2 » a été jugée le 15 mai 2013 par le tribunal correctionnel de Paris, puis à la suite d'un appel interjeté par le parquet de Paris, par la cour d'appel de Paris dans un premier arrêt du 13 mai 2014 et dans un second arrêt du 8 septembre 2015. Les faits concernés dans cette affaire se sont déroulés entre 2008 et 2010.

Cette affaire concerne l'activité principale du clan H. qui consiste en l'organisation de groupes de voleurs, principalement de jeunes filles, opérant dans le métro parisien, et ciblant principalement les touristes d'origine asiatique, russe, voire américaine ainsi que des personnes âgées, ayant sur eux d'importantes sommes en numéraires. Ce réseau agit à Paris mais les donneurs d'ordre se trouvent dans le sud de la France (Montpellier, Perpignan, Nice), en Espagne (Barcelone) ou en Italie (Rome).

Dans cette affaire, les mineurs sont de nationalité française, croate et bosniaque et sont majoritairement de jeunes filles se présentant sous des alias et revendiquant leur minorité. Elles refusent toute prise d'empreintes digitales et tiennent un discours identique consistant à déclarer vivre en France dans des camps de la région parisienne (Montreuil) ou en hôtel sans attache parentale sur le sol français, ce qui en fait des mineurs isolés devant être protégés. Néanmoins, l'arrêt de la Cour d'appel constate que « les jeunes [...] placés fuguèrent systématiquement dans les premières heures, en refusant toute mesure de protection de la part des services sociaux, pour retrouver le plus rapidement possible les couloirs du métro parisien et poursuivre leurs activités illicites ».

Les investigations ont permis de révéler la structure du clan :

- Le couple, tête de réseau
- Le cercle familial proche : les fils et belles-filles
- Le cercle familial proche jouant le rôle d'intermédiaire

Les groupes de voleurs composés d'environ 10 personnes sont encadrés par de nombreux intermédiaires, parfois d'anciens voleurs, qui organisaient l'entrée des voleurs ainsi que leur hébergement sur le territoire français et leur transit sur divers territoires de l'union européenne, géraient les groupes dans le métro, arbitraient les

éventuels conflits entre les groupes de voleuses, envoyaient des fonds pour financer leurs séjours sur le territoire français, donnaient des instructions précises aux voleurs en cas d'interpellations et organisaient les transferts des sommes volées vers l'Italie, l'Espagne ou le sud de la France.

Les transferts se faisaient soit par mandats cash Western Union, mais le plus souvent par remise en mains propres en Italie ou dans le Sud de la France.

Une 100<sup>aine</sup> de mineurs était impliquée dans ces vols. Le nombre de vols par mineur s'élevait en moyenne à 2 ou 3 par jour, chaque vol permettant de récolter environ 300 euros. Les voleuses subissaient des violences physiques, si le montant rapporté était jugé insuffisant. Certaines dénonçaient des violences sexuelles. Les filles qui ne volaient pas suffisamment étaient « réorientées » vers la mendicité.

Le fonctionnement du réseau a pu être mis à jour grâce au recueil de témoignages de certaines voleuses, corroborés par des surveillances physiques et téléphoniques. L'enquête a permis de mesurer l'ampleur des faits - entre le 1<sup>er</sup> août 2008 et fin 2010, 986 procédures pour vol ont mis en cause 2661 mineurs d'ex-Yougoslavie - et des bénéfices réalisés, le flux étant estimé au minimum à un million d'euros par an.

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11 prévenus ont été condamnés pour délit aggravé de traite des êtres humains pour avoir en échange d'une rémunération ou de tout autre avantage ou d'une promesse de rémunération ou d'avantage, recruté, transporté, transféré, hébergé ou accueilli une personne, pour la mettre à disposition d'un tiers même non identifié, afin de le contraindre à commettre tout délit, en l'espèce des vols en réunion et dans un moyen de transport collectif de voyageurs, avec ces circonstances que les faits ont été commis :

- à l'égard de plusieurs personnes (groupes de voleuses) ;
- à l'égard de mineurs ;
- à l'égard de personnes qui se trouvaient hors du territoire de la République ou lors de leur arrivée sur le territoire de la République ;
- avec l'emploi de menaces, de contraintes, de violences ou de manœuvres dolosives sur les victimes, sur leurs familles ou une personne en relation habituelle avec elles ;
- par un ascendant légitime ou naturel ou adoptif de la victime ou par une personne ayant autorité sur elle.

La plupart d'entre eux ont également été condamnés pour association de malfaiteurs (article 450-1 du code pénal) pour avoir participé à un groupement formé ou une entente établie en vue de la préparation, caractérisée par un ou plusieurs faits matériels d'un ou plusieurs délits punis de dix ans d'emprisonnement et punis d'au moins cinq ans d'emprisonnement, en l'espèce au délit de traite des êtres humains aggravé, ainsi que provocation de mineurs et de mineurs de 15 ans à commettre des délits de façon habituelle (article 227-21 du code pénal).

- Les deux « têtes de réseau » ont été condamnées à 12 ans et 8 ans d'emprisonnement, chacun à une peine d'amende de 100 000 euros, ainsi qu'à une interdiction définitive du territoire français. Une période de sûreté a été fixée aux deux tiers de la peine et la confiscation des scellés est prononcée à l'égard des deux condamnés.

*These court case narratives were provided by Member States. The content does not necessarily reflect the views or policies of UNODC, and nor does it imply any endorsement.*

Ces deux auteurs ont chacun formé chacun un pourvoi contre l'arrêt du 13 mai 2014 qui ont tous deux été déclarés non admis par la Cour de cassation, respectivement les 30 septembre 2014 et 27 mai 2015.

- Les trois fils du couple ont été condamnés à 8 ans d'emprisonnement pour deux d'entre eux et 6 ans pour le troisième.
- Les personnes jouant les rôles d'intermédiaires ont été condamnées à des peines de 5 ans et 6 ans d'emprisonnement.

## Case 268 – France, 2016

Country: France  
Year of conviction: 2014 - 2016  
Form of exploitation: forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 8

### Case description:

Affaire n° 2 (traite aux fins de délinquance forcée)

Date de la condamnation: **3 avril 2014 et 30 mai 2016**

### Résumé de l'affaire :

Le tribunal correctionnel de Rennes a condamné, le 3 avril 2014, huit individus pour faits de traite des êtres humains aux fins d'achat frauduleux de téléphones portables haut de gamme en France ou dans les pays limitrophes en vue de leur écoulement à bas prix en Roumanie.

Des ressortissants roumains étaient recrutés en Roumanie avec la promesse verbale d'une embauche en France. Ils étaient amenés jusqu'à la Rochelle par les recruteurs, ou des chauffeurs à leurs ordres, dans un camp où leur était assigné un hébergement de fortune dans des conditions très précaires. Ils étaient ensuite contraints de commettre des faits d'escroquerie, en acquérant, à l'aide de comptes en banque ouverts à leur nom et ne contenant que le solde nécessaire au versement de la caution, des téléphones mobiles à prix réduits pour le compte de ce réseau de malfaiteurs qui s'occupait de les revendre en Roumanie. Les chefs de réseau effectuaient les démarches nécessaires à l'établissement d'une domiciliation de leurs victimes auprès d'une association. Les investigations révélaient l'envoi de nombreux mandats western union vers la Roumanie.

Le jugement indique qu'« en conservant les moyens de paiement obtenus de la Banque postale par ces personnes, FC les a maintenues dans une dépendance pérenne alors qu'il les savait démunies de la moindre ressource. En les faisant attendre de manière systématique plusieurs semaines de vie très précaire avant de les inciter à commettre ces escroqueries, le prévenu a, avec ses comparses, créé une situation de contrainte dont il connaissait la finalité. Le fait que ces personnes ont accepté de venir de leur plein gré est indifférent, tant il est établi qu'elles ont été amenées dans le seul but de commettre des escroqueries au moyen de comptes dépourvues de manière systématique et préméditée des provisions nécessaires ».

Les peines prononcées dans ce dossier sont des peines d'emprisonnement allant de 18 mois à 5 ans ainsi que des peines d'interdiction définitive du territoire français. Deux de ces condamnations rendues par défaut, ont été assorties d'un mandat d'arrêt.

## Case 269 – France, 2014

Country: France  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 22

### Case description:

Affaire n° 3 (traite aux fins de proxénétisme – réseau roumain)

Date de la condamnation: **8 avril 2014**

Tribunal: **Cour d'appel de Paris**

### Résumé de l'affaire :

Cette affaire porte sur des faits de traite aux fins de proxénétisme commis par des ressortissants roumains sur des prostituées roumaines, parfois mineures, exerçant au Bois de Boulogne et sur les Maréchaux nord (18ème et 19ème arrondissements de Paris).

L'enquête débutait par la plainte déposée par une famille roumaine contre l'agresseur de leur fille, victime de coups de couteau le 25 janvier 2011 alors qu'elle se prostituait au Bois de Boulogne.

Trois clans constituaient le réseau en question qui recrutait de jeunes filles, parfois mineures, au sein du giron familial. Elles devaient payer 50 € par jour pour accéder à leur emplacement et remettre une partie de leurs gains à des prostituées parentes et l'autre partie à leur compagnon. Des proches des têtes du réseau utilisaient des moyens de pressions sur les femmes prostituées, menaçant de dénoncer leur activité et de faire placer leurs enfants, confiés au sein de la famille, par les autorités sanitaires en Roumanie.

Les investigations faisaient apparaître que 57.000 € avaient été expédiés en Roumanie via Western Union sur une période d'un an.

Au terme de 11 mois d'enquête, des interpellations étaient réalisées en France et en Roumanie.

Par jugement de première instance rendu le 17 avril 2013, le tribunal correctionnel de Paris, dans sa formation JIRS, a prononcé 22 condamnations allant de 1 an et 8 mois de sursis à 10 ans d'emprisonnement.

L'arrêt du 8 avril 2014 de la cour d'appel de Paris a confirmé pour chacun des prévenus les peines d'emprisonnement prononcées en première instance, en plus de l'interdiction définitive du territoire français. La cour a ajouté pour chacun d'eux des peines d'amende significatives (de 30 000 à 50 000€).

## Case 270 – France, 2015

Country: France  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 30  
Number of offenders: 9

### Case description:

Affaire n° 4 (traite aux fins de proxénétisme – réseau nigérian)

Date de la condamnation: **12 février 2015**

Tribunal: **Tribunal correctionnel de Nancy (formation JIRS)**

### Résumé de l'affaire:

Cette affaire concerne l'activité d'un réseau nigérian de traite aux fins de proxénétisme présent à Strasbourg et dirigé depuis l'Espagne et l'Italie. Ce réseau fournissait logement, aide matérielle et documents d'entrée en Europe. Les investigations menées par la Police aux frontières et l'Office central de lutte contre la traite des êtres humains ont révélé le rôle joué par les dirigeants de diverses églises évangéliques - *Bethel Prayer Ministry International (BMPI)*, *Christ Evangelic Church*, *Eglise Bvangélique Réformée du Christ* - à travers l'assistance des dirigeants de ces églises aux prostituées par la mise à disposition de loyers et l'obtention de titres de séjour, sur la base notamment de fausses attestations d'hébergement.

Le réseau fonctionnait selon le système habituel, faisant intervenir des « Mamas », proxénètes de niveau inférieur, encadrant au total une trentaine de prostituées. Ces dernières, « formatées » selon le rituel du Juju mis en place, avaient en moyenne une dette de 50.000€ qui, une fois acquittée, en 1 à 3 ans, les « libérait » et leur permettait de devenir à leur tour « Mama ».

Par ailleurs, il a été mis en évidence qu'en Allemagne, où l'église BMPI est bien implantée, étaient pratiquées les rites d'envoûtement « Juju » destinés à assurer l'obéissance des filles.

Enfin les flux financiers échappaient au système usuel de transferts de fonds par Western Union ou autre officine de ce type pour s'effectuer par le biais du système coutumier d'Hawala, beaucoup plus discret.

Le 20 novembre 2012 une première opération d'interpellation était effectuée, conduisant à l'issue des gardes-à-vue au déferrement de 8 personnes mises en examen et écrouées. Deux autres personnes étaient interpellées en Italie sur la base de mandats d'arrêt européen.

Par jugement rendu le 12 février 2015, le tribunal correctionnel de Nancy a condamné neuf prévenus occupant des fonctions différentes au sein du réseau (proxénète, faussaire, blanchisseur) pour faits de traite des êtres humains commis à l'égard de plusieurs personnes et proxénétisme aggravé, ainsi qu'aide à l'entrée, à la circulation et au séjour irréguliers, blanchiment aggravé à des peines allant de 18 mois à 4 ans d'emprisonnement.

## Case 271 – France, 2015

Country: France  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 20  
Number of offenders: 6

### Case description:

Affaire n° 5 (traite aux fins de proxénétisme – réseau nigérian)

Date de la condamnation: **4 juin 2015**

Tribunal: **Tribunal correctionnel de Marseille (formation JIRS)**

### Résumé de l'affaire:

Fin 2011, des renseignements parvenus aux services enquêteurs de Marseille évoquaient l'existence dans cette ville d'un réseau de prostitution de jeunes femmes nigérianes, contrôlées par des « mamas », de même origine ethnique mais plus âgées, assurant le transfert des gains au Nigéria par l'intermédiaire de « banquiers ». La vingtaine de victimes recensées travaillaient sous la contrainte classique d'une croyance de type sorcellerie, appelée « le Juju ». Elles pouvaient également être menacées ou faire l'objet de menaces d'atteintes aux membres de leur famille restés au pays. L'argent de la prostitution retournait au Nigéria.

Le 10 avril 2012, un ressortissant nigérian dénonçait spontanément une proxénète demeurant à Marseille. Il expliquait que celle-ci se prostituait et qu'elle gérait, avec son compagnon des jeunes femmes achetées 15.000 euros au Nigéria, exerçant à Marseille et Aix-en-Provence. Il précisait qu'elle les exploitait pendant deux années, le temps pour elles de rembourser leur dette, fixée à 60.000 euros.

Le 25 mai 2012, une information judiciaire était ouverte contre personne non dénommée des chefs de traite des êtres humains en bande organisée, proxénétisme aggravé, association de malfaiteurs en vue de la commission desdits crimes, blanchiment, non justification de ressources ou de l'origine d'un bien par une personne en relation habituelle avec l'auteur d'un crime ou d'un délit puni d'au moins 5 ans avec cette circonstance que les infractions constituaient les crimes et délits de traite des êtres humains.

Le 21 mars 2014, 6 suspects étaient mis en examen et placés en détention provisoire.

Par jugement de première instance rendu le 4 juin 2015, le tribunal correctionnel de Marseille a condamné les 6 prévenus pour traite des êtres humains commis à l'égard de plusieurs personnes qui se trouvaient hors du territoire de la République ou à leur arrivée sur le territoire (circonstances aggravantes) et proxénétisme aggravé et prononcé des peines allant de 2 ans à 4 ans d'emprisonnement et la peine de 15.000 euros d'amende pour cinq des six condamnés.

## Case 272 – Georgia, 2015

Country: Georgia  
Year of conviction: 2015  
Form of exploitation: forced labour, sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

In April 2013 a Turkish national Offender 1 (male) with an intention to commit the crime of human trafficking met Uzbek national Victim 1 (female) in Khelvachauri (Adjara Region). He deceived her with promise to marry and proposed to move into his temporary flat. Victim 1 agreed. After arrival, Offender 1 placed Victim 1 in rented flat in Batumi, seized the passport, and restrained her freedom of movement. While being in slavery-alike conditions, Victim 1 was forced to engage in prostitution and offer sexual services to clients, while Offender 1 collected all her earnings. The given situation continued from April 2013 till September, 2014.

In September 2013 Offender 1 with intention to commit human trafficking met Uzbek national Victim 2 (female) in Khelvachauri. He set up close relationship with her and deceived her that he would help her to migrate to Turkey and get employed there and proposed her to move into his temporary flat. Victim 2 agreed. After arrival, Offender 1 placed Victim 2 in rented flat Akhalsopeli, seized the passport, and restrained her freedom of movement. While being in slavery-alike conditions, Victim 2 was forced to engage in prostitution and offer sexual services to clients, while Offender 1 collected all her earnings. Apart from it, Offender 1 compelled Victim 2 to work as a bartender for free in a restaurant leased by Offender 1. In July 2014 Offender 1 promised Victim 2 and her family member that for the ransom of 5000 US dollars he would give back her passport and let her return home. Victim 2's family gave Offender 1 3950 US dollars, however Offender 1 did not stop her sexual and labour exploitation. The given situation continued from October 2013 to September, 2014.

On 9 January 2015 Offender 1 was charged with trafficking in persons, unlawful transaction relating to person, recruitment and harbouring for exploitation committed by means of deception, blackmail, threatening and coercion under Article 143<sup>1</sup> of the Criminal Code of Georgia and with robbery that entailed significant disadvantage, committed by using violence which did not endanger human life or health under Article 178 §§ 2 (a) and 3 (d) of the Criminal Code of Georgia.

Offender 1 was imprisoned for eight years. The case was appealed. Kutaisi Appellate Court upheld the conviction on 17 December 2015.

## Case 273 – Georgia, 2015

Country: Georgia  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

In April 2013 Kyrgyz national Offender 1 (female) while being in Kyrgyzstan with an intention to commit human trafficking contacted a juvenile Kyrgyz national Victim 1 (female), promised to prepare her passport, bring her to Georgia on her own expenses and employ her. Offender 1 deceived her that she owned beauty shop in Batumi and Victim 1 would work there as a hairdresser initially for salary of 500 US dollars increasing for the next months. Victim 1 accepted the offer. In April 2013 Offender 1 prepared passport, a power of attorney over juvenile, bought flight tickets and transported Victim 1 to Georgia. As soon as they arrived Offender 1 deprived Victim 1 her passport, placed her in her rented flat located in Batumi and restricted her freedom of movement. While being in slavery-alike conditions, Victim 1 was forced to engage in prostitution, while Offender 1 collected all her earnings. The given situation continued from 17 May 2013 to the end of April 2014.

With the same promises and acts Offender 1 also took a Kyrgyz pregnant woman Victim 2 (adult) in Georgia. Offender 1 deprived Victim 2 her passport, placed her in her rented flat located in Batumi and restricted her freedom of movement. While being in slavery-alike conditions, Victim 2 was forced to engage in prostitution, while Offender 1 collected all her earnings. Offender 1 also compelled her to take medicine to incite miscarriage that caused death of fetus The given situation continued from 17 May 2013 to 6 May, 2014.

On 8 May 2014 Offender 1 was charged for: 1. child trafficking, unlawful transaction relating to child, transportation and recruitment for exploitation, committed knowingly by the offender against a person who financially or otherwise depends on the offender by means of deception, blackmail, coercion and by taking the victim abroad under Article 143<sup>2</sup> §§ 2 (b) and 3 (b), (d) of the Criminal Code of Georgia; 2. Trafficking in adults, unlawful transaction relating to person, transportation and recruitment for exploitation committed by the offender knowingly to a pregnant women by means of deception, blackmail, coercion against two persons, by taking the victim abroad under Article 143<sup>1</sup> §§ 2 (a) and 3 (b), (c) of the Criminal Code of Georgia.

On 31 May 2015 Batumi City Court convicted Offender 1 for fourteen years.

## Case 274 – Georgia, 2016

Country: Georgia  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

In June 2013 Uzbek national Offender 1 (female) while being in Uzbekistan with intent to commit human trafficking contacted Uzbek national Victim 1 (female), promised to bring her to Georgia on her own expenses and gave false promise of employment as a nurse in a hospital. Victim 1 accepted the offer. After arriving to Georgia, Offender 1 deprived Victim 1 her passport, placed her in her rented flat located in Batumi and restricted her freedom of movement. While being in slavery-alike conditions, Victim 1 was forced to engage in prostitution and provide sexual service to clients, while Offender 1 collected all her earnings. The given situation continued from August, 2013 to November, 2013.

Prosecution against Offender 1 was started on 1st of July, 2015 under Article 143<sup>1</sup>. She was convicted for 12 years on 17 March, 2016. The guilty verdict was upheld by Kutaisi Appellate Court on 26 October 2016.

## Case 275 – Georgia, 2017

Country: Georgia  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

On December 23, 2016, 1 Uzbek woman was charged *in absentia* for sexual exploitation of two Uzbek women under Article 143<sup>1</sup> paragraph 3(c) of Criminal Code of Georgia. According to the indictment the facts of case are following:

Uzbek national Offender 1 with the purposes of trafficking, on August, 2016, contacted Victim 1 (Uzbek national as well) in Fergana, Uzbekistan. With the promise that she will transport Victim 1 in Georgia with her own funds and provide her position as a cook in one of the restaurants in Batumi, Offender 1 gained Victim 1's consent, bought the travel tickets and arrived to Georgia with her on August 16, 2016.

After arrival, Offender 1 placed Victim 1 in rented flat in Batumi, seized the passport, and restrained her freedom of movement. While being in slavery-alike conditions, Victim 1 was forced to engage in prostitution and offer sexual services to clients in various night clubs and restaurants located in Batumi and Khelvachauri, while Offender 1 collected all her earnings. The given situation continued from August 16 to August 31.

With the similar promises, Offender 1 persuaded Victim 2 (Uzbek national as well) and provided her arrival to Georgia on September 13, 2016. Afterwards, Offender 1 used the same methods as in case of Victim 1. Victim 2 was the victim of sexual exploitation from September 13, 2016 to October 9, 2016.

On 4 July 2017 Batumi City Court found Offender 1 guilty of committing trafficking in persons (two counts) and sentenced her to imprisonment for the term of thirteen years. As far as Offender 1 was absconding justice, she was convicted *in absentia*.

## Case 276 – Costa Rica, 2017

Country: Costa Rica  
Year of conviction: 2017  
Form of exploitation: organ removal  
Type: domestic trafficking  
Number of victims of trafficking: 14  
Number of offenders: 5

### Case description:

Fecha de la sentencia condenatoria: **4 de diciembre del 2017**

Tribunal: **Tribunal Penal del primer circuito judicial de San José**

Resumen de los hechos: Sentencia condenatoria de 12 años de prisión a un funcionario público, específicamente un exitoso doctor, jefe del área de nefrología de un hospital del Estado, quien se encargaba de captar víctimas de escasos recursos económicos a quien les ofrecía un pago aproximado de \$10 000, por la extracción de un riñón, extracción que realizaba en hospitales privados. Los receptores del riñón eran en su mayoría personas de nacionalidad griega. De igual forma se condenó civilmente al doctor al pago de una importante cantidad de dinero a favor de las víctimas por el daño moral y físico causado. En esta causa también se condenó a 8 años de prisión a un sujeto de nacionalidad griega encargado de buscar clientes a quienes les cobraban alrededor de \$200 000 por el riñón y el respectivo trasplante.

## Case 277 – Costa Rica, 2017

Country: Costa Rica  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 15  
Number of offenders: 4

### Case description:

Fecha de la sentencia condenatoria: **2 de noviembre del 2017**

Tribunal: **Tribunal Penal de San Carlos**

Resumen de los hechos: Sentencia condenatoria a 4 personas, **cada una a 23 años de prisión**, quienes eran integrantes de una organización criminal dedicada a la trata de personas con fines de explotación sexual. Los acusados captaban mediante engaño a mujeres de muy escasos recursos económicos en Nicaragua, las trasladaban a Costa Rica donde las amenazaban y obligaban a prostituirse en bares que pertenecían a la organización criminal. Este caso se investigó el año 2016.

## Case 278 – Hungary, 2014

Country: Hungary  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

Date of conviction: **27 October 2014**

Court: **Miskolc Regional Court**

#### Fact summary:

Victim 1 worked as a prostitute, turned 18 on 11 March 2011. She was a person extremely difficult to handle, with fragile nervous system, with behavioural difficulties, with several adolescent problems, with serious alcohol and drug problems. She disrupted her high school studies of her own will, roved arbitrarily from home and her parents turned to the police to look for her.

She met Offender 2 in March, who arranged for the young girl to travel to ... in order to engage in prostitution. He spent about two weeks in ... and worked there as a prostitute. During this time, she was obliged to give half of her income to Offender 2. It was approximately EUR 7,500. After the young girl had returned to Hungary, Offender 2 still maintained the contact with her and few days after her arrival he offered her a new prostitution job in .... and took her to an apartment rented on street .... number ... in order to carry out the activity.

Offender 2 offered Victim 1 to arrange the advertisement of her service and her „protection” and the girl was obliged to pay to her brother, Offender 1 HUF 5,000 per day in return. Victim 1 stayed in the apartment rented by Offender 6 approximately for a week, at the beginning of April 2011. During this period she had been working there as a prostitute and payed every day the above mentioned sum, HUF 5,000, a total amount of approximately HUF 35,000 to Offender 2., who shared it with his brother, Offender 1.

In the meantime, as her client, Victim 1 met Offender 3, with whom she developed a romantic relationship. Victim 1 contacted Offender 3 through Offender 4. They agreed that the girl should move from the apartment on .... street to a place provided by them. Offender 3 took Victim 1 to his elder sister on ... street, then they stayed for 4 days at a hotel, in ...

Offender 1 and 2 started looking for Victim 1 in order to take her back to their place. Victim 1– due to unknown reasons, and circumstances – changed her mind and went back to Offender 2 and 1 from Offender 3.

Afterwards – the exact date cannot be ascertained – Offender 1 and Offender 2 met Offender 3 at .... in the parking lot next to a shopping mall. The brothers, Offender 1

and 2 alleged that Offender 3 and 4 took away their women, namely they took control over Victim 1, who had worked for them as a prostitute and payed HUF 5,000 to them daily.

Later, Offender 1 and 2 sold Victim 1 to Offender 3 and 4 – the exact circumstances and the exact payment conditions could not be ascertained. Offender 1, 2, 3 and 4 agreed that Offender 3 and 4 were in possession of Victim 1, subsequently she had to pay her income from the prostitution to Offender 3 and 4.

Offender 3 and 4 purchased Victim 1 from Offender 1 and 2 for a price of HUF 100,000 – it could not be ascertained whether the payment was made in cash or via bank transfer. She had to work for them as a prostitute and she handed her salary over to them. Offender 3 and 4 contributed equally to the purchase price of HUF 100,000.

Afterwards, Offender 3 and 4 moved witness 6 to the apartment on street ..., number ....., where the girl worked as a prostitute again for about a week, during which she gave HUF 20,000 per day to Offender 4 from the money she earned from prostitution. During that time she was in very poor mental and physical condition, therefore she wasn't able to work every day, so she earned a total of HUF 80,000. Offender 4 handed over the amount of money received from witness 6 to Offender 3.

As a result of these events, on the first days of May 2011 – the exact date and circumstances could not be ascertained –, Victim 1, being mentally and physically in a bad state, cut herself with a razor blade on her abdomen, in order to no longer be able to continue working as a prostitute. After that, the injured "troublesome" young woman was sent home by Offender 3 and 4. They called a taxi to the apartment number... on ... street and let her go.

## Case 279 – Hungary, 2014

Country: Hungary  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 7

### Case description:

Date of conviction: **16 June 2014**

Court: **Nyíregyháza Regional Court**

Fact summary:

Offender 3 and 4 are life partners, Offender 2 is the child of Offender 6 and the step child of Offender.

In spring 2010, Offender 3 and 4 decided to supplement their incomes by running prostitutes. Before 1 May 2010, Offender 3 contacted Offender 2, since Offender 2 was believed to have income from running prostitutes, and to have special knowledge relating to the activities, as well as contacts to persons who live on incomes from promoting prostitution, pandering, acquiring and running prostitutes.

Offender 3 told Offender 2 about their intentions and asked Offender 2 to find a woman who would work as a prostitute for them.

On 1 May 2010 at 6:18 pm, Offender 2 and Offender 3 conducted a telephone conversation where Offender 2 expressed intention to help.

Victim 1 was born in late 1985, has intellectual disability, which may result in behavioral disorders, aggression, disturbances in orientation, difficulties in perception and understanding, a lack of judgment and reality control.

The victim regularly run away from the family home and wandered around different parts of the country, the victim's mother usually turned to the police to search for the victim. In some cases the victim returned home with the assistance of the police, or voluntarily in others.

Before May 8 2010, Victim 1 left home once again and wandered around the country, ending up in the apartment of Offender 1, where the accused gave the victim temporary shelter so that the victim could be offered for sale as a prostitute.

Offender 1 offered Victim 1 for sale to several persons, among others to Offender 5, who would have not cared about the victim, but was owed HUF 60,000 by Offender 1 due to a previous legal transaction. Since Offender 1 did not pay the debt, Offender 5 decided to assist and cooperate in the sale of Victim 1 to receive the owed sum from Offender 1.

A few days before 8 May 2010, Offender 5 informed Offender 2 about a person who might be sold as a prostitute for HUF 200,000. Following this, on 8 May 2010 at 10:52

am, Offender 2 talked to Offender 3 on the phone to inform about the possibility of buying the victim for HUF 200,000.

Following this, at 11:05 am Offender 3 called a person of unknown identity about the possible placement of the victims to be bought as a prostitute near a waste incinerator.

Offender 2 entrusted Offender 5 to give HUF 100,000 as commission from the price received to Offender 6, Offender 2's mother since Offender 2 could not be present personally.

On this day Offender 2 informed Offender 3 about the conditions of the purchase.

The purchase took place in front of Offender 1's house, with the buyers being Offender 3 and 4, the sellers being Offender 1 and the non-present Offender 2 represented by Offender 6 and 7. Offender 5 participated as a financial executive.

Offender 3 and 4 were reluctant to pay the full price of 200,000 for the victim, so the final agreed price was reduced to HUF 180,000. Following this, the victim was bought from Offender 1, 2, 6, and 7 for HUF 180,000 by giving the price to Offender 5, who kept HUF 60,000 – as the debt of Offender 1 –, gave HUF 100,000 to Offender 6 and 7 representing Offender 2, and gave the remaining HUF 20,000 to Offender 1.

Victim 1 then got into the vehicle driven by Offender 3, and they travelled to the house of Offender 3 and 4.

Offender 3 and 4 then decided to take care of the paperwork of the victim and to improve the victim's appearance.

Following this, Offender 2 informed Offender 3 about a new possible purchase, who was interested in the deal.

On the following day, 10 May 2010, Offender 3 informed Offender 2 that the victim's ID card is being taken care of, which can be followed by the medical certificate, the victim's hair would be dyed, but the victim seemed to behave unusually and was really quiet.

On this day, Offender 3 had the victim's personal documents taken care of, bought new clothes for the victim and inquired from Offender 2 on the phone what sort of sexual aids to purchase that would be necessary for the victim to work as a prostitute. Offender 2 provided the answer. Offender 3 informed Offender 2 that the victim would be taken to the previously discussed road on 11 May after dark and that Offender 3 would stay with the victim until morning. At 6:18 pm, Offender 2 and 3 stationed the victim at the road where several other prostitutes were already standing.

At 8:49 pm, Offender 3 informed Offender 2 on the phone that the victim was gone and suspected that the victim was in fact kidnapped.

However, in reality the victim was not kidnapped but walked home from the road instead.

## Case 280 – Hungary, 2016

Country: Hungary  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

Date of conviction: **15 February 2016**

Court: **Budapest-Capital Regional Court**

#### Fact summary:

Offender 1 and Offender 2 have known each other for a longer period of time. Offender 1's sister was Offender 2's partner before. Offender 1 met Victim 1 who was born in Szabolcs-Szatmár county in 1987, and who was engaged in prostitution in Budapest and abroad. In 2011 – exact date unknown – Offender 1 proposed Victim 1 to work for him as a prostitute. Victim 1 accepted the offer and lived in the flat of the partner of Offender 2 with other persons, who were also engaged in prostitution.

Victim 1 worked at an intersection with other girls all week during the nights. He had 7-8 guests a day, whom she requested to pay an average of HUF 4-5,000 for the service provided. Offender 1 surveilled's activity from a pub at the intersection, and after each guest, he took her revenue, which provided his own livelihood and subsistence.

Given that there was no money left for Victim 1, she tried to abandon prostitution, but Offender 1 beat her and forced her by threatening her with beating to continue working. Victim 1 escaped – exact time could not be ascertained – she tried to take up similar activities in Vienna. However, as he did not succeed in obtaining an appropriate income, she came home. She visited Offender 2 in his flat, where she met Offender 1, who beat her up roughly, and forced her to pursue her business.

In autumn 2011 Victim 1 in the company of Offender 2, his partner and a fourth person travelled to Bremenhaven, Germany, where they were accommodated in a prostitute's house. Offender 2 and his partner were living together. Victim 1 lived in a separate room, where she continued working in prostitution. Victim 1 gave the money she earned to the partner of Offender 2 who collected it for her brother.

Victim 1 had given all of her money to Offender 2, and remained without any money, she tried to get away from Bremenhaven, but she did not succeed it and when she returned to the accommodation, Offender 2 locked her up for several days in their flat and did not release her until Offender 1, who had been informed about her escape, arrived in Bremenhaven. Following Offender 1's arrival, the injured continued working as a prostitute, and she gave her income to Offender 1.

On 3 November 2011, Victim 1 called her mother in Hungary and informed her about the situation, and requested her to report to the police. Thereafter, on an unspecified

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date, but before 17 November 2011, Offender 1 and Offender 2 with Victim 1 travelled to the Netherlands where they met Offender 3 and Offender 4. Hungarian citizens in a restaurant who, after having been consulted in advance, agreed to buy Victim 1 for EUR 2,000 in order to engage Victim 1 in prostitution. Victim 1 stayed with Offender 3. On 8 December 2011 she requested assistance from the Dutch authorities and returned to Hungary on 14 December with the assistance of a charity organization.

On 6 December 2013, Offender 3 was convicted by the Hague Tribunal for six years in prison for a number of regular trafficking in human beings. The judgment stated that Victim 1 worked as a prostitute for Offender 3 between 10 November and 8 December 2011 after having been bought for EUR 2,000.

## Case 281 – Hungary, 2015

Country: Hungary  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

Date of conviction: **9 March 2015**

Court: **Veszprém Regional Court**

Fact summary:

I.

Offender 1 met the victim, (born on XX February 1996, 17 years old at the time) in early 2013, and they developed a romantic relationship. The victim moved in with the accused in March 2013 and they lived together for 2 weeks. The victim then abandoned school studies, but neither the accused, nor the victim had any income.

During their cohabitation, Offender 1 told the victim that he has a girlfriend, Person 1 who works as a prostitute in Vienna. He told the victim that he lived on income Person 1 earned as a prostitute and has no other work, but at the time he did not have any money and Person 1 did not send another amount either. Thus, Offender 1 suggested the victim that she could work as a prostitute, because he could not pay rent and had accumulated debt.

In the middle of March 2013, Offender 1 convinced the victim that a lot of money could be earned from prostitution that they could split halfway. The victim accepted the offer of Offender 1 – since she was in love with the accused – and wanted to contribute in getting the money for rent.

Following this discussion, Offender 1 and the victim, together with the Offender's friends, travelled to the city of Győr by train in the middle of March 2013, where the victim engaged in prostitution during the night at a park, while the Offender was being entertained elsewhere. Before the victim started working, Offender 1 told her how to solicit men for sexual services, and provided her with condoms, a SIM card, and finally told the victim the prices of the services she would offer. The victim provided sexual services for 4–5 men per night, which earned her at least HUF 40,000 every night. She handed over her income of at least HUF 80,000 to Offender 1 who then handed back to her a total of HUF 10,000 while spent the rest on his own livelihood.

## II.

Offender 1 told the victim in late March 2013 that she would have to leave the apartment, since his girlfriend, Person 1 was returning from Vienna. The victim obliged, left the apartment and returned to her parents. A few days later the Offender 1 visited the victim with his girlfriend Person 1, where Person 1 thanked her for taking care of the Offender 1 in her absence, and that she “*earned*” rent, but then turned jealous and told the victim to leave Offender 1 alone.

Offender 1 had no feelings towards the victim, and in early April 2013 he decided to take advantage of the victim’s feelings and sell her to Offender 2 and 3 for prostitution.

Offender 1 then met the victim, and told her that she could not return to him, since Person 1 would hurt her, but he had contacts with persons who could hide the victim. The victims were not afraid of Person 1, and did not intend to live with her parents, so the offer of Offender 1 was passable to her and she accepted it. Offender 1 contacted Offender 3 and arranged a meeting in the apartment of Offender 2’s relatives. The nephew of Offender 2, Person 2 was a friend of Offender 1 at the time, who was also present in the city of Győr while the victim was engaging in prostitution.

Offender 1 arrived at the apartment in April 2013 with the victim and her friend, witness Persons 1, 2, and 3, the friend of Offender 1, and Person 4 the sibling of Offender 2 were already in the apartment. Offender 2 and 3 arrived half an hour later, accompanied by Offender 4 and 5. Offender 2 and 3 asked the victim what her age was, whether she lived in a child protection institution, and whether she has worked as a prostitute before. The victim replied that she was 17, and worked for Offender 1 as a prostitute before. Offender 2 asked whether she would go with them and work for them, and Offender 3 assured her that she would not be hurt. The same questions that the accused asked the victim were presented to V. B. also, but she refused to go with the accused and work as a prostitute.

Following this, Offender 1, 2 and 3 agreed on the price of the victim. However, instead of the HUF 100,000 requested by Offender 1, only HUF 10,000 was handed over by Offender 2 and 3.

The victim was then taken by Offender 2, 3, 4 and 5, and the victim worked as a prostitute for them between early April 2013 and 5 September 2013. The victim worked as a prostitute on the side of the road, and handed over her earnings to Offender 3 who shared it with Offender 2 and financed their own livelihood from it. The victim handed over at least HUF 40,000 daily when she worked, a total of HUF 4,000,000.

## Case 282 – Israel, 2016

Country: Israel  
Year of conviction: 2016  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of conviction: **September 16, 2016 (Supreme Court Decision date)**

Court: **Supreme Court**

#### Fact summary:

This is a precedent-setting case in which a couple was convicted of the offense of holding under conditions of slavery. This year, the Supreme Court gave its judgment in the appeal – rejecting the appeal and upholding the conviction.

As reported in our previous Reports, the offenders were a husband and wife from Jerusalem, and the victim was a foreign citizen (Philippines) who was brought from her country by the offenders' daughter in order to work in Jordan, caring for the offenders' mother. The victim was then moved to Israel by the offenders or their daughter to work at their house. There, she was employed for many hours of the day in cleaning the house, without any free time, earning well under the minimum wage. Her passport was taken from her and she slept on a folding bed situated in the bathroom. She was locked in the house and not given a key. Though she was permitted to leave the house on occasion (for example, to get the newspaper or go to the neighbourhood grocery store), those exits were largely under the appellant's supervision, and only for a very short distance. The offenders prevented her from leaving their house on her own, by making various pretexts and warning her that she would be likely to be arrested by the Police, since she was illegally residing in Israel. They also refused her requests to attend church. The victim was permitted to make phone calls and send text messages, but her direct contact with others was limited to one friend she made in Israel; this contact was allowed only on occasion and was supervised by the offenders or their family members.

This is first case in which the Supreme Court was asked to analyze the existence of “modern slavery” and its characteristics in the context of work immigrants and the first ruling of the Supreme Court on the offense, which analyzes the offense of holding under conditions of slavery set forth in Section 375 of the *Penal Law*, which passed into law in 2006.

The court interpreted the law after reviewing the explanatory report of the bill introducing the offense, international conventions and comparative case law, including from the US. It was determined that these sources show that the circumstances surrounding the crime of slavery can be divided into two main groups:

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**The first group** – characteristics constituting the definition of the offense and without at least some of them taking place, the offense cannot be prosecuted. These characteristics center on the measures required for the objectification of a person, or for establishing real control over a person’s life, or the denial of their liberty.

**The second group** – characteristics that do not constitute part of the definition of the offense, but are indications of a type whose accumulation together may give rise to a criminal offense. It should be emphasized that it is impossible to determine in advance the “critical mass” required. This group of characteristics can be further divided into sub-groups, while making a distinction between:

- Characteristics related to the environment, pattern of employment and the living conditions of the person being held, evidenced by the weakness of the person being held and their dependence on the holder.
- Circumstances relating to the sociological characteristics of the victim indicating to their vulnerability, and particularly their vulnerability to violations or restriction of liberty.

The court applied the test to the circumstances of the specific case. The court stressed that this is a delicate balance and that one has to carefully examine the circumstances of each case, progressing case by case, so that only serious cases of deprivation of liberty or control over the life of the complainant will result in a criminal conviction.

The sentence imposed by the District court – imprisonment to be served in the form of community service, probation, fines and compensation to the complainant – remained as it was. It is important to note that despite the apparently lenient sentence, this is precedential decision, and its importance lies mainly in the normative value judgment.

## Case 283 – Israel, 2016

Country: Israel  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 15  
Number of offenders: 3

### Case description:

Date of conviction: **November 7<sup>th</sup>, 2016**

Court: **Haifa District Court**

#### Fact summary:

In July 2016 an indictment was filed against two Offenders, attributing to them six counts of offenses causing a person to leave his/her country to engage in prostitution; trafficking in persons for the purpose of prostitution and attempted trafficking; holding a place for prostitution; pandering; threats; and money laundering offenses.

According to the indictment, Offender 1 (female) posted an ad on websites for sexual services under the guise of massage services. The Offenders also approached the victims through Facebook, and proposed they provide sexual services. Offender 1 held thirteen (13) apartments in which the services were provided, and arranged for prostitution services to be provided in hotels in Jerusalem; and caused 15 victims to leave their country and come to Israel and provide sexual services. Furthermore, she approached an Ukrainian national to recruit women for prostitution, in return for a monetary compensation for each woman recruited. Offender 2 (male) assisted Offender 1, mostly as a security guard at the apartments.

As many of the women have left the country, much of the authorities' knowledge on the facts of the case was due to Offender 1's correspondence with the victims that was found on her phone.

The agreement in the plea bargain resulted from evidentiary difficulties, which included the fact that the knowledge about many of the women named in the indictment was only due to cell phone correspondence; some of the women refused to cooperate; and due to scheduling a late date for the early testimony – which resulted in some of the women's return to their country of origin.

In November 2016, the female defendant was sentenced to 20 months in prison; suspended sentence; fine and forfeiture of cash. The male defendant was sentenced to six months' imprisonment to be served in community service; suspended sentence and a fine.

A request submitted by The State Attorney's Office, in agreement with the defendants, **that the sum forfeited in the criminal proceedings – over 100,000 NIS (26,600 USD)**

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– **be transferred to the Dedicated Anti-Trafficking Forfeiture Fund**, was granted by the court on November 14<sup>th</sup>, 2016.

It is important to note that the evidence collected in the case revealed that the female defendant had planned to start a business of "foreign brides" in return for a brokerage fee - this plan was not implemented in practice and remained a plan only; also of note is the successful cooperation with the Ma'agan Shelter: some of the complainants testified in early testimony, and were accompanied by representatives of the shelter in the court hearing.

## Case 284 – Israel, 2016

Country: Israel  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 2

### Case description:

Date of conviction: **March 28<sup>th</sup>, 2016**

Court: **Tel Aviv-Jaffa District Court**

#### Fact summary:

An indictment was filed against two (2) defendants (females) that were trafficking in women. Defendant 1 contacted women from Russia and Ukraine online, and motivated them to arrive to Israel in order to provide commercial sexual services, promising them high earnings as masseurs and to reside at luxury apartments, while Defendant 2 kept and managed the apartments and was the one to inform the women of the terms of employment, which included payment of a "fine" if they are late to arrive at the flat. For some of the women, the employment included the Defendants' "examining" them and requiring them to perform sexual acts on them.

On September 7<sup>th</sup>, 2016, as part of a plea bargain the defendants were sentenced. Their punishment included four (4) years imprisonment, a fine of 5,000 NIS (1,330 USD), and compensation to the complainants: Defendant 1 is to pay 29,000 NIS (7,730 USD) to the 4 complainants, each according to her share; Defendant 2 is to pay 40,000 NIS (10,670 USD) to the 4 complainants, each according to her share. Both defendants appealed the verdict before the Supreme Court, and in August 2017, the Supreme Court unanimously rejected the appeal and upheld the sentence – writing that even though the victims were not minors, violence was not used and they were allowed to keep their passports and were not locked up, the totality of the circumstances may not be ignored, and it includes signing the victims on a terms contract that was partly in Hebrew, a language they do not speak, which included fines and control of their schedule. The Court emphasized the systematic nature of the operation, the abuse of economic vulnerability, and the way the perpetrators abused the victims' inherent dependence on them

## Case 285 – Israel, 2016

Country: Israel  
Year of conviction: unknown  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3 persons, 1 company

### Case description:

Date of conviction: UNKNOWN

Court: \_\_\_\_\_

#### Fact summary:

The indictment was filed against Company X, holding a private employment license and against three additional defendants engaged in brokerage and placement of foreign nationals to work in agriculture.

The defendants dealt on behalf of the company in labor recruitment, which included the recruitment foreign visas and work visas for the nationals to Israel under the company's permit, the arranging of entry foreign nationals with PIBA, the registering of the foreign nationals under the employers' names and their transfer from one employer to another.

The defendants, in a large number of cases, transferred employees from one place of employment to another or brokered their transfer to a new permanent place of work, and to that end systematically together collected brokerage fees from the foreign nationals totaling thousands of NIS, unlawfully.

The company operated through the defendants, together, systematically, in the unlawful collection of funds from the foreign nationals. Each defendant had a defined role, including locating potential employers from their customer pool, mediating between them and the foreign nationals seeking employment, arranging the registration with PIBA. Defendants who spoke Thai, coordinated with the foreign nationals issues such as their arrival to the new places of work, demanded payment for the mediation, and collected funds from them.

## Case 286 – Japan, 2016

Country: Japan  
Year of conviction: 2016  
Form of exploitation: child pornography, sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Date of conviction: **September 7, 2016**

Fact summary:

#### 1. Defendant

A Japanese man (“Offender 1”)

#### 2. Victim

A Japanese minor girl (“Victim 1”)

#### 3. Case Overview

Offender 1 created child porn by taking pictures of Victim 1.

Offender 1 forced minor girls including Victim 1 to work in a restaurant for the purpose of making them to engage in acts which make them suffer from physical and mental damage, through having control over them.

Offender 1 managed a amusement shop without having a licence to do so.

#### 4. Sentence

Offender 1 was convicted for the violation of:

- Act on Control and Improvement of Amusement Business, etc.
- Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children
- Child Welfare Act

and was sentenced to:

1 year and 6 months imprisonment suspended for 3 years

## Case 287 – Japan, 2016

Country: Japan  
Year of conviction: 2016  
Form of exploitation: forced labour, sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Date of conviction: **November 24, 2016**

Court: **District Court**

Fact summary:

#### 1. Defendant

A Japanese man (“Offender 1”)

#### 2. Victim

2 Japanese women (“Victim 1”, “Victim 2”)

#### 3. Case Overview

Offender 1 dispatched Victim 1 to a restaurant to engage in a work as a bar hostess, without having a license to do so by the Minister of Health, Labour and Welfare.

Offender 1 introduced Victim 2 to a shop manager as a staff of a sex parlor, knowing that Victim 2 will be forced to engage in conducts similar to sexual intercourse with male customers.

Offender 1 paid 200,000 yen to a gang member in exchange for his service as a security guard of a sex parlor.

#### 4. Sentence

Offender 1 was convicted for the violation of:

- Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers
- Organized Crime Exclusion Ordinance (Unofficial Translation)
- Employment Security Act

and was sentenced to:

2 years imprisonment suspended for 4 years

## Case 288 – Japan, 2016

Country: Japan  
Year of conviction: 2016  
Form of exploitation: pornography  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **July 1, 2016**

Court: **Summary Court**

Fact summary:

#### 1. Defendant

A Japanese man (“Offender 1”)

#### 2. Victim

A Japanese woman (“Victim 1”)

#### 3. Case Overview

Offender 1, as a CEO of a talent agency, forcibly dispatched his staff Victim 1 to a porn video production company, and forced Victim 1 to perform in porn.

#### 4. Sentence

Offender 1 was convicted for the violations of:

- Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers

and was sentenced to:

A fine of 1,000,000 yen

## Case 289 – Japan, 2017

Country: Japan  
Year of conviction: 2017  
Form of exploitation: forced labour, sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Date of conviction: **February 16, 2017**

Court: **District Court**

Fact summary:

#### 1. Defendant

A Japanese man (“Offender 1”)

#### 2. Victim

A Japanese girl (“Victim 1”)

A Vietnamese girl (“Victim 2”)

#### 3. Case Overview

Offender 1 turned over Victim 1 and Victim 2 to a restaurant, knowing that they will be forced to engage in a work as bar hostesses. Offender 1 also procured Victim 2 to engage in prostitution.

#### 4. Sentence

Offender 1 was convicted for the violation of:

- Child Welfare Act
- Anti-Prostitution Act

and was sentenced to:

3 years imprisonment with a fine of 1,000,000 yen

## Case 290 – Mexico, 2015

Country: Mexico  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

**VÍCTIMA:** Es una menor de edad cuya identidad es reservada.

**SENTENCIADA:** Mujer que engaño a la victima y la engancho con el sujeto que abuso de ella, cuyos datos tienen el carácter de confidenciales.

**ENTIDAD FEDERATIVA:** Estado de México.

**AVERIGUACIÓN PREVIA:** EM/AMOD/II/1325/2011 de fecha 17 de abril de 2011, iniciada ante el Agente del Ministerio Público adscrito al H. Segundo turno de la Agencia Modelo de San Agustín, Estado de México.

**CONSIGNACIÓN:** El 18 de mayo de 2011, la autoridad Investigadora, consignó ante el entonces Juzgado Tercero Penal de Primera Instancia del Distrito Judicial de Ecatepec, las constancias de la Averiguación Previa correspondiente, solicitando orden de aprehensión, por el delito de trata de personas, posteriormente el 20 de mayo de 2011, se obsequió la orden de aprehensión solicitada en contra de la hoy sentenciada

**CAUSA PENAL:** 40/2015-2 (antes 46/2013 del Juzgado Tercero Penal de este Distrito Judicial) seguida en contra de la hoy sentenciada per el delito de trata de personas.

**HECHOS:** De la declaración de la victima, se desprende que los días 15 y 16 de abril de 2011, en la colonia San Agustín perteneciente al municipio de Ecatepec de Morelos, Estado de México, se perpetraron los hechos, siendo que refirió haber conocido cuatro meses a una mujer que le hizo una invitación a su cuenta de internet del HI5 para ser su amiga, desde ese día tuvo contacto con ella hasta que después de un tiempo comenzó a tener contacto también con un supuesto novio de la misma, quien le comentó que tenía una agencia de modelaje y de telemarketin.

Después de la insistencia de la sentenciada y de su supuesto novio, por problemas en su casa y debido a la buena paga que recibirla por el trabajo de modelaje. el día viernes 15 de abril de 2011. siendo las 11:30 horas, salió de su escuela y se quedó de ver con él supuesto novio, en la calle sur diez esquina con avenida Santa Prisca de la colonia San Agustín, en Ecatepec de Morelos, Estado de México, siendo que al encontrarse con él, tomaron un taxi que los traslado a una casa en donde conoció en persona a la hoy sentenciada, quien la invitó a pasar y a que hiciera todo lo que le solicitaran porque “era buena paga”, fue desde ese momento que abusaron sexualmente de la victima, le tomaron fotos para supuestos clientes, la hicieron ver películas pornográficas y así mismo la obligaron a prostituirse; hasta que un día al

estar dentro de la casa en donde se encontraba cautiva y al percatarse que al parecer estaba sola y la puerta del domicilio estaba abierta, logró escapar y solicitar ayuda a sus padres.

SENTENCIA CONDENATORIA: 40/2015-2 de fecha 8 de febrero de 2016, respecto del delito de trata de personas, en la que se impuso a la sentenciada una pena privativa de libertad consistente en seis años de prisión, y quinientos días multa, lo cual arroja un total de \$29,910.00 (VEINTINUEVE MIL NOVECIENTOS DIEZ PESOS 00/100 M.N.).

Respecto de la agravante por ser la víctima menor de edad, procedió imponerle a la sentenciada una pena privativa de libertad consistente en un año de prisión, y una multa equivalente a ochenta y tres días multa, lo cual arroja un total de \$4,965.06 (CUATRO MIL NOVECIENTOS SESENTA Y CINCO PESOS 06/100 M.N.).

Penas que sumadas dan un total de siete años de prisión y quinientos ochenta y tres días multa, que arroja un total de \$34,875.06 (TREINTA Y CUATRO MIL OCHOCIENTOS SETENTA Y CINCO PESOS 06/100 M.N.).

## Case 291 – Mexico, 2015

Country: Mexico  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 3

### Case description:

**DELITO:** Trata de Personas con fines de explotación sexual, con modificativa (agravante por tratarse de personas menores de edad).

**VÍCTIMAS:** Tres personas menores de edad cuya identidad es reservada.

**SENTENCIADOS:** Dos mujeres y un hombre que daban alojamiento a las víctimas con la finalidad de explotarlas mediante la prostitución, cuyos datos tienen el carácter de confidenciales.

**ENTIDAD FEDERATIVA:** Estado de México.

**CARPETA ADMINISTRATIVA PENAL:** 240/2015 de fecha 27 de julio de 2015, tramitada ante el Juzgado de Control de Tenancingo del Poder Judicial del Estado de México.

**CONSIGNACIÓN:** En fecha 19 de julio de 2015, se recibió la solicitud del fiscal para calificar la detención de los acusados, al haber sido asegurados en flagrancia, razón por la cual el día 30 de julio del citado año, siendo las 17:00 horas, se llevó a cabo audiencia, durante la cual se acordó favorable la petición de la Fiscalía, al haberse determinado legal la detención: en esa misma audiencia, la fiscalía formuló imputación en contra de los Imputados por el hecho delictuoso de trata de personas.

**HECHOS:** De la declaración de la madre de una de las víctimas, se desprende que desde el día 18 julio del 2015, hasta el 27 del citado mes y año; los acusados alojaron en su domicilio ubicado en el municipio de Tenancingo, Estado de México, a tres menores de edad de identidad reservada con la finalidad de explotarlas, mediante la prostitución.

En dicho domicilio los sujetos activos se encargaban de conseguir personas para que mantuvieran relaciones sexuales y de la cantidad que cobraban las víctimas por dicha actividad tenían que dar una parte a los victimarios, ya que estos eran quienes proporcionaban el alejamiento temporal a las menores para que realizaran la aludida actividad, a sabiendas que en ese momento contaban con tan solo 13 años de edad, posteriormente el día 27 de julio del 2015, a solicitud de la madre de una de las víctimas se presentaron elementos policíacos en el domicilio antes citado, asegurando a tres personas y rescatando a las víctimas.

**SENTENCIA CONDENATORIA:** respecto del delito de trata de personas con modificativa (agravante cuando la víctima sea menor de dieciocho años de edad), en la que se impuso a cada uno de los sentenciados pena privativa de libertad consistente

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en cinco años de prisión y mil días multa, que asciende a la cantidad de \$58.280.0 (SESENTA Y OCHO MIL DOSCIENTOS OCHENTA PESOS 00/100 M.N.).

Ha dicha pena se le adiciona la contemplada una que corresponde hasta en una mitad; sin embargo, tomando como base dicho parámetro y con el único fin de lograr que los sentenciados se reinserten nuevamente a la sociedad, se consideró justo y equitativo imponerles como pena por dicha agravante un cuarto, que corresponde a un año cuatro meses de prisión y multa por el equivalente a doscientos cincuenta días, que asciende a la cantidad de S 17,070 00 (DIECISIETE MIL SETENTA PESOS 00/100 M.N.).

Penas que sumadas arrojan una pena líquida de seis años, cuatro meses de prisión y pena pecuniaria de \$85.350.0 (OCHENTA Y CINCO MIL TRESCIENTOS CINCUENTA PESOS 00/100 M.N.); equivalentes a mil doscientos cincuenta días de salario mínimo.

## Case 292 – Mexico, 2016

Country: Mexico  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

**DELITO:** Trata de Personas con fines de explotación sexual.

**VÍCTIMA:** Dos menores de edad cuya Identidad es reservada.

**SENTENCIADA:** Mujer de cincuenta años de edad que obligaba a sus dos menores hijas a tener relaciones sexuales con hombres, bajo la amenaza de que si le dan aviso a alguien privara de la vida a su padre, cuyos dalos tienen el carácter de confidenciales.

**ENTIDAD FEDERATIVA:** Estado de México.

**CARPETA ADMINISTRATIVA:** 329/2014 iniciada el día 22 de julio de 2013 ante el Agente del Ministerio Público adscrito al Distrito Judicial de Tenango del Valle, Estado de México.

**CAUSA PENAL:** 10/2016 seguida en contra de la hoy sentenciada por el delito de trata de personas.

**HECHOS:** De la declaración del padre de las víctimas, se desprende que la madre de estas durante el periodo que comprende el año 2008 y enero del 2010, obligaba a sus hijas a tener relaciones sexuales con tres o cuatro personas aproximadamente cada tercer día, bajo la amenaza de que si no lo hacían o le avisaban a alguien lo matarían (al padre de las víctimas), percatándose las menores que las personas con las que sostenían relaciones sexuales le daban dinero a su progenitora, sin saber exactamente la cantidad y en diversas ocasiones le manifestaron a la hoy sentenciada que no querían seguir haciendo dicha actividad sexual informándoles que si no lo hacían ya sabían las consecuencias.

Cabe señalar que el padre de las víctimas trabajaba en ese momento en Ciudad Altamirano, Guerrero y la madre vivía con las víctimas en el Estado de México; posteriormente en el mes de julio de 2010, las víctimas informaron a su padre sobre todas las cosas que les hablan obligado a hacer durante el periodo señalado con antelación, por lo que procedieron a realizar la denuncia de hechos correspondiente.

**SENTENCIA CONDENATORIA:** 10/2016 de fecha 14 de diciembre de 2016, respecto del delito de trata de personas, en la que se Impuso a la sentenciada una pena privativa de libertad consistente en trece años, seis meses de prisión, y mil quinientos días multa, lo cual arroja un total de \$ 81,705.00 (OCHENTA Y UN MIL SETECIENTOS CINCO PESOS).

Aunado a la sentencia se condenó al pago de la reparación del daño moral por la cantidad de \$54,470.00 (CINCUENTA Y CUATRO MIL CUATROCIENTOS SETENTA PESOS), en favor de las víctimas.

## Case 294 – Mongolia, 2015

Country: Mongolia  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of conviction: **2015.04.15**

Court: **No. 2 District first instance court for criminal cases**

#### Fact Summary:

Offenders 1, 2 and 3 committed a sex exploitation crime on numerous accounts, using force and vulnerability of the victim. The victim was raped by the criminals and forced for prostitution. The offenders were sentenced to 5-13 years of imprisonment and confiscation of property worth 100,000MNT according to Article 113 of Criminal Code of Mongolia.

## Case 295 – Mongolia, 2015

Country: Mongolia  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 4  
Number of offenders: 2

### Case description:

Date of Conviction: **2015.07.27**

Court: **Bayanzukh, Sukhbaatar and Chingeltei district first instance court for criminal cases**

Fact summary:

Offenders 1 and 2 have committed a sex exploitation crime by forming a gang, using the vulnerability of the victims and forced underaged Victim 1, Victim 2, Victim 3 and Victim 4 for prostitution. The incident took place at a hotel in Umnugobi province in 2013. The victims were forced to prostitution and trafficked by using automobile.

The offenders were sentenced to 1-10 years of imprisonment and confiscation of property worth 100,000MNT according to Criminal Code of Mongolia.

## Case 296 – Mongolia, 2016

Country: Mongolia  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 2  
Number of offenders: 4

### Case description:

Date of Conviction: **2016.03.02**

Court: **Bayangol, Khan-Uul and Songinokhairkhan district first instance court for criminal cases.**

Fact summary:

Offenders 1, 2, 3 and 4 committed a human trafficking crime by threatening and using violence to under aged Victim 1 and Victim 2 for sex exploitation. Rape, ridiculed and sold the victims. Offenders sentenced 6-10 years of imprisonment.

## Case 297 – Republic of Moldova, 2016

Country: Republic of Moldova  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

Date of conviction: **21.10.2016**

Court: **Centru District Court (Chisinau)**

#### Fact summary:

On 21 October 2016, the Centru Court of Chisinau found guilty and convicted Offender 1 on the basis of Article 165 (l) let. (d) of the Criminal Code, to 7 years of imprisonment with deprivation of the right to hold certain positions or to practice a certain activity in the field of tourism and employment during 3 years.

In fact, the court found that in July 2015, Offender 1 being located in Chisinau and acting in concert together with a person of Turkish origin named Offender 2, and with other persons, unidentified by the criminal prosecution body, in order to obtain profit, deliberately, pursuing the goal of commercial sexual exploitation of a person, by means of deception expressed in promising to employ her as a well-paid babysitter, as well by abuse of a position of vulnerability characterised by the difficult situation in terms of social survival (difficult social, material and family status and lack of financial means), recruited the citizen Victim 1 (female) with her consent.

To reach their criminal goal, acting in concert, Offender 1 with the person of Turkish origin named Offender 2 and with other persons, unidentified by the criminal prosecution body organised the transportation of the victim, Victim 1 to the place of destination, by purchasing an airline ticket paid by Offender 3 for the flight Chisinau-Antalya on 17.07.2015. Subsequently, on 17.07.2015, Offender 1, to reach the criminal goal, accompanied Victim 1 to Chisinau International Airport and Victim 1 left for Antalya, Turcia.

Further, the person of Turkish origin named Offender 3 took over the criminal actions of Offender 1 and met the citizen victim 1 on Antalya Airport from Turkey. After that, to reach the common criminal goal of commercial sexual exploitation of the victim, he transported and sheltered her in an unidentified house from Kemer, Turkey where other girls from the Republic of Moldova lived.

After that, having control over the victim who was in a vulnerable state because of being in a foreign country and lacking financial means that were essential for survival, by threatening with physical violence, and exerting physical and psychological violence that is not dangerous for a person's life and health, in order to return the debt of USD 1,500, amount which was unreasonably established and it was

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explained that it covered the amount paid to Offender 1, he sexually exploited the victim during three months. She had to provide sexual services for money to different men brought to her by the person of Turkish origin named I.F.

The sentence of the trial court was appealed by the defendant and her lawyer and the appeal is under examination.

## Case 298 – Republic of Moldova, 2016

Country: Republic of Moldova  
Year of conviction: 2016  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 5

### Case description:

Date of conviction: **02.11.2016**

Court: **Centru District Court (Chisinau)**

#### Fact summary:

On 02 November 2016, the Centru Court of Chisinau found guilty and convicted Offender 1 on the basis of Article 165 (l) let. (d) of the Criminal Code, to 7 years of imprisonment with deprivation of the right to hold certain positions or to practice a certain activity in the field of tourism and employment for a 3-year term.

In fact, the court found that during the first half of October 2013, Offender 1 being located on the territory of Chisinau Municipality and acting in concert together with Offender 2 (convicted by judgment of 12.06.2015 of Centru Court for committing the same crime), a person that was not identified by the criminal prosecution body Offender 3, as well as other persons that were not identified by the criminal prosecution body, with the purpose of exploitation through begging in slavery-like conditions on the territory of Russian Federation, by means of deception and by taking advantage of the position of vulnerability of Victim 1 expressed in the difficult situation in terms of social survival, they recruited Victim 1 under the pretext of hiring her for a well-paid job in Moscow, Russian Federation.

Subsequently, on 24.10.2013, Offender 2 being in Chisinau municipality, acting in concert together with Offender 1, the person that was not identified by criminal prosecution body Offender 3, as well as other persons that were not identified by the criminal prosecution body, in order to realize their criminal intentions on exploiting the person through begging, organised the travel of Victim 1 and accompanied her on the way to Moscow, Russian Federation on the bus line Chisinau-Moscow.

Thus, in these circumstances, when they reached Moscow, Russian Federation, Offender 1 pursuing the goal to realize further his criminal intentions of exploiting the person through begging, they organised together with Offender 2 the further transportation of Victim 1 from Moscow to Kazan, a city in Russian Federation where the victim was forced to beg on the streets of Kazan, Russian Federation, until December 2013 by Offenders 1, 2, and 3, who exerted physical and psychological violence that is not dangerous for a person's life or health and seized her identity documents.

The sentence of the trial court was appealed by the defendant and her lawyer and the appeal is under examination.

## Case 299 – Republic of Moldova, 2016

Country: Republic of Moldova  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 5  
Number of offenders: 3

### Case description:

Date of conviction: **31.03.2016**

Court: **Centru District Court (Chisinau)**

#### Fact summary:

On 31 March 2016, the Centru Court of Chisinau found guilty and convicted Offender 1 (female) on the basis of Article 165(2) let. (b) and (d) of the Criminal Code, to 7 years of imprisonment with deprivation of the right to hold certain positions or to practice a certain activity in the field of tourism and employment for a 5-year term and on the basis of Article 220(2) let. (a) and (c) of Criminal Code the Court convicted Offender 1 to 4 years of imprisonment. According to Article 84(1) of the Criminal Code, by partially combining the sentences she was convicted to 7 years and 6 months of imprisonment. The sentence will be served in a closed penitentiary for women with deprivation of the right to hold certain positions or to practice a certain activity in the field of tourism and employment for a 5-year term.

In fact, the court found that in October 2013, Offender 1 being located in Balti town, acting in concert with other persons that were not identified by the criminal prosecution body, for the purpose of commercial sexual exploitation, without the person's consent, recruited Victim 1 (female) by abusing the position of vulnerability of the injured party due to her difficult situation in terms of social survival and by deceiving her, under the pretext of hiring her for a job as a dancer in Turkey.

Later, during the same period of time, Offender 1 who as acting in concert with other persons who were not identified by the criminal prosecution body, being located in the same town, pursuing the goal to realize their criminal intentions of trafficking for the purposes of commercial sexual exploitation, deceptively obtained the consent of the victim to travel to Turkey to work as dancer and took action to organize her transportation to the country of destination.

Thus, Offender 1 who was acting in concert and together with other persons who were not identified by the criminal prosecution body, pursuing the goal to realize their criminal intentions of transporting the victim to the country of destination for the purpose of commercial sexual exploitation, obtained the passport for Victim 1 so she would be able to leave the country and incurred the related expenses.

On 27.11.2013, Offender 1 acting in concert and together with other persons who were not identified by the criminal prosecution body, to reach the criminal goal of transporting the victim to the country of destination, after the latter obtained the

passport, organized the transportation of the injured party to Turkey by purchasing a ticket to the flight Odessa-Istanbul on 28.11.2013, which was paid by money belonging to the unidentified persons.

On 28.11.2013, Offender 1 who was acting in concert and together with other persons who were not identified by the criminal prosecution body, accompanied Victim 1 to Odessa Airport, Ukraine where they arranged her transport to Turkey and also accompanied her to the country of destination.

When Offender 1 and the victim reached the destination, they were met by the person of Turkish origin, Offender 2 who was not identified by the criminal prosecution body and who was acting together with Offender 1 and the latter passed the victim to him.

After that, to reach their criminal goal, the persons who were not identified by the criminal prosecution body and who were acting in concert and together with Offender 1, received the victim and transported her to Izmir, a town in Turkey, and sheltered her in a building, with the purpose of subsequent commercial sexual exploitation.

Thus, through her deliberate actions, Offender 1 committed trafficking in human beings that is recruitment, transportation, transfer and sheltering people, without their consent for the purpose of commercial sexual exploitation, by means of deception, abuse of position of vulnerability and abuse of various persons, a crime provided for by the Article 165(2) let. (d) of the Criminal Code.

As well, Offender 1, in early **March 2014**, being located in Balti, Republic of Moldova and knowing about the financial difficulties of Victim 2, because neither herself nor her parents were employed and they did not have money for a living, pursuing the intention to recruit the victim to be transported to the country of destination, she offered Victim 2, a well-paid job as a dancer, but also to provide sexual services in Northern Cyprus.

Later, but also in early March 2014, Offender 1, being located in Balti, Republic of Moldova and knowing about the financial difficulties of Victim 3, because she was unemployed, had no parents and did not have money for a living, pursuing the intention to recruit the victim to be transported to the country of destination, she offered Victim 3, a well-paid job as a dancer, but also to provide sexual services in Northern Cyprus.

Then, during the **first half of March 2014**, P.E., having obtained the consent of victims – Victim 2 and Victim 3 to go to Northern Cyprus to work, aiming at achieving the criminal goal of transporting the victims to the country of destination for commercial sexual exploitation, asked for copies of passports from the victims, to send them to Offender 3 in order to purchase plane tickets for the trip Chisinau-Istanbul-Ercan.

In the same period of time, Offender 1 in concert and together with Offender 3, received the copy of the passport from the victim and sent it to Offender 3 who, in turn, purchased a plane ticket on the victim's name for the flight Chisinau-Istanbul-Ercan on 03.04.2014.

On 03.04.2014, the victim refused to travel to Northern Cyprus and informed Offender 1 about this. As a result, Offender 1 threatened her and asked her to return the money spend for organizing the transportation to the country of destination.

On 09.04.2014, Offender 1, to reach the criminal goal of transporting Victim 2 to Northern Cyprus, accompanied her to Chisinau International Airport, where both of them were stopped by police officers on passport control.

Thus, Offender 1 became an author of trafficking in human beings because of the deliberate actions she committed, i.e. having two or more persons recruiting and transporting a person with his/her consent for the purpose of commercial sexual exploitation, by means of deception, abuse of position of vulnerability of two or more persons, which means that they committed a crime provided by the Article 165(2) let. (b) and (d) of the Criminal Code.

Also in March 2014, Offender 1 was in Balti and was acting in order to encourage people to practice prostitution, having the intention to advise and facilitate prostitution for other people, so she selected and encouraged several females to travel to Northern Cyprus to practice prostitution.

Thus, during the mentioned period, when being in Balti and acting to realize the criminal intention of encouraging other persons to practice prostitution, in concert and together with other persons who were not identified by the criminal prosecution body, Offender 1 made a telephone call to Victim 4.

During the conversations with the latter, Offender 1 who was acting in concert and together with other persons who were not identified, encouraged Victim 4 by using the argument of a well-paid job, to travel to Northern Cyprus to practice prostitution.

Then, Offender 1, approximatively in the same period of time, being in Balti municipality, acting to realize the criminal intention of encouraging other persons to practice prostitution, in concert and together with other persons from the organised crime group, who were not identified by the criminal prosecution body, came for a meeting with Victim 5.

During the conversations with the latter, Offender 1, who was acting in concert and together with other persons who were not identified, enticing Victim 5 by using the argument of a well-paid job, to travel to Northern Cyprus to practice prostitution.

Thus, through her deliberate actions, Offender 1 committed the offense of procuring, that is enticing to practice prostitution. These are actions committed by several persons and by an organised crime group against two persons, a crime provided by the Article 220 (2) let. (a) and (c) of the Criminal Code.

The sentence of the trial court was appealed by the state prosecutor, based on the disagreement with the reclassification of the defendant's actions from Articles 165(3) let. (a) and 220(3) of the Criminal Code.

## Case 300 – Republic of Moldova, 2016

Country: Republic of Moldova  
Year of conviction: 2016  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 5

### Case description:

Date of conviction: **31.03.2016**

Court: **Straseni Court**

#### Fact summary:

On 27 December 2016, the Straseni Court convicted Offender 1 (male) on the basis of Article 165(2) let. (b) and (d) of the Criminal Code, to 10 years of imprisonment with deprivation of the right to carry out activities of transportation of persons abroad for a 5-year term and on the basis of Article 206(3) let. (b) of the Criminal Code, to 16 years of imprisonment with the deprivation of the right to carry out activities related to minors for a 5-year term.

Based on the Article 84 of the Criminal Code, he was sentenced to a final punishment of 18 years of imprisonment in a closed penitentiary, with deprivation of the right to carry out activities of transportation of persons abroad for a 5-year term and with the deprivation of the right to carry out activities related to minors for a 5-year term.

Offender 2 was convicted on the basis of Article 165(2) let. (b) and (d) of the Criminal Code, to 8 years of imprisonment with deprivation of the right to carry out activities of transportation of persons abroad for a 5-year term and on the basis of Article 206(3) let. (b) of the Criminal Code, to 16 years of imprisonment with the deprivation of the right to carry out activities related to minors for a 5-year term.

Based on the Article 84 of the Criminal Code, he was sentenced to a final punishment of 17 years of imprisonment in a closed penitentiary, with deprivation of the right to carry out activities of transportation of persons abroad for a 5-year term and with the deprivation of the right to carry out activities related to minors for a 5-year term.

The trial court found that during 2003, the Offenders 1 and 2, being in the village Zamcioji, Straseni district, acting together and in concert with other persons, for profit, deliberately, pursuing the goal of trafficking human beings for begging, by abuse of position of vulnerability in terms of social survival, recruited the spouses Victims 1 (male) and 2 (female) and their minor daughters Victims 3 and 4 on the territory of the Republic of Moldova, then provided them transport to and shelter in Moscow, Russian Federation for begging.

Thus, Offenders 1 and 2, acting in concert and together with other persons went to the home of the Victims' family in Zamcioji village of Straseni district. They noted the difficult situation of the family in terms of social survival and that Victim 1 had a

disability – missing the right leg, so they offered him to travel to the Russian Federation to practice begging during two months and promised Victim 1 to support financially his family and offer him after these two months a certain share of the money begged.

Further, Offender 1 acting in concert and together with Offenders 2 and 3 obtained the consent of Victim 1 and transported the latter by train to Moscow, Russian Federation. They sheltered him in an apartment, seized his ID papers and exerted physical and psychological violence that is not dangerous for a person's life and forced him to beg in the period of 2003-2008.

Further, during the autumn of 2003, while Victim 1 was in the Russian Federation and practiced the begging, without his consent, Offender 2 who was acting together with Offenders 1, 3 and 4, and the person who was not identified by the criminal prosecution body named Offender 5, in concert with the latter two, went to the victim's home, and deceptively, under the pretext of confirming the identity of her husband Victim 1, claiming that he was stopped on the way back home at the border crossing point between the Russian Federation and Ukraine, transported his wife Victim 2 and his minor daughters Victims 3 and 4 to Moscow, Russian Federation, where they exerted physical and psychological violence that is not dangerous for a person's life and forced the members of the family, namely Victim 1 and Victim 3 to practice begging from the end of 2003 until the begging of 2008, when the latter managed to escape and come back to the Republic of Moldova.

## Case 301 – Republic of Moldova, 2017

Country: Republic of Moldova  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 5

### Case description:

Date of conviction: **25.07.2017**

Court: **Chisinau Court, Ciocana**

#### Fact summary:

On 25.07.2017, Ciocana Court, Chisinau found Offender 1 (male) guilty for committing the crimes stipulated in Article 165(3) let. (a) of the Criminal Code, Article 206(3) let. (b) and (d) of the Criminal Code, Article 165(3) let. (a) of the Criminal Code, Article 165(1) let. (a) and (c) of the Criminal Code, Article 314(2) let. (a) of the Criminal Code, and sentenced him to a final punishment – 25 (twenty five) years of imprisonment in a closed penitentiary, with the deprivation of the right to hold positions and carry out employment activities and other related activities for a 5-year term.

On 25.07.2017, Ciocana Court, Chisinau found Offender 2 (male) guilty for committing the crimes stipulated in Article 206(3) let. (b) and (d) of the Criminal Code, Article 165(3) let. (a) of the Criminal Code, Article 314 (2) let. (a) of the Criminal Code and sentenced him to a final punishment – 22 (twenty two) years of imprisonment in a closed penitentiary, with the deprivation of the right to hold positions and carry out employment activities and other related activities for a 5-year term.

The criminal case against Offender 3 (male) for committing the crimes stipulated in the Article 42(2), Article 46, Article 165(3) let. (a) of the Criminal Code, Article 206(3) let. (b) and (d) of the Criminal Code was terminated because the criminal liability was extinguished on the basis of Article 165(4) and Article 206(4) of the Criminal Code;

Offender 4 was found guilty for committing the crimes stipulated in Article 165(3) let. (a) of the Criminal Code, and was sentenced to a final punishment – 11 (eleven) years of imprisonment in a closed penitentiary, with the deprivation of the right to hold positions and carry out employment activities and other related activities for a 5-year term.

Offender 5 was found guilty for committing the crimes stipulated in Article 206(3) let. (b) and (d) of the Criminal Code, and was sentenced to a final punishment – 15 (fifteen) years of imprisonment in a closed penitentiary, with the deprivation of the right to hold positions and carry out employment activities and other related activities for a 5-year term.

The civil lawsuits filed by the injured parties were entirely admitted.

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At the end of December 2013, Offender 1, being in Chisinau, for the purpose of commercial sexual exploitation of certain persons through prostitution, established in advance an organised crime group to commit crimes of human trafficking, child trafficking (Article 165, Article 206 of the Criminal Code).

Thus, since late December 2013 until June 2014, the organized crime group led by Offender 1 pursuing the goal to recruit, transport, shelter, with or without the person's consent, was acting as a fixed group with the following membership: Offenders 1 2 and 4 and Offender 5, who was influenced by Offender 1 who was threatened and mentally and physically assaulted by him.

The organized crime group led by Offender 1 had a well-defined plan of criminal activity consisting of the following stages: identify the potential victims from the socially vulnerable environment for the purpose of commercial sexual exploitation; recruit them by means of deceit and abuse of position of vulnerability; shelter the victims with or without their consent; ensure control over them; organize the transportation of victims to the places meant for sexual services provision; obtain benefits as a result of sexual services provided by the victims.

Thus, at the end of December 2013, Offender 1 involved several persons into committing human trafficking; he distributed and coordinated the criminal roles among the members of his group in order to recruit, transport, shelter for the purpose of commercial sexual exploitation, prostitution and obtaining financial benefits as a result of these actions as a leader of this organized crime group.

The sentence part related to ceasing the criminal prosecution against Offender 3 was appealed by the prosecutor.

## Case 302 – Niger, 2016

Country: Niger  
Year of conviction: 2016  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date de la condamnation : \_\_\_\_\_

Tribunal : **de Grande Instance Hors Classe de Niamey** \_\_\_\_\_

Résumé de l'affaire :

Le 07 mars 2016 la nommée Victim 1 a saisi le commissariat de police du village de la francophonie de Niamey d'une plainte contre Offender 1 et Offender 2 pour traite des personnes.

En effet les faits remontent à novembre 2015, quand la mise en cause s'est rendue au Togo où elle avait sollicité et obtenu l'autorisation des parents de la plaignante pour l'amener avec elle au Niger en vue de travailler à son compte moyennant une rémunération annuelle de 100.000 FCFA. Elle expliquait qu'à son arrivée au Niger, elle logeait chez la mise en cause pour laquelle elle effectuait des travaux consistant à préparer la nourriture qu'elle partait ensuite vendre et ce de 04 heures du matin à 23 heures. La plaignante terminait en disant que ne supportant plus lesdits travaux, elle avait déménagé chez son copain Person 1 qui lui a trouvé un autre travail qu'elle a fini par abandonner au motif que la mise en cause la menaçait de ne pas la payer et lui réclamait le paiement d'une somme de 400.000 FCFA pour la période pendant laquelle elle l'avait hébergée. Faits confirmés par les témoins et la mise en cause par la suite.

## Case 303 – Niger, 2014

Country: Niger  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3

### Case description:

Date de la condamnation : **20/01/2014**\_\_\_\_\_

Tribunal : **de Grande Instance de Zinder**\_\_\_\_\_

#### Résumé de l'affaire :

Interceptés par la police, en route pour Agadez, le témoignage de migrants a permis de démanteler tout un réseau. C'est ainsi que monsieur Offender 1 et Offender 2 ont été condamnés, l'un pour avoir héberger des victimes et l'autre pour leur avoir établi des faux documents de voyage, à destination de la Lybie pour des travaux forcés.

## Case 304 – Niger

Country: Niger  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Date de la condamnation : **24/05/201**\_\_\_\_\_

Tribunal : **\_ de Grande Instance d’Arlit** \_\_\_\_\_

Résumé de l’affaire :

C’est une camerounaise propriétaire d’un salon de coiffure, qui a fait venir des filles camerounaises pour les aider à aller en Europe en passant par la Lybie. Une fois au Niger ces filles sont versées dans la prostitution pour en tirer profit.

## Case 305 – Guinea, 2017

Country: Guinea  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 6

### Case description:

Date de la condamnation : **27 Juillet 2017**\_\_\_\_\_

Tribunal: **Tribunal de 1<sup>ère</sup> Instance de Mafanco- Conakry**\_\_\_\_\_

#### Résumé de l'affaire:

Il s'agit d'un réseau constitué de guinéens et d'autres nationalités qui convoyaient de jeunes filles de Guinée vers le Koweït et le Qatar. Ces jeunes filles ne détenaient aucun contrat de travail. On leur promettaient un travail bien rémunéré dans ces pays. En réalité il s'agissait d'une forme de prostitution forcée, proxénétisme. Les victimes étaient soumises au travail sexuel. Les auteurs ont été arrêtés et condamnés au nombre de six ont été condamnés à cinq de prison et 500.000 GNF d'amende.

## Case 306 – Guinea, 2014

Country: Guinea  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 22  
Number of offenders: 3

### Case description:

Date de la condamnation : **16 Juillet 2014**

Tribunal : **Tribunal de 1<sup>ère</sup> Instance de Labe**

Résumé de l'affaire:

Il s'agit de l'interception de 22 enfants qui étaient en partance pour le Sénégal. Les convoyeurs s'étaient fait passer pour les parents des enfants en affirmant que ces enfants allaient à Dakar pour les études coraniques. Les enquêtes ont finalement révélé que ces enfants devaient être employés dans les mines d'or à Saraya au Sénégal.

Les auteurs (au nombre de trois) ont reconnu les faits et ont été condamnés à 4 mois d'emprisonnement ferme.

## Case 307 – Netherlands, 2016

Country: Netherlands  
Year of conviction: 2016  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 6  
Number of offenders: 3 persons, 1 company

### Case description:

Date of conviction: **November 10<sup>th</sup> 2016**

Court: **Limburg District Court**

#### Fact summary:

The court convicted the mushroom farm company for malpractices in the period from July 2009 up to and including August 2012. The company and its director, Offender 1, were sentenced for the labour exploitation of six Polish mushroom pickers (article 273f subsection 1, under 1, under 4 and under 6 of the Criminal Code) and for forging payslips and a part of its business records. The court also sentenced another financial manager, Offender 2, and Offender 3, an ICT specialist hired by the company for forgery of documents. Three other employees, who did not have managerial positions, were acquitted of labour exploitation.

The company transported Polish mushroom pickers by bus to the Netherlands, who were forced to sign an employment contract immediately after arrival in the Netherlands. The employment contract made it seem as if they would be making minimum wage. It also stated that the company would arrange accommodation and one hot meal per day. However, the Polish mushroom pickers were not free to opt for a different 'arrangement', and requests thereto were generally rejected by the director. It also transpired that the Polish mushroom pickers worked extremely long days and weeks, and had very few days off in between working days. They never knew when their working day would end. They were also never really free to refuse overtime. And terminating the employment contract early was liable to a fine. The combination of this 'arrangement' and the extremely long hours isolated the Polish mushroom pickers. There was no leisure time and the Polish mushroom pickers also had to adhere to a picking standard in order to make minimum wage. However, the high level of the picking standard made this unattainable for most of the Polish mushroom pickers.

## Case 308 – Netherlands, 2015

Country: Netherlands  
Year of conviction: 2015  
Form of exploitation: forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Date of **verdict**: November 24<sup>th</sup> 2015

Court: **Supreme Court**

Fact summary:

In this case charges were brought under Article 273f (1) subsection 1 and subsection 4 Criminal Code (CC). The **defendant and her co-perpetrator had taken actions that they knew or could reasonably have been expected to know would lead to the (underage) victims making themselves available to transport drugs from Morocco to the Netherlands.** These actions consisted of approaching the victims and offering them money for transporting drugs from Morocco to the Netherlands, while the perpetrators knew or should have known that **some of the victims were mentally challenged and other victims had family problems.** The perpetrators also booked and paid for airline tickets to Morocco and hotel accommodation for the victims and told them that custom officers had been bribed so that there would be no problem transporting the drugs. The court of appeal acquitted the defendant. With regard to subsection 4 the court of appeal ruled that the dependent situation of the victims was not that severe that they did not have any freedom of choice. Therefore exploitation (and the intent of exploitation as stated in subsection 1) could not be proven. With regard to subsection 1 the court of appeal judged that it could not be proven that the perpetrators acted with the intent of exploitation.

The element of exploiting (or intention of exploiting) does not appear in the text of subsection 4. However, since the criminalisation of other forms of exploitation, that element has been imputed in subsection 4 by some lower courts with the argument that the rationale of Article 273f (1) CC implies that it should be. In this case the Supreme Court ruled that that certain behaviours can only be punishable as human trafficking when they are committed under circumstances that presume exploitation. Therefore the element of exploiting should be inferred in Article 273f (1) subsection 4 CC. The Supreme Court also ruled that proof of (the intent of) exploitation cannot solely be based on the extent to which the victim is able to determine her free will. Other relevant factors should be taken into account, such as the nature and duration of the work, the restrictions imposed on the individual concerned and the economic benefit gained by the employer from the work. The Supreme Court also noted that if the victim is a minor the weight of these factors can lead to a different outcome than when the victim is an adult. The Supreme Court annulled the verdict of the court of appeal.

## Case 309 – New Zealand, 2016

Country: New Zealand  
Year of conviction: 2016  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 15  
Number of offenders: 3

### Case description:

Date of conviction: **15 September 2016 (found guilty),  
15 December 2016 (sentenced)**

Court: **Auckland High Court**

Fact summary:

Offender 1 (male), a Fijian national with New Zealand residence, was found guilty in September of 15 human trafficking charges involving Fijian nationals. He was also convicted of 15 charges of aiding and abetting a person to unlawfully enter New Zealand and one charge of aiding and abetting a person to remain unlawfully in New Zealand. Ali had earlier pleaded guilty to 26 charges of helping people breach their visa conditions and exploiting them by not paying them the minimum wage and holiday pay.

The court heard that the Fijians were enticed to work in New Zealand after answering advertisements placed in Fijian newspapers by Ali's Fiji-based wife and sister-in-law. They were charged large sums of money but when they arrived here they were forced to work illegally for long hours, live in cramped conditions and paid little, if anything.

The Fijians either worked for Ali's gib fixing business in Auckland or were sent to Tauranga to work in the horticulture business in an arrangement organised by the defendant and his wife.

## Case 310 – Norway, 2016

Country: Norway  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: unknown (multiple)

### Case description:

Date of conviction: **2 December 2016**

Court: **Gulating Court of Appeal**

#### Fact summary:

A Norwegian citizen, Offender 1 (originally from Nigeria) was sentenced to imprisonment for four years and six months for trafficking in human beings, threats, coercion and gross fencing. In the district court trial, a Nigerian woman (former victim of trafficking) was also sentenced to imprisonment for three years (she did not appeal). The offenders exploited a Nigerian woman for prostitution, by prior agreement or understanding with several persons in Nigeria and / or Norway. The woman came from poor conditions in Nigeria, was out of work and in autumn 2011 was led by others to travel to Europe for work. Prior to the trip to Norway, she had to attend a voodoo-like ritual, where she was bathed in animal blood and had to swear that she obeyed what she said to her. She was raped in Nigeria, detained in a hotel room in Spain and told to prostitute herself and she was subjected to threats of reprisals against close family members in Nigeria if she did not do as requested. On arrival Norway, she was without a return ticket and money for living. She sought help from the police when she first came to Norway and then applied for asylum and moved to a reception center. Here she was contacted several times and told her mother in Nigeria had been kidnapped and would be arrested until she agreed to work as a prostitute in Bergen and pay 65,000 euros in debt to the traffickers. She was used in prostitution during the period 2011-2012. The actions were conducted as part of the activities of an organized criminal group; The court concluded that an entire network of people in Nigeria, southern Europe and Norway was in place for the purpose of trafficking in human beings. The victim was awarded compensation. Offender 1's appeal against the sentence was not allowed to the Supreme Court.

## Case 311 – Norway, 2017

Country: Norway  
Year of conviction: 2017  
Form of exploitation: forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Date of conviction: **20 April 2017**

Court: **Oslo District Court**

Fact summary:

#### **Croatian minors used for forced labor (theft)**

Oslo District Court judged Offender 1, a woman and Offender 2, a man from Croatia (mother and son) for the exploitation of two underage girls from Croatia (daughter / sister and daughter-in-law / girlfriend). By exploiting the vulnerable situation of the girls, they deceived two minors to travel from Belgium to Sweden and Norway to **commit thefts from people in public places**. The exploitation took place in Stockholm and Oslo in October 2015. The offenders paid and provided flight and train tickets and hotel accommodation. The girls were equipped with mobile phones and one of them with a false identity, and they were sent out in the streets and on public transport to steal. They did not keep the proceeds from the thefts themselves. Both were dependent upon the offenders, did not have money for their return or to pay for their stay. Both were previously exposed to serious violations by family members. Based on the girls' vulnerable situation and age, the court found that the offense was considered to be gross, cf. section 258 of the Criminal Code 2005. The judgment specifically discusses the compulsory element in the "work or services" condition in cases concerning minors. The sentence was prison for two years and four months for Offender 1, the woman, and one year and ten months for Offender 2, the man.

## Case 312 – Norway, 2016

Country: Norway

Year of conviction: 2016

Form of exploitation: pornography, sexual exploitation

Type: domestic trafficking

Number of victims of trafficking: 7

Number of offenders: 1

### Case description:

Date of conviction: **7 December 2016**

Court: **Bergen District Court**

Fact summary:

#### **Seven Filipino Girls and Boys exploited For Sexual Purposes**

In July 2016 an indictment was issued under section 224 of the Penal Code 1902 against Offender 1, a Norwegian man. Human trafficking was one of six accusations. The Offender had instructed Philippine children to perform sexual acts with themselves and to have sexual intercourse with other children, and ordered the abuse to be filmed. Both the intermediaries and the children were dependent on receiving money from him. The sexual assaults of the Filipino children, both girls and boys, became streamed online through webcams ("on-demand"). He also used the films to get in touch with Norwegian minors, so that they have also been abused, and in this connection he was also charged with several sexual violations. The action was considered to be gross trafficking, as all offenders were under 18 years old. The State Attorney at the National Prosecutor's Office emphasizes that the case is an example of the development of jurisprudence and phenomena understanding: "We have not had a similar indictment, where a person who orders a child for sexual exploitation is accused of being involved in trafficking in human beings." Bergen District Court found that the deeds were covered by the section on trafficking of human beings, and he was convicted for gross trafficking to a prison term of 8 years.

## Case 313 – Panama, 2017

Country: Panama  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **Sentencia de 7 de 3 julio de 2017**

Tribunal: **Juzgado Undécimo de Circuito Penal del Primer Circuito Judicial**  
(Año 2015) **OPERACIÓN SUNSHINE: Día 07 de Julio 2017**

Resumen de los hechos:

#### **Sentencia Condenatoria No. 39**

Denuncia presentada por **CPRS** para la fecha del 8 de octubre de 2015, en contra de la joven **OFFENDER 1**, a quien señala como la persona que le proporcionó el dinero y pasaje aéreo para ingresar a la República de Panamá, supuestamente en calidad de préstamo, después le conseguiría un trabajo con el propósito de reembolsar el dinero prestado. Explica que desde su país de origen COLOMBIA, se contactó con Offender 1 a través de un conocido de nombre OFFENDER 2, el cual le informó que tenía una amiga en Panamá de nombre Offender 1.

La Fiscalía Especializada de Delincuencia Organizada asume el conocimiento del sumario procediendo a la formulación de cargos por la presunta comisión de un Delito Contra la Humanidad, en la modalidad de Trata de Personas.

En la audiencia preliminar del Proceso Abreviado; se decretó la apertura a juicio por un delito Contra la Humanidad, en su modalidad de Trata de Personas.

#### **Se comprobaron los siguientes hechos**

La señora **OFFENDER 1**, se contactó con **VICTIM 1 y VICTIM 2**, ambas de nacionalidad **COLOMBIANA**, a quienes le compró los pasajes aéreos y proporciono los dineros a declarar para ingresar a la República de Panamá, las cuales debían reembolsar el costo de los pasajes aéreos y el dinero entregado a ellas.

Debemos tener presente que nos encontramos ante la presunta comisión de un delito Contra la Humanidad, en su modalidad de Trata de Personas.

La señora OFFENDER 1 le informó a la víctima que el trabajo consistía en que le presentaría hombres para que ella tuviera relaciones con ellos. **OFFENDER 1**.

Las pruebas acopiadas durante la fase de instrucción permiten concluir que la señora **OFFENDER 1** financiaba los pasajes aéreos de jóvenes que viajaban desde la Republica de Colombia hasta la ciudad de Panamá.

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La señora **OFFENDER 1** es autora del delito imputado conforme a lo previsto en el artículo 43 del Código penal.

Se fija la pena en **QUINCE (15) AÑOS DE PRISIÓN**, de los cuales se le rebaja una (1/3) parte por haberse acogido a los trámites del proceso abreviado.

**Se declaró PENALMENTE RESPONSABLE a OFFENDER 1**, mujer, colombiana, con pasaporte No. \_\_\_\_, nacida el \_\_ de marzo de 1994 como autora del delito de Trata de Personas.

## Case 314 – Panama, 2017

Country: Panama  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **10 de marzo de 2017**

Tribunal: **Juzgado Noveno de Circuito Penal del**

Resumen de los hechos:

SENTENCIA No. SM-2

Proceso penal inicia con la denuncia interpuesta por la joven VICTIM 1, de nacionalidad Venezolana, contra OFFENDER 1, también Venezolana. Narra la denunciante que este viaje se efectuó porque OFFENDER 1, le dijo que podía conseguirle trabajo en Panamá, como profesora, en un restaurante o en casa de familia, ganando buen dinero, que tenía un amigo de nombre OFFENDER 2 que podía prestarle el dinero para los gastos de pasaje, que para ello este amigo le prestaría, tres mil ochocientos balboas (B/.3,800.00). Viajó con otras dos jóvenes de nombre VICTIM 2 y VICTIM 3.

Al llegar a Panamá, fueron recibidas por OFFENDER 2, quien las llevó a una casa por el área de dos mares, cerca de un Mc Donalds y una Farmacia Metro, dicha residencia tenía cuatro (4) habitaciones ocupadas; señaló que al día siguiente OFFENDER 2 las llevó para trabajar junto con OFFENDER 1, a un bar de nombre X. Al llegar al lugar, se percató de que no era el trabajo del que le habían hablado y le dijo a OFFENDER 1 que ellas no querían trabajar de eso, a lo que les contestó que tenían que hacerlo porque tenían una deuda que pagar y debían hacer un promedio trescientos dólares (B/.300.00) diarios para cancelarla y las amenazó con hacerle daño a su familia en Venezuela si no pagaban; indicó que ese día OFFENDER 1, le quitó todo el dinero que ganaron.

La denunciante agregó que trabajaron dos días en esas condiciones, pero que un día dijeron que se sentían mal y que iban a trabajar más tarde lo que aprovecharon para fugarse a un hotel seguro y proceder a poner la denuncia.

La Fiscalía Especializada Contra la Delincuencia Organizada, para la fecha de 1 de agosto de 2015, asume el conocimiento de la presente causa y dispone la práctica de toda la actividad procesal que previene la Ley.

Se tiene debidamente probado mediante la denuncia interpuesta por VICTIM 1, la existencia de actividades ilícitas dirigidas a la trata de personas, mediante métodos de engaño e intimidación.

Posteriormente en ampliación de declaración VICTIM 2 indicó a la Agencia de Instrucción, que su amiga VICTIM 1, y su persona habían sido amenazadas por OFFENDER 1, a través de mensajes y notas de voz, de igual forma señaló que OFFENDER 2 se comunicó con ellas para solicitarle que entregaran los celulares y el dinero que le debían.

Mediante Declaración Jurada, VICTIM 4, manifiesta que la persona que le proporcionó el dinero del pasaje y la estadía para venir a Panamá fue OFFENDER 2 y que este la contactó con OFFENDER 1, quién le explicó que trabajaría en el Bar X y cuanto debía cobrar, que el horario era de once de la mañana a once de la noche, que entre más trabaja, más rápido salía de la deuda, manifiesta que todo el dinero que hacía era para OFFENDER 2.

Agrega la indagada, que ella no cobrara dinero.

En ampliación de Declaración Indagatoria visible OFFENDER 2, manifiesta que llegó a Panamá el 18 de febrero de 2016 y alquiló un cuarto en la casa de una señora de nombre PERSON 1, en Villa X, San Francisco; Afirma que esta señora le propuso ser socios e invertir para alquilar una casa en el Dorado.

OFFENDER 1, mujer, venezolana, que ejercía la prostitución en Panamá desde un año antes que se ejecutaran los hechos.

OFFENDER 2, Brasileño, que ingresó a Panamá e inició el negocio de alquiler de habitaciones de manera clandestina, sin los permisos debidos.

Basados en los anteriores y contundentes elementos y tomando en cuenta que nos encontramos ante un delito de LESA HUMANIDAD, a la vida y dignidad humana.

Se declaró penalmente responsable.

Por consiguiente, se le sanciona a cada uno como AUTOR del delito de TRATA DE PERSONAS, a la pena de CIENTO VEINTE (120) MESES DE PRISIÓN.

## Case 315 – Panama, 2016

Country: Panama  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 4

### Case description:

Fecha de la sentencia condenatoria: **Sentencia de 21 de octubre de 2016**

Tribunal: **Juzgado Octavo de Circuito de lo Penal del Primer Circuito Judicial de Panamá**

Resumen de los hechos:

SENTENCIA C. No. 50

La presente encuesta penal con la denuncia presentada por VICTIM 1, ante la Fiscalía Especializada Contra la Delincuencia Organizada, quien pone en conocimiento de las autoridades el hecho del cual fue víctima. Al encontrarse en Nicaragua, su país natal, un taxista apodado “OFFENDER 1” le manifestó que una mujer panameña estaba buscando mujeres, por lo que, afirmó que conoció a una mujer apodada “OFFENDER 2” y se reunió con ella en el Bar Restaurante “X” ubicado en San Juan del Sur, Nicaragua, relatando que la señora OFFENDER 2 le dijo que no quería perder su contacto, por lo que, le dio su número de teléfono.

El 17 de noviembre del 2014 se encontraba paseando en el Mercado del Mariscos, donde se encontró con Offender 2 quien le ofreció trabajo en un condominio, pidiéndole sus documentos para sacarle copia y al día siguiente se citaron a la misma hora, donde al encontrarse con OFFENDER 2 la condujo hacia un vehículo Hummer, abordando las dos, siendo encapuchada hasta llegar a un apartamento en donde un sujeto descrito como un hombre negro, cocobolo, con barba.

Le entregaron los boletos y le dieron las indicaciones para cuando estuviera en el aeropuerto, afirmando que pasó en vigilia toda la noche, señalando que un hombre negro flaco le tomaba las fotos.

### HECHOS APROBADOS

El día 17 de noviembre de 2014, la señora VICTIM 1, logró escapar de una organización criminal y puso en conocimiento de las autoridades la comisión del delito de Trata de Personas del cual ella era víctima, al ser obligada a viajar a Bahamas para prostituirse.

La sindicada se encuentra inmersa en una organización criminal destinada al tráfico de mujeres con el fin de realizar favores sexuales tendientes a favorecer a terceras personas por un monto cierto, siendo que consta de conformidad a la investigación pertinente que la señora OFFENDER 2 era la persona responsable de buscar o conseguir a las

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mujeres que servirían para los fines sexuales pertinentes en las Bahamas, quedando debidamente acreditado que la señora OFFENDER 3 “buscó” a OFFENDER 2 con el delito de Trata de Personas, por lo cual procederemos a realizar la valoración.

La Señora OFFENDER 2 es la mujer apodada OFFENDER 2, tal cual se desprende de la diligencia.

**Se declaró penalmente responsable a OFFENDER 2**, mujer panameña, con cédula de identidad personal N° \_\_\_\_\_. **CONDENA** a la pena de **DIECIOCHO (18) AÑOS DE PRISIÓN**, como autora del delito de Tráfico de Personas.

**El Segundo Tribunal Superior de Justicia del Primer Distrito Judicial, en Sentencia No. 124-S.I. reformó la Sentencia** Condenatoria No.50 de 21 de octubre de 2016; **condenando a OFFENDER 2**, como autora del delito agravado de **TRATA DE PERSONAS**.

## Case 316 – Panama, 2014

Country: Panama  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 4

### Case description:

Fecha de la sentencia condenatoria: **9 de junio de 2014**

Tribunal: **Juzgado Décimo Segundo de Circuito de lo Penal del Primer Distrito Judicial de Panamá**

Víctimas: 4

Nacionalidad: colombiana

Condenados: 4

Nacionalidad: colombiana

Pena: 12 años y 6 meses; 12 años y 6 meses; 10 años y 16 años y 8 meses.

Modalidad: Explotación sexual.

Resumen de los hechos:

Se acreditó la existencia de una cuenta en Facebook denominada “Ninfas Coquetas” que ofrecían servicios sexuales con fotografías de damas en ropa interior y poses sexuales, con el número de contacto; por lo cual provocó una diligencia de operación encubierta con resultados positivos.

Se comprobó la modalidad de explotación sexual, cuyas víctimas fueron reclutadas con falsas promesas de trabajo en Colombia y se les proporcionó boleto aéreo, transporte interno, hospedaje y alimentación por un monto a pagar de B/. 3,500.00.

Se cobraban B/. 70.00 por cada servicio realizado, sin embargo, a la víctima sólo se le entregaba B/. 20.00 acreditándose la explotación sexual.

Las víctimas son altamente vulnerables por su condición económica en su país de origen, eran intimidadas ya que sus reclutadores conocían su lugar de procedencia y ubicación de sus familiares, por lo que existía amenaza para cumplir con las ordenanzas en materia de servicios sexuales.

## Case 317 – Singapore, 2016

Country: Singapore  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 9  
Number of offenders: 1

### Case description:

Date of conviction: **19 February 2016**

Court: **Court 20 in the State Courts of Singapore**

Fact summary:

In April 2015, the SPF took action against a sex trafficker who had operated under the guise of an escort company in Singapore. The sex trafficker had posted job advertisements online to offer modelling jobs as well as jobs involving drinking and entertaining guests. Later, the sex trafficker made arrangements for the females recruited to provide sexual services to clients. Among the nine females recruited, two were under the age of 18. The sex trafficker was convicted on 19 February 2016 and sentenced to 75 months' imprisonment and a fine of S\$30,000.

## Case 318 – Singapore, 2016

Country: Singapore  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 15  
Number of offenders: 1

### Case description:

Date of conviction: **27 June 2016**

Court: **Court 19 in the State Courts of Singapore**

Fact summary:

In October 2015, the SPF took action against a sex trafficker who had operated under the guise of a social escort agency via a vice website. The male sex trafficker pretended to be a female social escort working for the agency in order to recruit women via 'Facebook'. As part of the recruitment process, he would request the females to fill up a questionnaire and send him their photographs. The sex trafficker also requested that the females performed sexual services on him as a form of assessment. He would then create online profiles for the 'successful applicants' to advertise their sexual services. Among the 15 females recruited, three were under the age of 18. The sex trafficker was convicted on 27 June 2016 and sentenced to 38 months' imprisonment.

## Case 319 – Singapore, 2016

Country: Singapore  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 9  
Number of offenders: 1

### Case description:

Date of conviction: **23 November 2016**

Court: **Court 7 in the State Courts of Singapore**

Fact summary:

In November 2015, SPF took action against a sex trafficker who recruited females to provide Bondage & Discipline, Dominance & Submission & Sadism & Masochism (BDSM) services as well as masturbation services. The sex trafficker had posted assignment-based job offers online via Facebook to recruit females. Investigation revealed that the sex trafficker had procured a total of nine females to work for him, two of whom were under the age of 18 during the commission of the offence. The sex trafficker was convicted on 23 November 2016 and sentenced to 48 months' imprisonment and a fine of \$2,000.

## Case 320 – Singapore, 2017

Country: Singapore  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 4  
Number of offenders: 1

### Case description:

Date of conviction: **8 May 2017**

Court: **Court 24 in the State Courts of Singapore**

Fact summary:

In December 2015, SPF acted on information received and rescued a male Singaporean aged 15 years old from sexual exploitation. Investigations revealed that sometime in August 2015, the first victim started to solicit for male customers online to offer his sexual services. On one occasion, a sex trafficker befriended him online and engaged him for sexual service. The sex trafficker also assisted to source customers for the first victim. Investigations further revealed that the sex trafficker also engaged 3 other underage male victims for sexual services. The sex trafficker had also coerced 3 of the 4 underage male victims to participate in group sex on separate occasions. The sex trafficker was convicted on 8 May 2017 and sentenced to 80 months' imprisonment and a fine of S\$2,000. Two customers of the first victim were convicted for offences under the Penal Code and sentenced to a range of 10 – 16 months' imprisonment.

## Case 321 – Spain, 2014

Country: Spain  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 19

### Case description:

Fecha de la sentencia condenatoria: **15 de septiembre de 2014**

Tribunal: **AUDIENCIA PROVINCIAL DE BARCELONA – SECCION NOVENA – Sumario**

RESUMEN DE LOS HECHOS:

TIPO DE TSH: TSH con fines de explotación sexual. (Organización Criminal Nigeriana)

CONDENADOS:

- 5 (2 mujeres y 3 hombres) por trata de seres humanos con fines de explotación sexual y otros delitos, incluida organización criminal.
- 14 personas acusadas de organización criminal y otros delitos (no de trata de seres humanos)

VÍCTIMAS: 3 mujeres mayores de edad de nacionalidad nigeriana.

SENTENCIA: Condenatoria. Por diferentes delitos:

- TSH con fines de explotación sexual, en concurso ideal con prostitución coactiva
- Organización criminal
- Aborto Forzoso
- lesiones
- Delito contra los derechos de los ciudadanos extranjeros (favorecimiento a la inmigración ilegal)
- Falsedad documental.
- Estafa

PENAS TOTALES IMPUESTAS A LOS ACUSADOS POR EL DELITO DE TSH Y OTROS DELITOS:

- 1er acusado – 53 años de prisión
- 2º acusado – 15 años de prisión
- 3er acusado – 30 años y 6 meses de prisión

- 4º acusado – 15 años y 6 meses de prisión
- 5º acusado – 12 años y 6 meses de prisión

## RECONOCIDA INDEMNIZACION A LAS VICTIMAS EN SENTENCIA – SI

### RESUMEN

Investigación relativa a una organización dedicada a cometer actividades delictivas, cuyo principal objetivo era introducir en España, al margen de las leyes españolas de inmigración y estancia de extranjeros no comunitarios, a mujeres nigerianas, muy jóvenes, incluso algunas menores de edad, compatriotas suyas, con la intención de obligarlas a prostituirse en la calle o en clubs de alterne, hasta que hicieran frente al pago de la deuda, cuantiosa, que les hacían creer habían contraído con ellos, como consecuencia de haberlas traído al territorio nacional, prevaliéndose de la situación de vulnerabilidad, tanto en origen, como en destino, totalmente precaria de dichas mujeres, desconocedoras del idioma español, carentes de conocimientos sobre el lugar en el que se encontraban y de cualquier tipo de relación personal ajena al propio grupo de referencia, a las que privaban de documentación, o se la retenían, circunstancias de las que los miembros de la trama se aprovechaban, presionándolas tanto a ellas, así como a sus familiares más allegados y con ello doblegaban su voluntad, mediante presiones físicas, psicológicas y culturales, como el empleo del “vudú”. Los miembros de la red, tenían distribuidas sus funciones, apareciendo en la cúspide del entramado. Las mujeres eran introducidas en España a través de diferentes rutas migratorias, (Marruecos-Algeciras, Turquía o Iran-Grecia, ruta a través de Italia, pasando previamente por Libia, o la ruta directa a España desde Nigeria, ésta última de mayor coste económico). A tal fin la trama criminal contaba con una compleja red de contactos, no sólo en su país de origen, Nigeria, sino en todos aquellos por los que habrían de transitar las mujeres captadas hasta su destino final, existiendo además conexiones con países como Irán, Grecia, Francia u Holanda, entre otros. Para conseguir su propósito, los miembros de la red, confeccionaban, por sí mismos, o a través de terceras personas que seguían sus instrucciones, ubicadas tanto en Nigeria, como en España, pasaportes y otros documentos de identidad que eran proporcionados no sólo a las mujeres cuya entrada ilegal en España se pretendía, sino a los propios miembros de la trama para facilitar su entrada y salida del territorio nacional o para utilizarlos con otros fines ilícitos. Finalmente, y, para evitar que las mujeres, cuyo traslado a España habían conseguido, fueran expulsadas del territorio nacional, y deportadas, los miembros de la trama, se encargaban, asimismo, de regularizar su situación administrativa de estancia y permanencia en España, precisando para ello de la colaboración de ciudadanos españoles o comunitarios que, a cambio de una cantidad de dinero, previamente pactada, aceptaban constituirse como parejas de hecho simulando mantener una relación con dichas mujeres y empadronándose en el domicilio que los miembros de la trama les indicaban o bien simulaban matrimonios de conveniencia.

En el marco de la actividad descrita, y comprobando la red que una de las mujeres traídas a España, se encontraba embarazada, la obligó, en connivencia con otros miembros de la red, a abortar, contra su voluntad manifiesta, por considerar que en otro caso no podría proporcionar los beneficios esperados, intentando provocar la interrupción del embarazo en diferentes ocasiones, y por diferentes sistemas, llegando incluso a agredirla físicamente, hasta que finalmente, tuvo que ser hospitalizada, teniendo que serle provocado el parto por la pérdida total de líquido amniótico que presentaba la perjudicada así como por la sospecha de infección, concretamente de

corioamnionitis, naciendo de forma prematura el niño quien, por no resultar viable finalmente, fue declarado éxitus, falleciendo escasos minutos después

Algunos de los miembros del entramado criminal de referencia, obtenían, asimismo, ilícitos beneficios económicos, al margen de la actividad de la trama, mediante la manipulación o confección de tarjetas de crédito y de débito, a través del procedimiento llamado "skimming", consistente en copiar las pistas (tracks) de las bandas magnéticas de las tarjetas de crédito y/o débito obtenidas ilícitamente bien para su posterior comercialización o bien para elaborar ellos mismos nuevas tarjetas a las que insertaban la información obtenida de las legítimas. Asimismo, uno de los procesados, obtenía ilícitos beneficios económicos al margen de la actividad de la trama, mediante la distribución de billetes de euro no auténticos de gran calidad, provenientes de Italia.

## Case 322 – Spain, 2015

Country: Spain  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 4

### Case description:

Fecha de la sentencia condenatoria: **20 de octubre de 2015**

Tribunal: **AUDIENCIA PROVINCIAL DE SEVILLA – SECCION CUARTA**

#### RESUMEN DE LOS HECHOS:

TIPO DE TSH: TSH con fines de prácticas análogas a la servidumbre y para comisión de conductas delictivas.

#### CONDENADOS:

Tres ciudadanos rumanos :

- ▶ **Offender 1** hombre de veinticuatro años nacido en Urlati (Prahova) por tres delitos de trata de seres humanos.
- ▶ **Offender 2** hombre de cuarenta y nueve años por tres delitos de trata de seres humanos.
- ▶ **Offender 3** hombre de treinta y seis años nacido en Urlati (Prahova) por un delito de obstrucción a la justicia.
- ▶ **Offender 4** mujer de veintidós años natural de Bucarest por un delito de obstrucción a la justicia.

#### VICTIMAS:

Tres ciudadanos rumanos (hombres) que residían en Ploiesti que estaban en paro y sin ningún tipo de ingresos.

#### SENTENCIA y PENAS: Sentencia condenatoria

- ▶ **Offender 1** - por tres delitos de trata de seres humanos a la pena de cinco años de prisión por cada uno de ellos y accesorias. Total quince años de prisión.
- ▶ **Offender 2** - por tres delitos de trata de seres humanos, a la pena de cinco años de prisión por cada uno de ellos y accesorias. Total quince años de prisión.
- ▶ **Offender 3** - por un delito de obstrucción a la justicia a la pena de un año y seis meses de prisión, multa de nueve meses y accesorias.
- ▶ **Offender 4** - por un delito de obstrucción a la justicia a la pena de un año y seis meses de prisión, multa de nueve meses y accesorias.

RECONOCIDA INDEMNIZACIÓN A LAS VÍCTIMAS: Si. 2.000 €a cada una

## RESUMEN

**Captación:** falsa promesas de trabajo en la recolección de frutas y poda de árboles con una retribución de 700€ alimentación y alojamiento

**Traslado** en autobús pagado por los condenados.

**Recepción:** domicilio de los condenados.

**Explotación:** fueron alojados en una habitación ubicada en el patio destinada a cuadra, sin calefacción, sin ventanas y con escasa condiciones de habitabilidad. Retención de la documentación. Se les daba de comer una vez al día y siempre las sobras de la familia con pan duro. Amenazas continuas. Les obligaban a la realización de actividades domésticas (limpieza de suelos y baños), les obligaron a sustraer naranjas de una finca próxima y a pelar cables para obtener el cobre de su interior, recoger colillas en la calle si querían fumar, hasta desatascar un inodoro con las manos. Violencia física. La casa estaba permanentemente cerrada con llave y sólo podían salir con consentimiento y compañía de los tratantes.

**Noticia criminal.** En esa situación permanecieron diez días. Dos víctimas lograron escaparse en la madrugada del 24 al 25 de septiembre de 2014 aprovechando que los tratantes estaban embriagados y que se divertían haciendo cantar y bailar a la tercera víctima a modo de bufón. Con posterioridad a los hechos Offender 3 y Offender 4 vertieron amenazas a las víctimas para que retiraran la denuncia.

## Case 323 – Spain, 2015

Country: Spain  
Year of conviction: 2015  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 6  
Number of offenders: 14

### Case description:

Fecha de la sentencia condenatoria: **14 de abril de 2015** (nº 34/15)

Tribunal: **AUDIENCIA PROVINCIAL DE MADRID – SECCION QUINTA**

#### RESUMEN DE LOS HECHOS:

**TIPO DE TSH:** TSH con fines de explotación sexual. (grupo criminal rumano)

- Agravación específica de grupo criminal.
- Concurso con otros delitos: delitos relativos a prostitución, delitos de falsedad documental, delitos de detención ilegal, delitos de lesiones, delitos de resistencia a agentes de la autoridad y tenencia ilícita de armas.

#### CONDENADOS Y PENAS IMPUESTAS A CADA UNO DE ELLOS:

14 - 13 ciudadanos de nacionalidad rumana y 1 brasileño.

**Trece ciudadanos rumanos:** ► **Offender 1**, hombre de veintinueve años, natural de Festi por dos delitos de trata de seres humanos en concurso ideal medial con el delito de prostitución coactiva a la pena de doce años de prisión y accesorias por cada delito (veinticuatro años); por dos delitos de falsedad documental un año de prisión y multa de seis meses y accesorias por cada delito (dos años de prisión); por tres delitos de prostitución coactiva tres penas de tres años de prisión y accesorias (nueve años); por delito de detención ilegal una pena de tres años de prisión y accesorias; por delito de lesiones del artículo 147.1 CP un año de prisión y accesorias; por el delito de lesiones del artículo 148.2 CP cinco años de prisión y accesorias. Total penas de prisión: cuarenta y cuatro años. Límite legal artículo 76 CP: treinta y seis años de prisión. ► **Offender 2**, mujer de veintiocho años natural de Budesti-Calarasi por dos delitos de trata de seres humanos en concurso ideal medial con el delito de prostitución coactiva a la pena de doce años de prisión y accesorias por cada delito (veinticuatro años); por tres delitos de prostitución coactiva tres penas de tres años de prisión y accesorias (nueve años); por delito de detención ilegal una pena de tres años de prisión y accesorias; por un delito de falsedad documental un año de prisión y multa de seis meses y accesorias. Total penas de prisión: treinta y ocho años. Límite legal artículo 76 CP: treinta y seis años de prisión. ► **Offender 3**, hombre de treinta y dos años, natural de Bucarest, por delito de trata de seres humanos en concurso ideal medial, con el delito de prostitución coactiva a la pena de doce años de prisión y accesorias. ► **Offender 4**, hombre de treinta y nueve años, natural de Constanza, por delito de trata de seres humanos en concurso ideal medial, con el delito de prostitución coactiva a la pena de doce años de prisión y accesorias; por tres delitos de prostitución coactiva tres penas de

tres años de prisión y accesorias; por delito de detención ilegal una pena de tres años de prisión y accesorias. Total penas de prisión: veinticuatro años. ► **Offender 5**, hombre de veintisiete años, natural de Constanza, por delito de prostitución coactiva a la pena de cinco años con accesorias; por tres delitos de prostitución coactiva tres penas de tres años de prisión y accesorias; por delito de detención ilegal una pena de tres años de prisión y accesorias; por el delito de resistencia a agentes de la autoridad seis meses de prisión y accesorias. Total penas de prisión: diecisiete años y seis meses. Límite legal artículo 76 CP: quince años de prisión. ► **Offender 6**, hombre de veintisiete años, natural de Fetesti, por dos delitos de trata de seres humanos en concurso ideal medial con el delito de prostitución coactiva a la pena de doce años de prisión y accesorias por cada delito; tres delitos de prostitución coactiva tres penas de tres años de prisión y accesorias; por tenencia de armas prohibidas dos años de prisión. Total penas de prisión: treinta y cinco años. Límite legal artículo 76 CP: treinta y seis años de prisión. ► **Offender 7**, hombre de cincuenta y un años, natural de Fetesti, por tres delitos de prostitución coactiva tres penas de tres años de prisión y accesorias; por tenencia de armas prohibidas dos años de prisión; por delito continuado de falsedad documental tres años de prisión, multa de doce meses y accesorias. Total penas de prisión: catorce años. Límite legal artículo 76 CP: nueve años de prisión. ► **Offender 8**, mujer de cuarenta y siete años, natural de Ploiesti, por tres delitos de prostitución coactiva tres penas de tres años de prisión y accesorias; por tenencia de armas prohibidas dos años de prisión. Total penas de prisión: once años. Límite legal artículo 76 CP: nueve años de prisión. ► **Offender 9**, mujer de veintiséis años, natural de Bucarest, por tres delitos de prostitución coactiva tres penas de tres años de prisión y accesorias; por tenencia de armas prohibidas dos años de prisión. Total penas de prisión: once años. Límite legal artículo 76 CP: nueve años de prisión. ► **Offender 10**, hombre de veintisiete años, natural de Bucarest, por tres delitos de prostitución coactiva tres penas de tres años de prisión y accesorias; por tenencia de armas prohibidas dos años de prisión. Total penas de prisión: once años. Límite legal artículo 76 CP: nueve años de prisión. ► **Offender 11**, mujer de treinta y siete años, natural de Fetesti, por un delito de prostitución coactiva tres años de prisión y accesorias; por tenencia de armas prohibidas dos años de prisión. Total penas de prisión: once años. Límite legal artículo 76 CP: nueve años de prisión. ► **Offender 12**, hombre de treinta y cinco años, natural de Galati, por tres delitos de prostitución coactiva tres penas de tres años de prisión y accesorias; por tenencia de armas prohibidas dos años de prisión. Total penas de prisión: once años. Límite legal artículo 76 CP: nueve años de prisión. ► **Offender 13**, mujer de treinta años, natural de Bucarest, por tenencia de armas prohibidas dos años de prisión. **Un ciudadano brasileño:** ► **Offender 14**, hombre de treinta y seis años, natural de Pontabora, por un delito de prostitución coactiva tres años de prisión y accesorias; por tenencia de armas prohibidas dos años de prisión; por un delito de falsedad documental un año de prisión y multa de seis meses y accesorias. Total penas de prisión: seis.

#### VICTIMAS Y RESUMEN DE LOS HECHOS:

Victim 1, menor rumana natural de Bucarest. Victim 2, ciudadana rumana. No sabe leer ni escribir. Además se reseñan otras cuatro víctimas (jóvenes mujeres rumanas) obligadas a ejercer la prostitución coactivamente.

**Trata de Victim 1. Captación:** mediante engaño en Bucarest ofrecimiento de trabajo por Offender 3. **Traslado:** en autobús acompañada por Offender 3 que pago los billetes del viaje y retuvo su documentación. **Recepción:** en Madrid por Offender 1 y Offender 6. Fue llevada en automóvil hasta un piso en Valdemoro donde residían Offender 1, su

mujer Offender 2, Offender 4 junto con otras tres mujeres rumanas. **Explotación:** fue obligada a ejercer la prostitución callejera (ante una primera resistencia fue golpeada) junto a otras tres mujeres de su misma nacionalidad. Todas tenían retenida su documentación. Eran trasladadas por algunos de los condenados y vigiladas constantemente. Cuando abandonaban la vivienda debían ir acompañadas de uno de los condenados. Para conseguir que la Victim 1 pudiera continuar en España sin obstáculo alguno y ocultar su verdadera identidad, dada su minoría de edad, y que así pudiera ejercer la prostitución sin problemas, Offender 1 encargó a personas desconocidas la elaboración de una carta de identidad rumana con la fotografía de Victim 1 en la que figuraba como mayor de edad y con otro nombre. En reiteradas ocasiones la testigo protegida Victim 1 manifestó a los acusados su deseo de no continuar con el ejercicio de la prostitución a que la obligaban, y para doblegar su voluntad el acusado Offender 1 la agredía golpeándola con un cable en los brazos, piernas y espalda, así como con puñetazos en la cara, lo que ocasionó en Victim 1 lesiones visibles que la obligaron a permanecer en la vivienda durante tres días, tiempo en el que en todo momento era vigilada y controlada por los acusados Offender 1 y Offender 2 que la impedían salir de la vivienda. Victim 1 permaneció en la situación antes descrita hasta la noche del 13 al 14 de diciembre de 2011, cuando tras haber sido trasladada a la calle para ejercer la prostitución, logró huir, siendo auxiliada en su huida por un taxista. Tras la huida, parte de los condenados comenzaron a buscarla, siendo finalmente localizada en la Casa de Campo de esta capital el día 10 de marzo de 2012, quienes la obligaron a subir a un vehículo y la trasladaron contra su voluntad a la vivienda sita en Valdemoro, donde fue agredida Offender 1 quien la azotó repetidamente con un cable doblado en dos por todo el cuerpo, propinándole puñetazos en la cara y clavándola levemente la punta de un cuchillo en diversas partes de su cuerpo, como cuello, piernas y manos, golpeándola también con una barra de hierro en ambos brazos. Asimismo la realizó un tatuaje en la cara interna de su muñeca derecha, consistente en un código de barras y debajo la cifra de 2000, con la misma máquina de tatuar con agujas que utilizó para tatuar a Victim 2. Con una máquina de afeitar la rasuro el cuero cabelludo y las cejas y la pulverizó harina en el rostro con un secador de pelo, mientras se reía, a continuación se la colocó una peluca de color rojo que había adquirido otra condenada. Igualmente la golpeó con guantes de boxeo y la roció la cara con un spray con intención de causarle irritación de carácter leve pero molesta en la mucosa ocular, nariz y garganta. A la mañana siguiente fue exhibida, en las condiciones referidas, al resto de las mujeres que se hallaban en la vivienda, con el propósito de que esta conocieran las consecuencias que conllevaría en caso de desobedecer las indicaciones de los acusados y/o huir, con ello lograron intimidar gravemente a las mismas que impidió que denunciaran los hechos descritos. Victim 1 permaneció encerrada en la vivienda bajo la continua y férrea vigilancia de los acusados, sin ningún tipo de comunicación con el exterior, siendo obligada durante este tiempo a realizar labores de limpieza de la vivienda, hasta la mañana del día 17 de marzo de 2012 en la que se practicó una entrada y registro de la vivienda, autorizado por auto dictado por el Juzgado de Instrucción Núm. 52 de esta capital, fecha en que Victim 1 fue liberada por la policía. Además Victim 1 ha sufrido como consecuencia de lo descrito en esta relación fáctica, un shock traumático intenso, caracterizado entre otros por síntomas de amnesia traumática para ciertos hechos, sensación de despersonalización, desorientación y miedo intenso, necesitando tratamiento psicológico y psiquiátrico intensivo durante largo tiempo, quedándole como secuela un trastorno orgánico de la personalidad grave.

**Trata de Victim 2 Captación.** Violencia (tuvo que estar internada en una entidad hospitalaria de Bucarest) y amenazas en Rumania con causar graves daños físicos no sólo a ella sino también a su familia, si no aceptaba trasladarse a España para ejercer la

prostitución. Estas acciones fueron realizadas por individuo pagado por Offender 1, Offender 2 y Offender 4 previo concierto. **Traslado:** en avión acompañada por el individuo que la agredió y amenazó y que retuvo su documentación. Todos los gastos fueron pagados por Offender 1. **Recepción:** en el aeropuerto de Madrid y trasladada al piso en Valdemoro. Le fue retenida la documentación. **Explotación:** fue obligada mediante amenazas a ejercer la prostitución en la Calle Montera. Todo el dinero obtenido con el ejercicio de la prostitución era entregado a los proxenetas que la agredían si entendían que no había obtenido suficiente dinero. Pasado un tiempo Victim 2 manifestó a los acusados su deseo de abandonar el ejercicio de la prostitución al que estaba siendo obligada, momento en el acusado Offender 1 la agredió y la traslado junto con Offender 4, a un hotel de Madrid donde la obligó a permanecer durante dos días bajo la vigilancia de una persona denominada "1" de la que no se conocen datos. Todo ello lo realizaron los acusados antes dichos sin el conocimiento ni consentimiento de la persona que había trasladado a dicha testigo protegida a España, con el fin de que éste pensara que Victim 2 había huido y así conseguir quedarse con todo el dinero que ésta obtenía con el ejercicio de la prostitución, tras lo cual dicha persona abandonó el domicilio sito en Valdemoro. Tras ello Victim 2 fue trasladada de nuevo a la vivienda siendo de nuevo agredida y conminada con causarle graves daños físicos a ella y a su familia, a fin de obligarla a continuar con el ejercicio de la prostitución, habiéndosele practicado por Offender 1 y contra su voluntad un tatuaje consistente en la inscripción del alias de Offender 1, con una máquina de tatuar con agujas que dicho acusado guardaba en el domicilio. Como consecuencia de tal tatuaje Victim 2 sufrió lesión dérmica que necesitará de tratamiento quirúrgico dérmico para su eliminación. Fue liberada por la policía tras la entrada y registro ya señalado de 17 de marzo de 2012.

Se relata la colaboración de otros familiares en la explotación sexual de otras cuatro jóvenes mujeres rumanas (traslados, vigilancias, etc.). Igualmente se describe los efectos hallados y decomisados en tres registros efectuados (armas de fuego; munición; catana con empuñadura de calavera; dos cuadernos con anotaciones efectuadas por los acusados, referentes a los ingresos obtenidos por las mujeres explotadas y los gastos del grupo referido en el ejercicio de la actividad descrita; documentación rumana modificada; distintas cantidades de dinero en efectivo – en total 140.300 €, 680 libras británicas, 374 \$-; en el garaje de la vivienda se intervinieron cuatro vehículos adquiridos con el dinero procedente de la ilícita actividad descrita; unas esposas con un juego de llaves; un permiso de conducir remano íntegramente falso; teléfonos móviles y elementos electrónicos).

**Noticia criminal.** Investigación proactiva UCRIF.

## Case 324 – Spain, 2015

Country: Spain  
Year of conviction: 2015  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 6

### Case description:

Fecha de la sentencia condenatoria: **13 de noviembre de 2015** (nº 508/15)

Tribunal: **AUDIENCIA PROVINCIAL DE ALMERIA**

RESUMEN DE LOS HECHOS:

TIPO DE TSH: TSH con fines de mendicidad.

CONDENADOS Y PENAS IMPUESTAS A CADA UNO DE ELLOS:

Seis ciudadanos rumanos pertenecientes a la misma familia:

► **Offender 1** hombre de cuarenta y dos años natural de Giurgiu por delito de trata de seres humanos con fines de mendicidad con la concurrencia de circunstancia muy cualificada de reparación del daño a la pena de cuatro años de prisión y accesorias

► **Offender 2** hombre de veintiocho años natural de Giurgiu por delito de trata de seres humanos con fines de mendicidad con la concurrencia de circunstancia muy cualificada de reparación del daño a la pena de cuatro años de prisión y accesorias

► **Offender 3** hombre de cuarenta años natural de Giurgiu como cómplice del delito de trata de seres humanos con fines de mendicidad con la concurrencia de circunstancia muy cualificada de reparación del daño a la pena de dos años de prisión y accesorias

► **Offender 4** hombre de veintisiete años natural de Giurgiu como cómplice del delito de trata de seres humanos con fines de mendicidad con la concurrencia de circunstancia muy cualificada de reparación del daño a la pena de dos años de prisión y accesorias

► **Offender 5** mujer de cuarenta y tres años natural de Turnu Magurele (Teleorman) como cómplice del delito de trata de seres humanos con fines de mendicidad con la concurrencia de circunstancia muy cualificada de reparación del daño a la pena de dos años de prisión y accesorias

► **Offender 6** mujer de veintinueve años natural de Giurgiu como cómplice del delito de trata de seres humanos con fines de Fiscal de Sala de Extranjería. Diligencias de Seguimiento del Delito de Trata de Seres Humanos 36 mendicidad con la concurrencia de circunstancia muy cualificada de reparación del daño a la pena de dos años de prisión y accesorias.

VÍCTIMAS

Dos testigos protegidos de nacionalidad rumana.

INDEMNIZACION VICTIMAS

Si. 30.000€a cada una.

*These court case narratives were provided by Member States. The content does not necessarily reflect the views or policies of UNODC, and nor does it imply any endorsement.*

## **RESUMEN DE HECHOS**

**Captación:** mediante engaño (oferta de trabajo). **Traslado:** en autobús.

**Recepción:** en el domicilio de la familia. **Explotación:** les obligaban a pedir limosnas enfrente de un supermercado desde las 9´30 a las 15 horas y desde las 16 horas hasta las 22 horas, bajo amenazas de muerte. Retirada documentación. Agresiones.

## Case 325 – Spain, 2016

Country: Spain  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 5

### Case description:

Fecha de la sentencia condenatoria: **2 de junio de 2016**

Tribunal: **AUDIENCIA PROVINCIAL DE MADRID**

#### RESUMEN DE LOS HECHOS:

TIPO DE TSH: TSH con fines de explotación sexual. (grupo criminal chino)

- Agravación específica de grupo criminal.
- Concurso con otros delitos: prostitución forzosa y favorecimiento a la inmigración irregular

#### CONDENADOS:

Cinco ciudadanos chinos (cuatro hombres y una mujer)

#### VÍCTIMAS

Cuatro mujeres chinas (testigos protegidos). No declaración presencial en juicio, aportación de sus manifestaciones como prueba preconstituida.

#### SENTENCIA Y PENAS

Sentencia condenatoria.

46 años de prisión, para el jefe del grupo y 44 años de prisión, para el resto.

#### INDEMNIZACION VICTIMAS

Si. 20.000 €por víctima

#### RESUMEN DE HECHOS

Grupo organizado dedicado a **captar** mujeres jóvenes en China, ofreciéndoles trabajo digno en España, así como la obtención de los permisos oportunos de residencia y trabajo. La red se hacía cargo de los gastos de viaje, así como de las gestiones precisas para su organización, incluyendo la obtención de la documentación necesaria. Las mujeres adquirirían por ello una importante deuda que posteriormente, en España, hallándose sin documentación, sin dinero, en situación irregular y careciendo de todo arraigo, se veían obligadas a satisfacer ejerciendo la prostitución, a lo que se veían compelidas por la propia red

**El traslado** – La ruta migratoria seguida se desarrollaba en avión hasta España, vía Viena o París.

**Recepción y acogimiento** – una vez en España, las víctimas eran recogidas por miembros del grupo criminal, que las trasladaban a localidades periféricas de Madrid,

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en concreto a Getafe y Móstoles, donde las alojaban en pisos controlados por personas pertenecientes a la organización.

**La explotación sexual** – se desarrollaba contactando con los clientes en distintos karaokes, prestando los servicios en hoteles próximos y en chalets alquilados y controlados por la red, bajo la supervisión y vigilancia constante de los mismos. Una de las mujeres graba con su Tablet una reunión de la banda y cuando logra escapar aporta las grabaciones a la policía. También aporta el teléfono de otra víctima que estaba secuestrada, teléfono cuya intervención – localización (sin grabación) se autoriza por el juez.

## Case 329 – Ukraine, 2016

Country: Ukraine  
Year of conviction: 2016  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 2

### Case description:

Date of conviction: **22 June 2016**

Court: **Court of appeal of Zhytomyr province**

Fact summary:

Over the course of 2010, Ukrainian citizens Offenders 1 and 2, acting as members of an organized group, committed an offence under article 149, paragraph 3, of the Criminal Code of Ukraine in respect of four citizens of the Islamic Republic of Pakistan.

The victims were invited to start their own businesses in Ukraine and were promised that they would quickly earn a stable and considerable income. Thus, they were recruited using deception and subsequently transported to the territory of Ukraine and transferred to citizens Offenders 1 and 2. The latter person committed labour exploitation of the victims at a stone processing plant in the town of Chopovychy, Malyn district, Zhytomyr province. The victims lived at the plant where they worked, and the wages they were promised were not paid to them.

The pretrial investigation in this criminal case was conducted by the Investigations Department of the Directorate of the Ministry of the Interior of Ukraine for Zhytomyr Province, and the indictment was confirmed on 11 May 2011. In 2012, the case concluded with a ruling that was overturned by the court of appeal on the ground that the sentence handed down was too lenient.

As a result of new court proceedings, the Malyn District Court of Zhytomyr province Offenders 1 and 2 again and imposed a non-custodial sentence.

Rejecting the new ruling on the ground that the sentence was too lenient, the prosecutor filed an appeal. Subsequently, owing to the principled position of the prosecutor's office, on the basis of review by the court of appeal the aforementioned judgment of the Malyn District Court was quashed on 22 June 2016 and a new sentence of eight years' deprivation of liberty without confiscation of property was imposed under article 149, paragraph 2, of the Criminal Code of Ukraine.

The case is currently before the High Specialized Court of Ukraine for Civil and Criminal Cases.

## Case 330 – Ukraine, 2015

Country: Ukraine  
Year of conviction: 2015  
Form of exploitation: unknown  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

Date of conviction: **17 September 2015**

Court: **Lutsk City and District Court, Vinnytsya province**

Fact summary:

The Investigations Department of the Directorate of the Ministry of the Interior for Volynka Province carried out a pretrial investigation on 23 March 2015 in connection with the indictment of Ukrainian nationals Offenders 1 and 2, for a criminal offence under article 149, paragraph 3, of the Criminal Code of Ukraine.

It was established that approximately during the second third of March 2015, Offenders 1 and 2, motivated by gain and acting with intent to traffic in an underage child, agreed to sell their underage daughter Victim 1 to third parties for \$20,000.

Through their deliberate actions, which constituted trafficking in persons committed by prior conspiracy by a group of persons in respect of a minor, Offenders 1 and 2, committed a criminal offence under article 149, paragraph 3, of the Criminal Code.

The criminal proceedings, together with the bill of indictment, were referred to the court.

On 17 September 2015, the Lutsk City and District Court sentenced Offenders 1 and 2, to deprivation of liberty for a term of five years under article 149, paragraph 3, of the Criminal Code.

## Case 331 – Ukraine, 2014

Country: Ukraine  
Year of conviction: 2014  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 9  
Number of offenders: 4

### Case description:

Date of conviction: **9 July 2014**

Court: **Shchors District Court, Chernihiv province**

#### Fact summary:

Over the course of March and April 2013, Ukrainian nationals Offenders 1 and 2 (male) and two unidentified persons (in respect of whom proceedings were initiated separately), acting by prior conspiracy and motivated by gain, abusing the vulnerability of their victims (which stemmed from the fact that the victims had no regular employment or money for subsistence or travel) and using deception by leading their victims to believe that they would receive a high wage, travel money, accommodation and meals while carrying out construction work in the Russian Federation, committed the offence of recruiting, transporting and transferring nine Ukrainian citizens with a view to their exploitation in construction work in Ptichye, Moscow province, Russian Federation.

In accordance with the court's judgment of 9 July 2014, Offender 2 was convicted under article 263, paragraph 1, of the Criminal Code of Ukraine and sentenced to three years' deprivation of liberty. He was also given a separate sentence, under article 149, paragraph 2, of the Criminal Code, of five years' deprivation of liberty with confiscation of half of his personal property.

On the basis of article 70 of the Criminal Code of Ukraine, in accordance with which the more severe penalty subsumed the lesser penalty, Offender 2 was sentenced to five years' deprivation of liberty with confiscation of half of his personal property.

Offender 1 was convicted under article 263, paragraph 1, of the Criminal Code and sentenced, in application of article 69 of the Code, to deprivation of liberty for a term of one year.

He was also given a separate sentence, under article 149, paragraph 2, of the Code, of five years' deprivation of liberty, without confiscation of property.

On the basis of article 70 of the Criminal Code of Ukraine, since the more severe penalty subsumed the lesser penalty, Offender 1 was sentenced to five years' imprisonment without confiscation of property.

In accordance with articles 75 and 76 of the Criminal Code, release on probation was granted for a period of three years.

Pursuant to a ruling issued by the Chernihiv province court of appeal on 23 March 2015, the judgment of the Shchors District Court was modified only with respect to civil claims filed by the victims.

## Case 332 – Ukraine, 2016

Country: Ukraine  
Year of conviction: 2016  
Form of exploitation: illegal adoption  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **25 January 2016**

Court: **Sosnivka District Court, Cherkasy**

#### Fact summary:

Female citizen Offender 1, in her sixth month of pregnancy and unable, owing to difficult financial circumstances, to ensure the social and living conditions necessary for family life, including for a newborn child, became acquainted with a female person, Offender 2, who was seeking to adopt a child on the basis of a verbal agreement, without concluding an agreement as required by Ukrainian law or drawing up adoption papers.

Subsequently, following the birth, while attending a therapy course at the newborn and premature infants department of the Cherkasy Province Children's Hospital, the mother, acting with intent to hand over her child for financial gain and aware that her actions were illegal, committed an illegal transaction involving a person, namely her underage child, by handing her child over to a person whom she hardly knew for the sum of 40,000 hryvnia at the hospital entrance.

The Sosnivka District Court in the city of Cherkasy found Offender 1 guilty of a criminal offence under article 149, paragraph 3, of the Criminal Code of Ukraine and sentenced her to four years' deprivation of liberty in application of article 69 of the Criminal Code.

The mitigating circumstances that were taken into account by the court when sentencing Offender 1 were the offender's sincere remorse and active assistance in uncovering the offence; commission of the offence as a result of difficult personal circumstances; and, in accordance with article 66, paragraph 2, of the Criminal Code, the poor health (HIV infection) and mental state of the accused, the latter caused by the unwanted pregnancy and the former by a weakened physical condition resulting from pregnancy and complicated anaemia accompanied by asthenia and hormonal imbalance following a caesarean section, coupled with increased stress, anxiety, dependence, impaired judgment and a worsening prognosis.

Translator of the Prosecutor-General's Office of Ukraine

## Case 333 – United States of America, 2015

Country: United States of America  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 10  
Number of offenders: 4

### Case description:

Dates of conviction: **August 24, 2015; December 14, 2015**

Court: **Northern District of Ohio**

#### Fact summary:

On June 27, 2016, Offender 1 (male), 33, was sentenced to 188 months in prison and Offender 2 (female), 22, was sentenced to 10 years in prison for their respective roles in luring Guatemalan minors and adults to the United States under false pretenses and then using threats of physical harm to compel them to work on egg farms in Ohio. The defendants were also ordered to pay a total of \$67,230 in restitution to the victims. In August 2015, Offender 1 pleaded guilty to conspiracy to commit forced labor, forced labor, witness tampering and alien harboring charges. Offender 2 pleaded guilty in December 2015 to conspiracy to commit forced labor.

Offenders 1 and 2 recruited workers from Guatemala, some as young as 14 or 15 years old, falsely promising them good jobs and a chance to attend school in the United States. The defendants then smuggled and transported the workers to a trailer park in Marion, Ohio, where they ordered them to live in dilapidated trailers and to work at physically demanding jobs at Trillium Farms for up to 12 hours a day for minimal amounts of money. The work included cleaning chicken coops, loading and unloading crates of chickens, and de-beaking and vaccinating chickens. The defendants threatened workers with physical harm and withheld their paychecks to compel them to work. Eight minors and two adults were identified as victims of the forced labor scheme.

## Case 334 – United States of America, 2016

Country: United States of America  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 5  
Number of offenders: 1

### Case description:

Date of conviction: **November 17, 2016**

Court: **Southern District of Florida**

#### Fact Summary:

Offender 1 (male), 47, of Miami Beach, Florida, was sentenced on March 24, 2017 to 30 years in prison for sex trafficking and related violations arising from a scheme to lure foreign university students into the United States under false pretenses of legitimate summer jobs, only to advertise the students to customers of his prostitution and erotic massage enterprise. Offender 1 was ordered to pay \$8,640 in restitution to the victims. A jury convicted Offender 1 on November 17, 2016 of sex trafficking and attempted sex trafficking by fraud, wire fraud, importation of persons for prostitution or immoral purposes and use of a facility of interstate commerce to operate a prostitution enterprise.

According to evidence presented in court, Offender 1 recruited foreign students from Kazakhstan through the State Department's J-1 Summer Work Travel Program, using false and fraudulent promises of clerical jobs in a fictitious yoga studio in order to bring the students in the United States. After the students arrived in Miami in May 2011, Offender 1 revealed that the yoga studio did not exist and that he expected the students to perform erotic massages and commercial sex acts as part of his prostitution and erotic massage enterprise. According to testimony and evidence presented at trial, the students were advertised to customers from June 2011 until they were recovered by law enforcement in August 2011.

## Case 335 – United States of America, 2017

Country: United States of America  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3

### Case description:

Date of conviction: **March 8, 2017**

Court: **District Court for the Southern District of Florida**

#### Fact summary:

Offender 1 (male), 37, with ties to West Palm Beach, Florida, was sentenced to life in prison on July 21, 2017 after being convicted of conspiracy to commit sex trafficking by fraud and of a minor; sex trafficking by fraud and of a minor; attempting to engage in sex trafficking by fraud and of a minor; traveling overseas with the intent to engage in illicit sexual conduct; sexually assaulting a minor; and possession of child pornography. All of the charged conduct occurred outside of the United States, in either Iraq or Honduras, and largely while Offender 1, a United States citizen, was working as a network system administrator contracted by the United States Department of Defense.

Offender 1 engaged in an elaborate scheme to sexually exploit young girls between the ages of 13 and 16 years of age in 2010 and from 2012 through 2014 in Honduras, where he had moved to work at the U.S. Army X, in X Base. Evidence at trial revealed that Offender 1, with the aid of coconspirators, fraudulently recruited young girls living in very poor rural villages to work as housekeepers at his home. In exchange, Offender 1 promised to pay a significant amount of money to the families. Shortly after the girls' arrival to Offender 1's home in Honduras, he sexually assaulted the girls, or sought to "marry" the minors to engage in sexual acts with them. Some victims testified that Offender 1 gave them pills that made them sleepy and dizzy before engaging in sexual acts with them. A government expert witness testified that some pills seized by law enforcement from Offender 1's Honduras residence in March of 2014 were determined to be drugs that can be used as sedatives and date rape drugs. At trial, the U.S. Government also introduced evidence that Offender 1 had engaged in sexual acts with a minor female from Mexico beginning in 2002, when the minor was only 13 years old. The minor resided with the defendant in California until 2006. In 2005, Offender 1 possessed electronic images of this sexual abuse in Iraq while working as a government contract worker. These images of child pornography were also recovered from Offender 1's residence in Honduras in 2014 and were the subject of the possession of child pornography charge.

## Case 336 – United States of America, 2016

Country: United States of America  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of conviction: **November 7, 2016**

Court: **Northern District of Texas**

#### Fact summary:

Offender 1 (male), 24, of Dallas, was sentenced on November 7, 2016 to 240 months in federal prison on felony convictions stemming from a plan to recruit a developmentally disabled teenage girl to engage in commercial sex acts. His co-defendant brother, Offender 2 (male), 27, was sentenced earlier in 2016 to serve a total of 326 months in federal prison for using a facility of interstate commerce in aid of a racketeering enterprise and being a felon in possession of a firearm. Another defendant charged and convicted in the case, their cousin, Offender 3 (male), 32, also of Dallas, pleaded guilty in May 2016 to one count of use of a facility of interstate commerce in aid of a racketeering enterprise and was sentenced to 60 months in prison in November 2016.

According to documents filed in the case, from approximately July 4, 2013, to July 22, 2013, Offenders 1, 2, and 3 engaged in an enterprise that promoted prostitution in various hotels in Dallas. In early July 2013, Offenders 1 and 2 recruited a mentally challenged 18-year-old girl to work for them in the prostitution enterprise; Offender 3 was engaged in the unlawful activity of promoting prostitution of another female. Offender 1 and 2 knew the victim since she was 15 years old. When she was 18 years old, they devised a plan to recruit her to engage in commercial sex acts for them by taking advantage of her diminished mental capacity. In late June 2013, Offender 1 established a friendship with the victim, and then, in early July of 2013, he used false pretenses to convince her to leave her home with him.

Later that night, Offenders 1 and 2 drove the victim to a motel in Dallas where Offender 1 had rented a room. Offender 2 used his cell phone to take provocative photos of the victim that they later used in advertisements they posted on backpage.com. They deprived her of food and prevented her from leaving their hotel room to encourage her to engage in commercial sex acts for them. Offender 2 had sex with the victim, and the victim eventually engaged in commercial sex acts and provided the money she earned to Offender 2. Offenders 1 and 2 used the Internet and a cell phone to coordinate the victim's commercial sex acts with potential customers. Later, Offenders 1 and 2 moved the victim to another motel in Dallas where they continued to compel her to engage in commercial acts during the latter part of July 2013. Officers with the Dallas Police Department rescued the victim from this motel on July 22, 2013.

## Case 337 – United States of America, 2017

Country: United States of America  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 12  
Number of offenders: 8

### Case description:

Conviction dates: **April 2017**

Court: **Eastern District of New York**

#### Fact summary:

In April 2017, eight members of an international criminal organization, known as the AA Trafficking Organization, entered guilty pleas in federal district court in Brooklyn, New York to racketeering and other federal charges arising from their scheme to force young women and girls from Mexico and Latin America into prostitution. For over a decade, the defendants smuggled their victims into the United States, then used force, threats of force, fraud, deception, and coercion to compel them to engage in prostitution for the defendants' profit, generating criminal proceeds that the defendants laundered back to Mexico.

The eight defendants were charged in July 2015 with racketeering and racketeering conspiracy involving predicate acts of sex trafficking by force, fraud, or coercion, sex trafficking of minors, money laundering, alien smuggling, and interstate transportation for prostitution, in addition to parallel substantive charges.

The defendants were arrested simultaneously in the United States and Mexico in November 2015 as part of a bilateral enforcement action. Five of the defendants were apprehended in Mexico by Mexican authorities and later extradited, and three were arrested in the United States by the specialized Trafficking in Persons Unit of the New York Office of the Department of Homeland Security's Homeland Security Investigations.

## Case 338 – United Kingdom, 2015

Country: United Kingdom  
Year of conviction: 2015  
Form of exploitation: forced marriage, sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 4

### Case description:

Date of conviction: **August 2015, sentenced 13 August 2015**

Court: **Southwark Crown Court**

Fact summary:

#### **Operation Hallberg**

This case arose from a Joint Investigation (JIT) between the Metropolitan Police Modern Slavery and Kidnap Unit and the Lithuanian authorities into the trafficking of females from Lithuania into the UK for the purpose of “sham marriage” to non EU males. Other offences were also identified, including conspiracy to facilitate breach of immigration law and controlling prostitution for gain.

Three defendants were prosecuted in the UK. Offender 1, a UK based Lithuanian national, met the females on arrival into the UK and coerced them into marrying mainly South Asian males for the purposes of regularising their immigration status. Two of the victims had also been forced into prostitution and in having sex with their ‘grooms’. Offender 1’s partner Offender 2 arranged clients and controlled the prostitution of the women; the third defendant Offender 3 was one of the “grooms”. The defendants were convicted at Southwark Crown Court in August 2015; Offender 1 was sentenced to 10 years, Offender 2 to 6 years and Offender 3 to 5 years imprisonment.

Following this prosecution, the investigation continued between the Metropolitan Police and Lithuanian authorities. A further defendant Offender 4 was arrested in September 2016 in Lincolnshire for arranging a sham marriage between the defendant Offender 1 and a non-EEA national. It was decided that the Lithuanian authorities would lead on this prosecution; evidence obtained by the UK authorities as part of the joint investigation has been transferred to the Lithuanian authorities. After an extradition hearing, Offender 4 was surrendered to Lithuania on 14 June 2017.

## Case 339 – United Kingdom, 2017

Country: United Kingdom  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 9  
Number of offenders: 3

### Case description:

Date of conviction: **16 March 2017, sentenced 12 May 2017**

Court: **Kingston Crown Court**

Fact summary:

#### **Offenders 1, 2, and 3.**

Three Romanian nationals were sentenced after trafficking women and young girls into prostitution in the UK.

Offender 1 (female), 32, Offender 2 (male) 39, and Offender 3 (male), 47, deceived women into moving to the UK with the promise of work, before forcing them into prostitution with threats and blackmail.

One of their victims - who was 14 at the time and came from a poor family in Romania - was forced to have sex with up to 15 men a night by Offenders 1 and 2 with threats of violence to her and her family in Romania.

Offenders 1 and 2, who were a couple living in the UK and collecting money from a network of prostitutes, were each sentenced to a total of 14 years' imprisonment. Offender 3, who lived in Basildon, Essex, and drove people within the UK was sentenced to two years and eight months in prison.

This was a complex case involving a significant amount of international cooperation by an international joint investigation team, including the CPS, and a joint day of action in Ploiesti in Romania, and in the UK, leading to arrests.

Offenders 1 and 2 jointly admitted five counts of conspiracy to traffic persons into and within the UK for the purpose of sexual exploitation, dating between January 2013 and November 2016, conspiracy to control prostitution for gain, and two counts relating to child prostitution. Offender 3 admitted four counts of conspiracy to traffic persons within the UK for the purpose of sexual exploitation, and one count of conspiracy to cause prostitution for gain.

## Case 340 – United Kingdom, 2015

Country: United Kingdom  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 250  
Number of offenders: 11

### Case description:

Date of conviction: **2015, sentenced 16 July 2015**

Court: **Southwark Crown Court**

Fact summary:

#### **Operation Peltier**

This case involved CPS London, the Metropolitan Police Service (MPS) and the Hungarian authorities. The 11 defendants were responsible for trafficking at least 250 women from Hungary into 50 brothels across London and Peterborough. The victims were forced to hand over 50% of their earnings to the defendants. 8 defendants were arrested between June and July 2014 in England; the on-going cooperation between the UK and Hungary led to the remaining suspects being located and arrested in Hungary. European Arrest Warrants (EAWs) were issued and they were extradited to stand trial in London.

The case came to the attention of the MPS through Siena (EU secure information network) which facilitates law enforcement communications with Europol.

Central to this successful prosecution was strong joint working with the Hungarian authorities following the setting up of a Joint Investigation Team (JIT) through Eurojust in 2013. The investigation and the subsequent prosecution of this case took almost 3 years and over 15 visits to Hungary. It enabled the police and the CPS to build the strongest possible case, leading 6 of those involved to plead guilty. The remaining 5 defendants were found guilty following a lengthy trial. The defendants were convicted of trafficking for sexual exploitation, controlling prostitution, money laundering and rape. They were sentenced to a total of 60 years imprisonment.

The facilitation of the investigation and prosecution and its funding was met by Eurojust; as a direct result the following was possible:

- Strategy and planning meetings between law enforcement and prosecutors from countries involved;
- Witness statements were able to be obtained from highly vulnerable victims; many came from deprived or isolated regions across Europe. Without cooperation through Eurojust this would have been a lengthy and difficult process;
- Enquiries with travel companies and State Institutions to obtain evidence;

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- An understanding of differing legislation, jurisdiction and disclosure policies of all parties involved, including the establishment of a joint disclosure policy;
- Handling and disclosure of sensitive material; intercept evidence had been obtained during the investigation by Hungarian law enforcement, which was subsequently relied upon by the prosecution at trial. Protocols on how this was to be used in the courts was agreed and understood by all parties, together with its on-going handling and presentation. Hungarian officers gave evidence at the PII hearing in London about the intercept evidence, which was ruled admissible.
- Planning and execution of simultaneous arrests and enforcement in each country;
- On-going support, assistance and care to victims throughout the criminal justice process, including access to compensation;
- On-going investigation throughout the trial; victims and jurors were subjected to interference and threats which led to re-trial. Continued assistance of Hungarian authorities;
- Financial enquiries in identifying and evidencing the flow of money and recovery of assets, most of which was in Hungary;
- The victims and other witnesses were able to give live evidence in the case from Hungary to the Crown Court in London via video link;
- Translation of all material obtained during the investigation and for prosecution presentation (totalling £65,779)
- The establishment of a JIT in this case replaced the need for repeated requests for mutual legal assistance (MLA) which, given the wide range of on-going enquiries would have slowed down the investigation and put pressure on custody time limits.

## Case 341 – United Kingdom, 2017

Country: United Kingdom  
Year of conviction: 2017  
Form of exploitation: forced criminality, forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 5

### Case description:

Date of conviction: **24 October 2017, sentenced 31 October 2016**

Court: **Plymouth Crown Court**

Fact summary:

#### **Operation Triage**

Five members of a Czech family were convicted of trafficking vulnerable men into the UK for exploitation, forcing them to do hard, humiliating work whilst they lived in squalid conditions.

At least eight victims were made to sleep in a garage, on mattresses on a floor and even in a cupboard, and had to supplement their meagre rations by foraging in bins for leftovers. They were forced to work in local factories, carwashes or as domestic servants and one was compelled to cut a lawn using a knife. The court heard that the victims had not been locked up but felt trapped because of their lack of money and English language. One man was beaten with a chair and a baseball bat, and another was forced to shoplift, pushing trolley-loads of goods from supermarkets. As part of their humiliation they were forced to use the garden as a toilet or pay £1 to use a proper lavatory.

Almost all of the money they earned was taken from them by the defendants and they were beaten, punched and told they would be killed if they tried to escape. The defendants all lived comfortable lifestyles while their victims were forced to work.

Two of the defendants were sentenced to six and a half years imprisonment; the three others were sentenced to three years imprisonment, two years imprisonment and 30 months imprisonment.

Police estimate dozens of men with drug and alcohol problems were trafficked over several years, earning the gang hundreds of thousands of pounds.

This was a challenging and complex matter to investigate and prosecute, requiring international co-operation between prosecutors and law enforcement in the UK and the Czech Republic to build a strong prosecution case. One of the Czech prisoners was transferred to the UK to give evidence and a further witness testified directly from a court in the Czech Republic.

## Case 342 – United Kingdom, 2016

Country: United Kingdom  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 36  
Number of offenders: 3

### Case description:

Date of conviction: **3 August 2016, sentenced 4 August 2016**

Court: **Isleworth Crown Court**

#### Fact summary:

The defendant was convicted of 12 counts including conspiracy to traffic persons for sexual exploitation, trafficking out of the United Kingdom for sexual purposes and immigration offences. She was sentenced to a total of 22 years imprisonment. The case involved the trafficking of about 36 girls and women from Nigeria to Europe from August 2011 to April 2012; the youngest was 14. The judge described them as poor, impressionable and often desperate with no secure families or other support.

The defendant played a leading role in trafficking them and in particular accompanied them on the flight from Nigeria to Europe. She used a combination of encouragement and threats. The encouragement amounted to untrue promises of a better life with jobs, security and income for their families. The threats involved using “Ju Ju” to place curses and obligations on some of them to enable them to be controlled and terrified. The defendant groomed her victims over a period of time, coaching each one in her new identify and cover story and in the consequences of admitting that the defendant was their escort on the flight.

The case was prosecuted with the support of five victims, who courageously gave evidence against the defendant; one of whom had been re-trafficked and had then spent several months working in prostitution in France. The remaining victims, around thirty, were never fully identified. However, the prosecution relied on the inference that, since they were travelling in the same circumstances as the victims who gave evidence, it must have been for the same purpose. This was accepted by the jury and referred to by the judge in his sentencing remarks.

## Case 343 – United Kingdom, 2016

Country: United Kingdom  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 12  
Number of offenders: 5

### Case description:

Date of conviction: **Sentenced on 28 June 2016**

Court: **Belfast Crown Court**

Fact summary:

#### **Operation Burgrave**

This was a proactive investigation into the human trafficking for sexual exploitation of vulnerable females across Europe by a Romanian Organised Crime Gang. Twelve victims were identified, 6 arrests were made in Belfast, Stockholm and Bucharest and assets recovered in Romania. In January 2016, the Police Service of Northern Ireland (PSNI) extradited two Romanian nationals from Sweden for their involvement in a two-year Human Trafficking investigation for sexual exploitation. This was a joint investigation between PSNI and Swedish Law enforcement through Europol and Eurojust. The defendants were initially prosecuted in Sweden and were sentenced to four years imprisonment. In Belfast, in May 2016, both suspects pleaded guilty to Human Trafficking in Northern Ireland. Each defendant was sentenced to two years custodial sentence on 28th June 2016. Deportation orders are in place for the suspects when they are released from custody.

## Case 344 – Paraguay, 2015

Country: Paraguay  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

#### **OFFENDER 1 Y OTROS S/ TRATA DE PERSONAS CON FINES DE EXPLOTACION SEXUAL.**

El Ministerio Público, representado por la agente fiscal 1, de la Unidad Especializada N° 3. en la Lucha Contra la Trata de Personas y Explotación Sexual en Niños/as y Adolescentes, hizo posible la aplicación de una condena de 8 años de pena privativa de libertad contra Offender 1 ciudadano argentino. Éste fue acusado por el hecho punible de trata de personas con fines de explotación sexual y laboral.

VICTIM 1, oriunda de la ciudad de Areguá. recibió en fecha 2 de enero de 2013 una oferta laboral para trabajar como empleada doméstica en una casa de familia en Argentina, con un sueldo mensual de G 2 millones. El 6 de enero, viajó con Offender 1 en un vehículo de la marca Fiat tipo Strada, de color verde.

Al llegar, ella se percató de que no se cumpliría lo acordado anteriormente con Offender 1, quien cambió su actitud y la mantenía encerrada en la casa. Inclusive, la golpeaba y constantemente abusaba sexualmente de ella. La víctima realizaba las tareas domésticas de la casa, sin percibir remuneración alguna. Luego de irnos meses, la víctima logró escaparse de la vivienda con la ayuda de irnos vecinos de la cuadra. Volvió a Paraguay y formuló la denuncia.

El Tribunal de Sentencia condenó a la pena privativa de libertad de 8 años y además determinó que Offender 1 debía abonar una indemnización a la víctima por la suma de G. 25 millones. Este pago fríe uno de los primeros casos en el que se cumple la disposición legal de indemnización a la victima, de acuerdo al art. 17 y 18 de la Ley Integral 4788.T2 y el embargo de los bienes del acusado.

## Case 345 – Honduras, 2014

Country: Honduras  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **14 de agosto del año 2014**

Tribunal: **de Sentencia**

Resumen de los hechos:

En fecha 28 de agosto del 2014, se recibe denuncia vía telefónica, en donde manifiestan que la señora Offender 1 residente en la ciudad de Juticalpa departamento de Olancho, se dedica a la explotación sexual de niñas y mujeres, el precio por los servicios sexuales a que son objeto las víctimas dependía de la edad, e incluso la condición física (cuerpo y virginidad) si el cliente explotador frecuente, condición económica de estos, cuando se trata de niñas, las de edades entre 13 y 17 años, y las mujeres adultas de 18 en adelante.

De acuerdo a las declaraciones de las víctimas manifestaron que Offender 1 se encarga de captarlas, trasladarlas hasta su domicilio en Juticalpa y las acogía en su casa de habitación, las víctimas que captaba Offender 1 por lo general eran de aldeas, o de los alrededores de Juticalpa, a quienes contacta mediante aviso en cadena (preguntar a otras si conocen más jovencitas) luego realiza las llamadas telefónicas y en su vehículo se trasladaba a traerlas, a fin de ponerlas a disposición de los clientes que pagan por servicios sexuales.-

Una vez que se obtuvo la información de inmediato se procedió a conformar el grupo de trabajo de la Sección Contra la Explotación Sexual Comercial y Trata de Personas, trasladada a la ciudad de Juticalpa del departamento de Olancho, se realiza el escrito para agente encubierto a través de los juzgados, se operativizó el caso se detienen a tres personas; Offender 1 (tratante), Offender 2 (Clase I de Policía), Offender 3 (Teniente Coronel del Ejército).

Manifiestan las víctimas la señora Offender 1 la tenía amenazadas que si no continuaban se atenderán a las consecuencias, por lo que no cabe duda que la acción de Offender 1 se enmarcan en el tipo penal de trata de personas agravado en la modalidad de explotación sexual comercial por tratarse por niñas menores de dieciocho años de edad.

Así mismo con las investigaciones realizadas y las pruebas presentadas al tribunal competente se le logró obtener sentencia condenatoria contra Offender 1 a 11 años tres meses de reclusión más una multa de 168.75 salarios mínimos y cinco años de reclusión contra Offender 2 (Clase 1 de Policía), Offender 3 (Teniente Coronel del Ejército).

## Case 346 – Honduras, 2015

Country: Honduras  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

El día sábado 11 de enero del año 2014, mientras analistas de investigación criminal de la Fiscalía Especial de la Niñez, y agentes de investigación Criminal de la Unidad de delitos especiales de la Dirección Nacional de Investigación Criminal se encontraban realizando diligencias en la Penitenciaría Nacional de Tamara les comunicaron que en dicho centro penal se encontraban dos mujeres que responden a los nombres de Offender 1 e Offender 2 quienes andaban explotando sexualmente a niñas menores de edad entre 14 y 16 años de edad.

Una vez que se obtuvo la información de inmediato se procedió a ubicar a las referidas señoras que ya venía saliendo del centro penal con las jóvenes requiriéndolas y luego trasladadas hasta las oficinas del Ministerio Público para su investigación junto con los menores.

De acuerdo a las declaraciones de las víctimas manifestaron que fueron captadas por las señoras antes mencionadas en la colonia Ciudad España, una vez que las captó las lleva a una casa baldía que se encuentra en la misma colonia donde las instruye que es lo que tienen que hacer, al principio las llevo engañadas diciéndoles que iban a trabajar pero no decían en qué tipo de trabajo iban a realizar, al llegar al referido lugar esta las obligo a tener relaciones sexuales con hombres que ellas desconocían quienes pagaban mil lempiras por cada relación sexual que ellas tenían y a veces tenía hasta tres relaciones sexuales con diferentes hombres, de esos dineros ellos se quedaban con quinientos lempiras de cada una de las relaciones sexuales y doscientos lempiras le daban a la señora Offender 1 quien también las acompañaba a la penitenciaría en contubernio con la señora Offender 2, cabe mencionar que estas dos señoras se encargan de trasladarla desde la ciudad de España hasta la penitenciaría pagando por cada una de ellas cinco lempiras por el transporte que las conduce hasta la aldea de Tamara, una vez dentro de la penitenciaría de Tamara la señora Offender 1 se encargaba de buscarles los hombres con quienes tendrían relaciones sexuales.

Manifiestan las víctimas que ellos querían salirse del trabajo pero la señora Offender 1 las tenía amenazadas que si no continuaban se atenderán a las consecuencias, por lo que no cabe duda que la acción de ambas mujeres se enmarcan en el tipo penal de trata de personas agravado en la modalidad de explotación sexual comercial por tratarse por niñas menores de dieciocho años de edad.

## Case 347 – Honduras, 2014

Country: Honduras  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking, cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 2

### Case description:

El 17 de julio del año 2013 se recibió denuncia anónima que un negocio denominado “X” ubicado en el Municipio de Danli que estaban explotando sexualmente varias niñas por lo que posteriormente mediante trabajos realizados por parte de agentes de investigación de la Sección contra la explotación sexual comercial y trata de personas como ser inteligencia policiales e infiltraciones y trabajos encubierto posterior al trabajo de inteligencia realizado se planifico realizar operativo el cual se llevo a cabo mediante agente encubierto juramentado por el juzgado competente y se logro constatar que en dicho lugar habían varias niñas quienes estaban siendo explotadas scxualmente por lu propietaria del lugar identificada como Offender 1 y Offender 2 quien era la administradora de dicho establecimiento.

Quienes realizaban la captación de las menores y las llevaban a trabajar al lugar como mecerás luego obligándolas a mantener relaciones sexual con los clientes que acudían al lugar, posteriormente se realizo allanamiento en el lugar dando como resultado el rescate de tres niñas y la captura de Offender 1 a las otra imputada se presento el requerimiento fiscal y se procedió a capturarla.

Este caso se trabajo en conjunto con personal de unidades dedicadas a recabar información sobre otros delitos como la venta y distribución de droga.

Así mismo con las investigaciones realizadas y las pruebas presentadas al tribunal competente se le logro obtener sentencia condenatoria contra la ciudadana Offender 1 a una pena de 11 años 3 meses de reclusión más una multa de 168.75 salarios mínimos.

## Case 348 – Honduras, 2016

Country: Honduras  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 4  
Number of offenders: 3

### Case description:

En fecha 11 de enero del 2014 se recibió denuncia ante la fiscalía Especial de la Niñez donde manifiesta el denunciante que tiene conocimiento que una personas de sexo femenino se dedica a conseguir jóvenes para damas de campaña y tener sexo a cambio de remuneración económica por los servicios quien ofrecía de todos los justos entre las edades de 17 a 28 años, cobrando una tarifa de 2,000.00 por cuatro horas por estar con una de la mujeres, por lo que se realizaron las investigaciones correspondientes logrando identificar dos proxenetas con el nombre de ‘la Offender 1’ y ‘Offender 2’ quienes realizaban la captación y traslado de las víctimas para que mantuvieran relaciones sexuales dentro y fuera de la ciudad o donde el cliente lo indicara y esta cobrada 2,000 lempiras al cliente y le entregaban una mínima cantidad de dinero a la víctima, al tener la información verificada se coordinó un operativo policial-fiscal con el fin de realizar captura de la sospechosa y rescate de víctimas.

Mediante agente encubierto y entrega controlada se logró establecer que las ciudadanas hondureñas Offenders 1 y 2 se dedicaban a cometer el delito de trata de personas con fines de explotación sexual comercial, dándole detención a las ciudadana anteriormente mencionada y realizando el rescate de cuatro víctimas una menor y tres adultas, por lo que la Fiscalía de la niñez a través de la sección contra la explotación sexual comercial y trata de persona presento requerimiento contra las ciudadanos hondureñas Offenders 1 y 2 en base a los indicios suficientes encontrados en la investigación, dictándole un auto de formal procesamiento por los juzgados competentes a la ciudadana Offender 2 por el delito de Trata de Personas y en recurso presentado por la defensa se deja la libertad a Offender 1, por lo que el Ministerio Publico Apelo al recurso, y en el año 2016 mediante procedimiento abreviado la ciudadana Offender 2 se declara culpable por el delito que se le imputa siendo condenada a una pena de 11 años de reclusión más una multa de 169 mínimos.

En este mismo año, se emite orden de captura contra Offender 1 por el delito de trata de personas, a quien mediante trabajo de vigilancias y seguimientos se logra dar con su captura en la ciudad de Tegucigalpa, elevando la causa de juicio oral y público encantándose culpable por el delito de trata de personas en perjuicio de testigo protegido, siendo sentenciada a una pena de 15 años de reclusión mas una multa de 225 salarios mínimos.

## Case 349 – Poland, 2015

Country: Poland  
Year of conviction: 2015, 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **18 December 2015 (judgement in the 1<sup>st</sup> instance), 30 June 2016 (judgement in the 2<sup>nd</sup> instance – legally binding on this date)**

Court: **Regional Court in Gdańsk, 14<sup>th</sup> Penal Division**

### Fact summary:

Convicted Offender 1, from 26 November 2013 to 28 November 2018 exploited the critical situation and helplessness of a female Bulgarian national who had very poor command of Polish, could not read the letters of the Roman alphabet, did not have any money at her disposal and was unable to contact her family. The woman had her passport taken away from her. The convicted took her over from another man, who has also provided him with her identity card. Offender 1 subsequently forced the woman to prostitute herself and derived a material benefit profit from it amounting to at minimum PLN 250.00. The offence was classified as the offence under Article 189a § 1 of the Penal Code in conjunction with Article 204 § 2 of the Penal Code.

## Case 350 – Poland, 2015

Country: Poland  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of conviction: **21 August 2015 (judgement became legally binding on 29 August 2015)**

Court: **Regional Court in Warsaw, 12<sup>th</sup> Penal Division**

#### Fact summary:

Convicted Offender 1, at the latest on 10 July 2013 took over Victim 1, a woman, from two unidentified men for an unspecified amount in order to force her to prostitute herself. Subsequently, at least from 10 July 2013 to 10 October 2014 he derived profits from the woman's prostitution and he forced her to prostitute herself by beating her or threatening to beat or kill her. Offender 1 has turned this criminal activity into his regular source of income. The convicted also supplied the woman with a narcotic drug in the form of cocaine.

The offences committed by the convicted were classified as offences under Article 189a § 1, Article 203 and Article 204 § 2 of the Penal Code, as well as under Article 58(1) of the Act of 29 July 2005 on Counteracting Drug Addiction.

## Case 351 – Poland, 2015

Country: Poland  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of conviction: **31 July 2015 (judgement became legally binding on 8 August 2015)**

Court: **Regional Court in Zielona Góra**

#### Fact summary:

Convicted Offender 1, in the period from 23 to 28 January 2009 purchased from unidentified Turkish nationals Victim 1, a woman, for the price of EUR 1,200. The woman was in a critical material and family situation. She did not know Polish and was illiterate. In order to force her to prostitute herself, the convicted took her to the hotel (...) in Ż., where she was taken over by another specified person for the purpose of working as a prostitute. Subsequently the convicted – taking advantage of the critical situation of Victim 1 – induced her to prostitute herself. In this manner until 3 March 2009 the convicted facilitated Victim 1 in prostituting herself in Ż. and derived material benefits from it. Every day he drove Victim 1 to the designated spot by the road, where she prostituted herself. In addition, in the afternoons the woman prostituted herself in hotel rooms made available to her. Every day the convicted took from Victim 1 all the money she had managed to earn. In this manner he was able to derive a material benefit in the total amount of at least EUR 7,000. It has to be noted that in February 2009 the convicted forced the aggrieved to continue prostituting herself by threatening to kill her.

The offences committed by the convicted were classified as offences under Article 253 § 1, Article 203 and Article 204 § 2 of the Penal Code.

## Case 352 – Poland, 2015

Country: Poland  
Year of conviction: 2015  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case description:

Date of conviction: **30 March 2015 (judgement became legally binding on 8 April 2015)**

Court: **Regional Court in Rzeszów, 2<sup>nd</sup> Penal Division**

#### Fact summary:

The convicted Offender 1, in the period from at least 2005 to 25 January 2007 participated in an international organised criminal group led by Moldovan nationals. The activity conducted by this group consisted in recruiting, transporting, transferring and selling women with minor children from Ukraine and Moldova to Poland in order to exploit them for the purposes of providing labour or other services of forced nature in the form of begging on the streets of Polish cities. These persons begged in busy spots of cities in Poland. The convicted took all the money they earned in this manner from them as compensation for bringing them to Poland.

The offences committed by the convicted were classified as offences under Article 258 § 1 and Article 189a § 1 of the Penal Code.

## Case 353 – Poland, 2015

Country: Poland  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Date of conviction: **4 December 2015 (judgement of the court of the 1<sup>st</sup> instance), 10 June 2016 (judgement of the court of the 2<sup>nd</sup> instance)**

Court: **Regional Court in Suwałki**

#### Fact summary:

The convicted Offender 1 from 9 September 2010 to the end of December 2010 brought workers to work on an agricultural holding located on the territory of the Federal Republic of Germany. He had done so by providing the workers with false information concerning the conditions of their employment and their accommodation prior to their departure. After the aggrieved arrived at their destination, the convicted exploited their situation, inability to speak German and the lack of money. He exploited the aggrieved for the purpose of conducting agricultural works, making the payment of their remuneration and their ability to return to Poland dependent on working for a specified number of hours.

The act of the convicted was classified as an offence under Article 189a § 1 of the Penal Code.

## Case 354 – Poland, 2016

Country: Poland  
Year of conviction: 2016  
Form of exploitation: forced criminality, forced labour  
Type: unknown  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

Date of conviction: **29 November 2016 (judgement of the court of the 1<sup>st</sup> instance), 12 April 2017 (legally binding on this date)**

Court: **Regional Court in Opole**

#### Fact summary:

In the period from July to August 2011 each of the three aggrieved – Victim 1, Victim 2, and Victim 3 – was (separately) presented with an offer to undertake legal employment abroad. After they accepted the offer, they were transported abroad, where Victim 1 and Victim 2 were exploited for the purpose of conducting theft. All three of them were taken over by Offender 1, who – by subjecting them to unlawful threats and, in the case of Victim 2, also beating them – forced them to provide unpaid labour on the territory of his farm near M. in S.

The act of the convicted was classified as an offence under Article 189a § 1 of the Penal Code.

## Case 355 – Republic of Korea, 2014

Country: Republic of Korea  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: unknown (multiple)

### Case description:

Date of conviction: **2014-10-15**

Court: **Supreme Court**

Fact summary:

One of the defendants was a bar owner, and the victim had worked at the bar for a month. However, during the month she had worked there, the owner had repeatedly demanded her to work as a prostitute, and urged her to pay excessive debt. Then, when the victim stopped going to work, the owner colluded with the other defendants in forcing the victim to sell her body for her supposed debt.

The assailants searched for the victim, and when they found her, they assaulted and threatened her. After successfully coercing her into submission, they sold her to a prostitution business owner.

Though the case went all the way up to the Supreme Court, the defendants were found guilty of abduction and human traffic in the end.

## Case 356 – Republic of Korea, 2014

Country: Republic of Korea  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **2014-10-17**

Court: **Busan District Court**

Fact summary:

The defendant, as a bar owner, decided to take over the hostesses from another prostitution business owner in order to start his own prostitution business. Amongst the hostesses was an intellectually handicapped nineteen-year-old girl, for whom the defendant payed the previous business owner certain sum of money. The victim was promised piece rate as well as monthly wage, and then coerced into prostitution with several customers.

The defendant was eventually found guilty of violating the Act on the Punishment of Acts of Arranging Sexual Traffic, and was sentenced three years in prison with four years of probation.

## Case 357 – Republic of Korea, 2014

Country: Republic of Korea  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **2014-11-5**

Court: **Busan District Court**

Fact summary:

The defendant posed as a female and sought prostitution customers via Internet chat. Then he forced the mentally retarded victim, who was living together with the defendant at the time, to sell her body to the customers sixty seven times over a period of approximately seven and a half month. The victim was frequently assaulted and harassed if she resisted.

The defendant was found guilty of violating the Act on the Punishment of Arrangement of Commercial Sex Act, for compulsion of prostitution.

## Case 358 – Republic of Korea, 2016

Country: Republic of Korea  
Year of conviction: 2016  
Form of exploitation: illegal adoption  
Type: unknown  
Number of victims of trafficking: 4  
Number of offenders: 6

### Case description:

Date of conviction: **2016-5-20**

Court: **Daejeon District Court**

Fact summary:

In this case, newborn infants were traded by single mothers who lacked means and resources to afford their children. With the intention of raising them, the purchaser approached four desperate single mothers. The mothers sold their own newborn infants to the purchaser, who then forged their birth reports as if she gave birth to each of the infants. The purchaser and her aunt were raising three of them when they were discovered, while they gave back the other to his birth mother.

Though the children's whereabouts were all found and secured, the purchaser and the biological mothers were all convicted of trading children against the Child Welfare Act.

## Case 359 – Slovakia, 2014

Country: Slovakia  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 7  
Number of offenders: 5

### Case description:

In the Special Prosecution Office of the General Prosecutor's Office of the Slovak Republic is registered the case, where there was conducted the criminal prosecutions for the crime of human trafficking under the Section 179 Subsection 1, Subsection 3 Letter d) of the Criminal Code.

In this case the criminal prosecutions were conducted against 5 persons that were supposed to commit this crime in the year 2006 by the matter that within the territory of the Slovak Republic they were searching for young women under cover of the work of a bartender, waitress, dancer, etc. and they have transported those women to the territory of Slovenia and accommodated them and under various menaces or promises the women were forced to perform prostitution and financial means obtained performing prostitution the malefactors have shared out between them.

In the pre-trial investigation there was ascertained at least 7 persons, that were harmed this way - as an object of human trafficking.

After closing the pre-trial investigation all 5 accused persons pleaded guilty of committing this crime and consequently concluded the agreement of guilt and penalty. They were sentenced to a terms of imprisonment of 24 to 36 months with suspensory measures and designation of probationary period of 2 to 4 years.

This agreed penalties of deprivation of liberty were agreed also by the applicable District Court Nové Zámky by its judgement of 4 February 2015.

## Case 360 – Croatia, 2015

Country: Croatia  
Year of conviction: 2015  
Form of exploitation: sexual  
Type: domestic  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of conviction: **25/01/2015**

Court: **County Court in Osijek**

Fact summary:

CC in Osijek convicted and sentenced 3 accused – for trafficking and sexual exploitation of a child (article 106 – three years of imprisonment for committing a TIP – related crime).

\*Note:

This case was later processed on Supreme Court of RC upon the State Prosecutor's appeal. Supreme Court rendered TIP-related verdict, convicting three defendants in the same case of sex trafficking of a minor child.

Although originally charged in lower courts under Article 106, two defendants were convicted by the Supreme Court under Article 162, Pandering of a Child for Prostitution, and the other defendant was convicted under Article 158, Sexual Exploitation of Children Under 15.

The first defendant was the victim's aunt, who facilitated prostitution of her minor niece; she was sentenced to two years imprisonment. The second defendant transported the minor child to the location of the sexual exploitation. He was sentenced to one year imprisonment, which was reduced a sentence of community service without incarceration. The third defendant was convicted as the sexual exploiter of the child; he was sentenced to three years and ten months.

## Case 361 – Venezuela, 2014

Country: Venezuela  
Year of conviction: 2014  
Form of exploitation: unknown  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

Fecha de la sentencia condenatoria: **2014**

Tribunal: **Tribunal de Juicio Accidental de Violencia contra la Mujer del estado Bolívar**

Resumen de los hechos:

Ante las pruebas presentadas por el Ministerio Público, fueron condenados a 30 años de prisión un chileno y tres venezolanos por incurrir en el delito de trata de personas, situación detectada a raíz de una investigación que inició el 30 de agosto de 2013 en el estado Bolívar. Durante el juicio, las fiscales 8º nacional y 10º del segundo circuito de la jurisdicción, respectivamente, ratificaron la acusación contra el chileno Offender 1 (hombre) y los venezolanos Offender 2 (mujer), Offender 3 (hombre) e Offender 4 (hombre), por los delitos de trata de personas y asociación para delinquir.

Adicionalmente, Offender 4, quien era consejero de Protección de Niños, Niñas y Adolescentes del municipio Caroní, fue acusado por corrupción propia y forjamiento de documento público. Asimismo, se ratificó la acusación contra los exconsejeros Offender 5 (hombre) e Offender 6 (mujer), por forjamiento de documento público; además Offender 7 (mujer) (exconsejera) fue acusada por corrupción propia.

Una vez evaluados los medios de pruebas presentados por los fiscales, el Tribunal de Juicio de Violencia contra la Mujer de Puerto Ordaz dictó una pena de 30 años de prisión para Offenders 1, 2, 3 y 4. En ese sentido, los hombres permanecen reclusos en el Internado Judicial de Vista Hermosa y la mujer en el Instituto Nacional de Orientación Femenina, ubicado en Los Teques. Por su parte, la referida instancia judicial condenó a Offenders 5, 6, y 7 a cinco años de prisión, cuya forma de cumplimiento será determinada por un tribunal de ejecución. El caso data del 30 de agosto de 2013, cuando en una zona industrial de la parroquia Unare de Puerto Ordaz, Offenders 2 y 3 en complicidad con el chileno le arrebataron a una mujer su hija de siete meses. Offender 2, quien dijo actuar en representación de una asociación sin fines de lucro, tenía un mes y medio en contacto con la madre de la niña, pues le había prometido ayudarla con donaciones. Ese día, Offenders 2 y 3 buscaron en un vehículo a la madre y a su hija en el sector El Roble de Puerto Ordaz. Al llegar a la zona industrial, Offender 2 le indicó a la mujer que se bajara del carro con el fin de firmar un documento, momento que aprovecharon para llevarse a la infante y huir del lugar. Luego de formulada la denuncia, el mismo día, efectivos del Grupo Antiextorsión y Secuestro de la Guardia Nacional Bolivariana detuvieron a Offenders 1, 2, y 3 en la alcabala La Viuda, y rescataron a la niña. Posteriormente, los militares allanaron la casa

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de Offender 2, en Puerto Ordaz, donde incautaron 68 carpetas, entre las que se localizaron medidas de protección con alteración de datos.

Offenders 4, 5, y 7 fueron aprehendidos en septiembre de 2013; mientras que Offender 6 fue detenida el 22 de octubre de ese año, en atención a una orden de aprehensión solicitada por el Ministerio Público.

## Case 362 – Venezuela, 2014

Country: Venezuela  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 4  
Number of offenders: 3

### Case description:

Fecha de la sentencia condenatoria: **2014**

Tribunal: **Tribunal Único de Juicio con competencia en materia de Delitos de Violencia contra la Mujer de Anzoátegui**

Resumen de los hechos:

Ante la contundencia de la acusación presentada por el Ministerio Público, fueron condenadas a penas que oscilan entre 18 y 8 años de prisión Offender 1 (mujer, 58), Offender 2 (mujer, 31) e Offender 3 (19), por su responsabilidad en la trata de dos adolescentes de 15 y 12 años, y dos niñas de 11, en el sector Pueblo Viejo, Puerto Píritu, municipio Fernando Peñalver del estado Anzoátegui.

Tal situación fue denunciada el 02 de agosto de 2012 ante funcionarios del Cuerpo de Investigaciones Científicas, Penales y Criminalísticas (Cicpc).

Durante el juicio, el fiscal 16° de la referida jurisdicción ratificó la acusación contra Offender 1 por la comisión del delito de trata de personas y trato cruel; mientras que Offenders 2 y 3 fueron acusadas por el primer delito pero en grado de complicidad. Una vez evaluados los medios de prueba presentados por el fiscal del Ministerio Público, el Tribunal Único de Juicio con competencia en materia de Delitos de Violencia contra la Mujer de Anzoátegui, condenó a Offender 1 a 18 años y 6 meses de prisión; mientras que Offenders 2 y 3 cumplirán una pena de 8 años y 9 meses.

En ese sentido, Offender 1 permanece recluida en la sede de la Policía del mencionado estado en Boca de Uchire, Offender 2 en la de Puerto La Cruz y la joven, Offender 3, en el Centro de Coordinación Policial del municipio Fernando Peñalver, hasta que un Tribunal de Ejecución determine el sitio de reclusión para el cumplimiento de las penas.

De acuerdo con la investigación, el 02 de agosto de 2012, funcionarios del Cicpc recibieron información acerca de que en un local comercial explotaban sexualmente a adolescentes.

Al día siguiente, efectivos de la policía científica efectuaron una inspección en el mencionado lugar para corroborar tal situación, en atención a una orden de allanamiento solicitada por el Ministerio Público y acordada por el Tribunal 1° de Control de Anzoátegui.

El mismo día, Offenders 1, 2, y 3 fueron aprehendidas y puestas a la orden del Ministerio Público.

## Case 363 – Venezuela, 2015

Country: Venezuela  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **2015**

Tribunal: **Tribunal 1º de Juicio con competencia en materia de Violencia contra la Mujer del Area Metropolitana de Caracas**

Resumen de los hechos:

Ante los medios de prueba presentados por el Ministerio Público, fueron condenados a 15 años de prisión los ecuatorianos Offender 1 (hombre) y su cónyuge Offender 2 (mujer), por su responsabilidad en la trata de una mujer de la misma nacionalidad, quien fue traída ilegalmente al país bajo una oferta engañosa de trabajo en marzo de 2012. Durante el juicio, las fiscales 8ª nacional, 161ª del Área Metropolitana de Caracas (AMC) y auxiliares respectivamente, ratificaron la acusación contra la pareja por la comisión del delito de trata de personas. Tal delito se encuentra previsto y sancionado en la Ley Orgánica sobre el Derecho de las Mujeres a una Vida libre de Violencia.

Una vez evaluados los medios de prueba presentados por los fiscales del Ministerio Público, el Tribunal 1º de Juicio con competencia en materia de Violencia contra la Mujer del AMC dictó la referida sentencia condenatoria contra los cónyuges. En el caso del hombre cumplirá la pena en el Internado Judicial de El Rodeo II; mientras que la mujer fue enviada al Instituto Nacional de Orientación Femenina. Ambos centros de reclusión están ubicados en el estado Miranda.

La investigación determinó que la citada fecha, la pareja trasladó a la mujer desde Ecuador hasta Venezuela para que trabajara en un local de venta de ropa. Una vez en el país, la víctima fue encerrada en un establecimiento comercial que fungía también como vivienda de la pareja, ubicado en el Centro Comercial Catia, municipio Libertador del Distrito Capital. Allí fue obligada a ejercer labores domésticas sin remuneración; además de que le retuvieron el pasaporte a la mujer, quien pese a que mostró su inconformidad por la situación, fue obligada a permanecer en lugar hasta que pagara los gastos del viaje. El 15 de mayo de ese mismo año, la víctima logró escapar y llegó hasta una delegación de la Policía Nacional Bolivariana que está cerca de la estación de metro de Colegio de Ingenieros en Caracas, quienes le prestaron ayuda.

Posteriormente, luego de labores de investigación coordinadas por el Ministerio Público y ejecutadas por funcionarios del Cuerpo de Investigaciones Científicas, Penales y Criminalísticas se localizó a los ecuatorianos. La mujer fue procesada en libertad con restricciones pues tenía un hijo pequeño y el hombre fue aprehendido en la audiencia preliminar el 18 de noviembre de 2013.

Conviene destacar que la víctima fue repatriada a su país en agosto de 2013, en cumplimiento con lo establecido en los acuerdos internacionales suscritos por la República.

## Case 364 – Venezuela, 2015

Country: Venezuela  
Year of conviction: 2015  
Form of exploitation: illegal adoption  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 5

### Case description:

Fecha de la sentencia condenatoria: **2015**

Tribunal: **Tribunal 8° de Control del estado Carabobo**

Resumen de los hechos:

Ante la contundencia de la acusación presentada por el Ministerio Público, fue condenado a 19 años y cuatro meses de prisión Offender 1 (hombre, 28), quien admitió haber participado en raptó y posterior venta de un bebe de dos meses de nacido, hecho ocurrido el 2 de noviembre de 2012 en el sector

Las Tinajas, parroquia Central Tacarigua, municipio Carlos Arvelo, en Valencia, estado Carabobo.

Durante la audiencia preliminar, la fiscal 24° auxiliar de esa jurisdicción ratificó la acusación contra el joven por la comisión de los delitos de trata de personas y asociación para delinquir.

Tales delitos se encuentran sancionados en la Ley Orgánica contra la Delincuencia Organizada y Financiamiento al Terrorismo, concatenado con lo establecido en el Protocolo Contra la Trata de Personas y el del Protocolo de Palermo. Ambos delitos tienen el agravante contemplado en el artículo 217 de la Ley Orgánica para la Protección de Niños, Niñas y Adolescentes. Luego de la admisión de los hechos por parte de Sánchez, el Tribunal 8° de Control del mencionado estado dictó la referida condena contra el hombre, quien cumplirá su pena en el Internado Judicial de Carabobo.

En horas de la mañana del referido día, la mujer, quien llevaba en brazos a su hijo de dos meses, salió de su lugar de residencia cuando fue interceptada por varios hombres armados que bajo amenaza de muerte le arrebataron al infante. Seguidamente, la mujer denunció lo ocurrido ante el Cuerpo de Investigaciones, Científicas, Penales y Criminalísticas (Cicpc).

El 22 de marzo de 2013, tras diligencias de investigación coordinadas por el Ministerio Público, funcionarios del Cicpc lograron capturar al hoy condenado en las inmediaciones de la urbanización los Guayos II, en atención a una orden de aprehensión solicitada por la fiscal y acordada por un tribunal de control del estado Carabobo.

Por este mismo caso, fueron pasadas a juicio otras cinco personas, entre ellas la mujer que habría cancelado una alta suma de dinero para que le consiguieran un bebe recién nacido.

Es importante destacar que el infante se encuentra con su madre biológica, tras su rescate por parte de los efectivos del citado cuerpo de seguridad.

## Case 365 – Russian Federation, 2015

Country: Russian Federation  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Date of conviction: **January 2015**

Court: **Gagarinsky District Court, Moscow**

Fact summary:

Gagarinsky District Court, Moscow, found a 28-year-old unemployed resident of Moscow, Offender 1 (female) guilty in a criminal case brought against her. She was convicted of committing an offence under article 127.1, paragraphs 2 (a) and (b), of the Criminal Code of the Russian Federation (trafficking in persons involving two minors).

It was established that Offender 1 had engaged in pimping with a view to obtaining illicit income. Posting advertisements on an Internet site in 2014, she promised girls that they would be well paid for one-time meetings with wealthy men.

Having entered into Internet correspondence with two Moscow schoolgirls (aged 16–17) who had responded to the advertisement, she proposed that they provide clients with intimate services in exchange for remuneration.

In October 2014, Offender 1 was arrested during a police operation while receiving payment.

The Court agreed with the position of the public prosecutor of the Gagarinsky Inter-district Prosecutor's Office and sentenced Offender 1 to four years' imprisonment in a general-regime prison.

## Case 366 – Russian Federation, 2016

Country: Russian Federation  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 3

### Case description:

Date of conviction: **October 2016**

Court: **Yuzhno-Sakhalinsk City Court, Sakhalin province**

Fact summary:

Yuzho-Sakhalinsk City Court, Sakhalin province, delivered a sentence in a criminal case against local residents Offenders 1 and 2 as well as former police officer Offender 3. According to their role in the crime and the extent of their involvement, they were found guilty of committing criminal offences under paragraphs 2 (a) and (g) of article 127 (unlawful deprivation of liberty), paragraphs 2 (a) and 2 (f) of article 127.1 (trafficking in persons), paragraph 2 (c) of article 158 (theft) and paragraph 2 (b) of article 241 (organization of prostitution) of the Criminal Code of the Russian Federation.

The Court established that during the period September–October 2011, Offenders 1 and 2 established a brothel in the city of Yuzhno-Sakhalinsk. To that end, they recruited individuals, attracted clients, provided premises and kept a record of the income they received.

In March 2012, two girls who had been induced to engage in prostitution decided to leave. Subsequently, accomplices forcibly detained them in an apartment for several days, handcuffing them to radiators and forcing them to provide sexual services.

Fearing that the victims might inform the special services about those illicit actions, they decided to take them to Primorsky Territory.

The role of Offender 3 was to threaten the victims with criminal proceedings and provide them with cover throughout their journey.

Upon arrival at Vladivostok airport, the women approached transport police officers for assistance. The members of the group were arrested immediately.

The Court sentenced Offender 1 to four years and six months' imprisonment in a general-regime prison, Offender 3 to four years and six months' imprisonment, suspended, with four years' probation, and Offender 2 to four years' imprisonment, suspended, with three years' probation.

## Case 367 – Russian Federation, 2016

Country: Russian Federation  
Year of conviction: 2016  
Form of exploitation: illegal adoption  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **July 2016**

Court: **Oktyabrsky District Court, Lipetsk**

Fact summary:

Oktyabrsky District Court, Lipetsk, found a 25-year-old male, Offender 1, born in the Republic of Kazakhstan guilty of committing offences under article 127.1, paragraph 2, of the Criminal Code (trafficking in persons involving a minor) and article 327, paragraph 2, of the Criminal Code (document forgery).

The Court established that in July 2012, the man, accompanied by his wife and child, moved to the city of Lipetsk. The family lived in rented apartments and did not take any measures to find employment. The wife gave birth to a son in Lipetsk. However, after a while, the couple divorced and the ex-wife returned to Kazakhstan with the eldest child, leaving their two-year-old son in the care of the father.

Without the means or desire to support the child, the father decided to sell him for 1.5 million roubles and accordingly posted advertisements on the Internet.

In order to facilitate the sale, the father forged a medical certificate attesting to the death of the child's mother in a road traffic accident.

However, police officers became aware that the crime was being planned and posed as buyers.

While handing over the child to the "buyer" in one of the city's shopping and entertainment centres, the father was detained.

Having considered the position of the public prosecutor (the Deputy Prosecutor for Lipetsk province), the Court sentenced the man to four years and six months' imprisonment in a general-regime prison.

## Case 368 – Russian Federation, 2016

Country: Russian Federation  
Year of conviction: 2016  
Form of exploitation: illegal adoption  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Date of conviction: **January 2016**

Court: **Dolgoprudny Town Court, Moscow province**

Fact summary:

Dolgoprudny Town Court, Moscow province, found Offender 1, a female citizen of the Republic of Uzbekistan, guilty in a criminal case. She was found guilty of committing an offence under article 127.1, paragraphs 2 (b) and 2 (h), of the Criminal Code (trafficking in persons).

The Court established that on 16 October 2015, Offender 1, in the town of Dolgoprudny in Moscow province, sold her two-month-old son for 70,000 roubles. The transaction took place under the surveillance of law enforcement officers. After Offender 1 received payment, she was detained.

The Court sentenced Offender 1 to five years' imprisonment in a general-regime prison.

## Case 369 – Bahrain, 2017

Country: Bahrain  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

The victim reported that she was working as a servant in her sponsor's house when she ran away. She saw someone driving a car and asked him to take her to the employment office for domestic servants. Instead, he took to Manamah area and sold her to the first defendant for 230 dinars.

The latter sold her to the second defendant, who told her that her work was prostitution. When she refused, he assaulted her physically, detained her in a flat and forced her to engage in prostitution. So, she practiced prostitution against her will with various clients in return for monetary sums that she received on behalf of the accused person.

### Sentence:

- The court sentenced the two defendants to five years' imprisonment and permanent deportation from the Kingdom of Bahrain.
- The judgment was upheld by the Court of Appeal.

## Case 370 – Bahrain, 2017

Country: Bahrain  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: unknown (multiple)

### Case description:

The victim reported that she was deceived into believing that she would get a job opportunity in Bahrain. Upon arrival there, she was received by the first defendant who took away her passport, deprived her of her liberty inside an apartment, did not allow her to have a mobile phone and told her that her work was to practice prostitution. When she refused, the above-mentioned defendant and others assaulted her with battery to force her to practice prostitution and threatened to kill her and kill her relatives in her country. So, she practiced prostitution against her will in exchange for monetary sums that she received on behalf of the first defendant.

### Sentence:

- The court sentenced the defendants to five years' imprisonment and permanent deportation from the Kingdom of Bahrain.
- The judgment was upheld by the Court of Appeal.

## Case 371 – Bahrain, 2017

Country: Bahrain  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 6

### Case description:

The two victims reported that a girl of Russian nationality offered them legitimate employment opportunities in the Kingdom of Bahrain. They agreed because of their need for money. Upon arrival in Bahrain, they were received by a gang of five people who took their passports and told them that their work was prostitution. When they refused, they were given the option either to pay a monetary sum to return to their homes or to engage in prostitution, which they refused. The defendants assaulted them with battery, deprived them of their liberty and threatened them. So, they practiced prostitution against their will with various clients in return for monetary sums that they received on behalf of the first defendant.

### Sentence:

- On 25/09/2017, the Court sentenced the first and second defendants to ten years' imprisonment, the third to fifth defendants to five years' imprisonment and a fine of two thousand dinars and sentenced the second defendant to deportation from the country.
- The case is before the Supreme Court of Appeal and there is a hearing on 13/11/2017.

## Case 372 – Bolivia, 2015

Country: Bolivia  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 3

### Case description:

Fecha de Sentencia Condenatoria: **1.- 21 de septiembre de 2015**

Tribunal: **Tribunal de Sentencia N° 1 en lo Penal**

Resumen de los hechos:

En fecha 05 de noviembre de 2013 efectivos policiales ingresaron al inmueble ubicado en el Dtto. 111 N° 246, lugar donde se encontró a dos menores de edad, Víctima 1 (niña) de 17 años y Víctima 2 (niña) de 16 años, las cuales tomaron contacto con la señora Offender 1, quién las llevó a dicho domicilio para que trabajen prestando servicios sexuales a cambio de una comisión.

Al respecto, se establece que Offender 2 (mujer), las acogió para explotarlas sexualmente, cobrando Bs.-150 para ella, y Bs.-90.- para las menores.

Offender 3 fue quien las captó y llevó ante Offender 1 e Offender 2 para hacerlas trabajar en las labores referidas, pese a que tenían pleno conocimiento de que eran menores de edad.

Las mujeres acusadas se sometieron a un procedimiento abreviado, recalificándose el delito de Trata de Personas a Corrupción de Menores y Proxenetismo, continuando el proceso contra Offender 3.

## Case 373 – Côte d'Ivoire, 2015

Country: Côte d'Ivoire  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: domestic trafficking, cross-border trafficking  
Number of victims of trafficking: 8  
Number of offenders: 5

### Case description:

Affaire N°1: Opération de Police « NAWA » dans la région cacaoyère de Soubré

Une opération de Police dénommé « NAWA » s'est déroulée du 11 au 15 février 2014 à Soubré. Cette opération a été organisée par INTERPOL avec la collaboration de la Sous-direction de la Lutte contre le Trafic des Enfants et la Délinquance Juvenile (SDLTEDJ) et tous les partenaires nationaux et internationaux de protection des enfants en Côte d'Ivoire. Au cours de cette intervention dans les plantations de cacao de la zone, plusieurs enfants ont été retirés et mis à la disposition des services exerçant à Soubré. Parmi eux, quatre (04) enfants d'origine ivoirienne(02), burkinabé (01) et malienne (01) n'ont pu être identifiés faute de documents et de parents. Ils ont été reconnus comme des enfants victimes de traite et pris en charge par le Ministère de la Famille et de la Protection de l'Enfant. Cinq (05) trafiquants ont été interpellés mis à la disposition de la justice. Ils ont été condamnés à 5 années d'emprisonnement avec sursis.

## Case 374 – Côte d'Ivoire, 2015

Country: Côte d'Ivoire  
Year of conviction: 2015  
Form of exploitation: forced labour  
Type: domestic trafficking, cross-border trafficking  
Number of victims of trafficking: 11  
Number of offenders: 22

### Case description:

Affaire N°2 : Opération de Police « AKOMA » dans la région de San-Pedro

Une opération de Police dénommée « AKOMA » s'est déroulée du 02 au 06 juin 2015 à San-Pedro. Cette opération a été menée dans le cadre du projet INTERPOL/OIM/SDLTEDJ sur la traite des personnes et surtout des enfants dans les plantations de cacao et dans les activités informelles susceptibles d'utiliser la main d'œuvre infantile. Au cours de cette intervention, quarante-huit(48) enfants ont été retirés et mis à la disposition de l'Organisation Internationale de la Migration(OIM) pour prise en charge. Parmi eux, trente-sept (04) enfants ont été identifiés comme étant soumis aux pires formes de travail des enfants et onze(11) victimes de traite. Les enfants sont d'origine ivoirienne(34), burkinab6(12) et guinéenne(02). On compte trente-cinq(35) garçons et treize (13) filles. Vingt et deux(22) personnes reconnus comme trafiquants ont été interpellés et mis à la disposition de la justice (Tribunaux de Sassandra et Tabou). Nous n'avons pas d'information sur la suite du dossier au niveau de ces tribunaux de première instance.

## Case 375 – Côte d'Ivoire, 2015

Country: Côte d'Ivoire  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: domestic trafficking, cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Affaire N°3 : Traite des personnes suivie d'exploitation économique et violences sexuelles

Dans le courant du mois de juillet 2015, le Ministère de la Solidarité, de la Famille, de la Femme et de l'Enfant a saisi le Ministère d'État, Ministère de l'intérieur et de la Sécurité, informant des soupçons de traite de personnes suivie d'exploitations sexuelles. Ces soupçons ont été rapportés par un journaliste d'un quotidien de la place. Il s'agit du nommé Offender 1, 42 ans, ivoirien, gérant d'une agence de placement de servantes pour le travail domestique. N'ayant aucune autorisation, il recrute les jeunes filles ivoiriennes et de la sous région (Mali, Burkina Faso, Nigeria, Guinée, Benin, Togo) qu'il place comme servantes dans des domiciles. L'enquête a révélé que ces jeunes filles qui habitent une maison louée par ce dernier dans un quartier d'Abidjan, sont souvent soumises à des exploitations sexuelles. Quatre parmi elles, âgées de 21 à 26 ans ont été sauvées par nos services et prises en charge par une ONG de la place pour leur réinsertion familiale. Après les investigations minutieusement menées et sur instructions du Procureur de la République, le susnommé a été mis à la disposition du parquet d'Abidjan-Plateau pour les faits de Traite de personnes suivie d'exploitation économique et sexuelle. Nous n'avons pas d'informations sur la suite du dossier.

## Case 376 – Côte d'Ivoire, 2016

Country: Côte d'Ivoire  
Year of conviction: 2016  
Form of exploitation: unknown  
Type: cross-border trafficking  
Number of victims of trafficking: 6  
Number of offenders: 2

### Case description:

#### Affaire N°4: Traite des personnes suivie de rapatriement

Dans le courant du mois de juillet 2016, Six (06) enfants ivoiriens dont l'âge varie entre 11 et 21 ans, en provenance de la ville de GAGNOA en COTE D'IVOIRE, ont été interceptés a bord d'un car dans la ville de TAHOUA a quelques encablures de la région d'AGADEZ au NIGER. Ils étaient accompagnés de deux adultes de nationalité ivoirienne. Ces derniers ont soutenu que les enfants se rendaient au Niger pour des vacances. Ils ont été arrêtés par la Police nigérienne pour traite d'enfants car ils n'ont pas pu prouver le contraire. Rapatriés d'urgence en terre ivoirienne grâce a la coopération avec ce pays frère, le 27 septembre 2016, les six mineurs ont été entendus par notre service et l'enquête a permis d'identifier trois autres personnes impliqués dans ce trafic dont l'une en fuite. Les deux autres ont été déférées pour les faits de traite de personnes au parquet d'Abidjan-Plateau.

## Case 377 – Côte d'Ivoire, 2017

Country: Côte d'Ivoire  
Year of conviction: 2017  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

#### Affaire N°5 : Traite des personnes suivie d'exploitation économique

En début du mois d'Avril 2017, deux(02) jeunes filles guinéennes âgées de 15 ans et de 20 ans ont été recrutées à Vananmandougou, un village situé à la frontière ivoiro-guinéenne et convoyées à Abidjan en Côte d'Ivoire sans être accompagnées. Elles se rendaient chez dame OFFENDER 1 pour la vente de jus. Recueillies par une autre dame car ne connaissant pas le domicile de la susnommée, elles ont été conduites dans notre service. L'enquête nous a permis de savoir que dame OFFENDER 1 recrute les jeunes filles dans le village voisin en Guinée et ces démisées sont convoyées par l'entremise de dame OFFENDER 2. Toutes deux ont été arrêtées et mis à la disposition du Parquet d'Abidjan en attente de leur jugement tandis que les victimes ont été confiées à l'ONG DDE-CI pour leur prise en charge et leur éventuel rapatriement.

## Case 378 – Malaysia, 2017

Country: Malaysia  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1+

### Case description:

Date of conviction: **25.4.2017**

Court: **Case Number: Kota Kinabalu Sessions Court**

Fact summary:

- (a) The accused is charged for an offence under section 12 Act 670 for trafficking 3 Philipino female victims. Those 3 victims were initially promised a work with good salary as promised by their agents. One is promised that she would work as a dancer while the other two were told that they would be singers. Upon arrival in Malaysia, they found out that they had to be sex workers instead. Even though they refused to do so, they had to do so since the accused constantly threatened them with debt bondage. Their moves were restricted and they were denied payment by the accused. One of the victims managed to secretly contact her family in the Phillipines of their plight. The accused is sentenced to 9 years imprisonment from the date of sentence (25.4.2017)

## Case 379 – Morocco

Country: Morocco  
Year of conviction: unknown  
Form of exploitation: forced begging  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

The Public Prosecutor's Office prosecuted Offender 1 for nonviolent statutory rape, abduction of a minor and trafficking in persons involving the exploitation of a minor in habitual begging, all of which are punishable under Articles 485, 471, 472, 448-1 (paras 1.2.3. and 4) and 326 of the Penal Code.

Based on the complaint filed by the Victim's father, alleging that the accused committed rape against his minor son, Victim 1 (born in 2005) and that the accused exploited Victim 1 in begging, a hearing was held for the victim. The victim states that the accused accompanied him to certain locations for the purpose of begging, sheltered him at night in his residence, performed sex with him as he slept and asked the victim not to disclose the matter to anyone. A preliminary hearing was also held for the accused, who confirmed that he sheltered the child in his room at night, that he raped the child three times, and that he accompanied the child to the Market to beg.

An investigation file was opened. A hearing was conducted for the victim, who confirmed in the presence of his father that the accused violently raped the victim and exploited him in begging. The accused was subjected to preliminary and detailed questioning. He confirmed his engagement in begging and his rape of the minor without violence once in the residence of the accused. The accused denied accompanying the victim to beg with him.

The Criminal Court of the First Instance found the accused guilty of all the charges against him, sentenced him to 10 years imprisonment and ordered him to bear all legal costs excluding enforcement. The Public Prosecutor's Office and the accused appealed the ruling. The Criminal Appeal Court upheld the ruling of the Court of First Instance.

## Case 380 – Morocco, 2017

Country: Morocco  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

The King's Public Prosecutor at the Court of Appeal in Marrakesh reported that the case of Offender 1 was referred to the Public Prosecutor's Office.

Offender 1 lured minors into public spaces for the benefit of a Spanish national to have the minors engage in sex in exchange for money. Offender 1 made the minor think that he wanted them to perform massages. He directed them to a bathroom in a garden. The foreigner entered the room where the massage was to take place, accompanied by two minors. A third minor refused to participate. At that point, a group of neighbours assembled in front of the door and extricated the two minors. The foreigner fled.

After the procedure was examined, a petition was filed to investigate Offender 1 for trafficking in minors under the age of 18 years under Articles 448-1, 448-1 and 448-4 of the Penal Code. Case No. XXXX/2017 was opened in the incident. The court found the accused guilty of the charge brought against him and was sentenced to five years in prison and a fine of 3,000 dirhams. The court's decision was upheld on appeal.

## Case 381 – Morocco, 2017

Country: Morocco  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 2

### Case description:

The King's Public Prosecutor at the Court of Appeal reported that the case of Offender 1 was referred to the Public Prosecutor's Office based on a complaint filed by a minor against her mother and against her friend. The minor set forth in the complaint that the mother and her friend induced the minor to engage in prostitution. The second complainee [the friend] served a mediator for the minor and her mother in arranging a meeting with the accused, who accompanied them to a home, where he engaged in sex with foreigners of different nationalities.

In the course of the investigation, the suspect was arrested and pornographic images were seized after a search of his apartment. A hearing of the suspect was held in which he confessed to exploiting a number of prostitutes in exchange for money, forcing them to obey his orders, subjecting them to violence if they disobeyed his orders and obtaining for them transportation to his clients. He also confessed that he has a legal relationship with the complainant minor.

Based on the information mentioned above, a petition was filed to investigate the accused in connection with trafficking in persons involving the habitual abuse and the threatening of multiple victims, the felony of trafficking in minors under the age of 18, and the misdemeanour of corruption under Articles 448-2 and 488-4 of Law 27-14 on combating human trafficking and Article 490 of the Penal Code. The investigating magistrate referred the case to the Criminal Court under Criminal Case No. 1373/2017, found the accused guilty of the charges against him and sentenced him to five years of imprisonment and a fine of 20,000 dirhams. The decision was upheld on appeal.

## Case 382 – Oman, 2017

Country: Oman  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Date of conviction: **10/4/2017**

Court: **Seeb Court of Appeal (Criminal Division)**

Fact summary:

On 8/10/2016, two defendants lured an Asian worker who had escaped from her sponsor, claiming they were policemen. After she surrendered to them, they took her to their car in a hotel, taking advantage of the victim's vulnerability, as she was an illegal resident and asked her to have sex with them in return for not handing her over to the authorities. The defendants obtained what they had asked for, then sold her to a third defendant for OMR200 (USD 520). The third defendant held the victim in a room on a farm and had sex with her without her consent. Then he coerced her to meet the desires of illicit sex seekers and make herself available to them, which she was obliged to do, and for which the third defendant received payment from visitors.

After concluding the investigation, the prosecution decided to refer the three defendants to the Criminal Court, which decided on 10/4/2017 to convict all of them and sentenced them to 7 years in prison and a OMR10,000 (USD 26,000) fine each.

## Case 383 – Oman, 2014

Country: Oman  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 3

### Case description:

Date of conviction: **30/3/2014**

Tribunal: **Al Burami Appeal Court (Criminal Court)**

Fact summary:

Three defendants took advantage of the vulnerability of two victims who escaped from their sponsors and were wanted by the authorities, and used them in a slavery-like scheme, where they were trafficked and sold. They lodged them in order to use them for sex exploitation and prostitution.

After the investigation, the prosecution decided to refer the three defendants to the Criminal Court which decided on 30/4/2014 to convict all the defendants and sentenced them to 7 years in prison and indefinite expulsion from the country.

## Case 384 – Oman, 2016

Country: Oman  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 4

### Case description:

Date of conviction: **28/6/2016**

Tribunal: **Muscat Criminal court**

Fact summary:

The fourth defendant exploited the first victim by tricking her into escaping from her sponsor and lodging her, then he proceeded to use her for prostitution and all sorts of sexual exploitation for money.

The first and fourth defendant also exploited the second victim in the same way as the second victim mentioned above, but their plot did not succeed because the victim informed her sponsor of the matter, enabling officers to arrest the first defendant as he received her.

After the investigation, the Prosecution decided to refer the defendants to the criminal court for the crime of human trafficking for the fourth defendant, and the crime of trafficking in persons for the first and fourth defendants. The court decided on 28/6/2016 to convict the defendants and sentenced them to 7 years in prison, a OMR 10,000 (USD 26,000) fine each and indefinite expulsion from the country after they serve their sentences.

## Case 385 – Russian Federation, 2015

Country: Russian Federation  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case description:

Information on specific criminal cases concerning trafficking in persons  
**(art. 127 of the Criminal Code of the Russian Federation), provided by the  
Investigative Committee of the Russian Federation**

The Perm Territory Investigation Department of the Investigative Committee of the Russian Federation conducted a criminal investigation in relation to a previously convicted 42-year-old female resident of Perm Territory. On the basis of the evidence gathered, which formed the legal basis of the conviction, the Court found the accused guilty of a criminal offence under article 127.1, paragraph 3 (c), of the Criminal Code (trafficking in persons, i.e. the sale or purchase of a person and the recruitment, transportation or transfer of a person for the purpose of exploitation, committed against two or more persons, as well the transfer of the victims across the State border of the Russian Federation, committed by an organized group).

The investigation and the Court established that at the beginning of 2013, the accused, having created an organized criminal group for the purpose of committing especially serious offences related to trafficking in persons and subsequently subjecting those persons to sexual exploitation outside of the territory of the Russian Federation, led the group and participated in it until the beginning of March 2016, when the group's activities were stopped by law enforcement authorities.

The members of the organized group, who were residing in Perm Territory and Chelyabinsk province, met young women whom they deliberately misled by telling them that, without any financial outlay or special qualifications, they could earn money quickly abroad, where they would provide services to increase visitor demand at restaurants, night clubs and other recreational establishments.

In reality, having been taken to the territory of a foreign State under the influence of persuasion and deception, the victims were forced to provide intimate services of a sexual nature to unidentified individuals, i.e. they were subjected to forced prostitution and other forms of sexual exploitation for an extended period of time.

For every victim moved to the foreign country in question, the members of the organized group received approximately one million roubles, which they shared among themselves.

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The accused made a full confession and the criminal trial against her was conducted in accordance with a special procedure as the result of a pretrial cooperation agreement.

On 8 June 2017, the Court sentenced the accused to six years' imprisonment in a general-regime prison.

The criminal trial against the remaining members of the organized criminal group is still under way.

## Case 386 – Russian Federation, 2017

Country: Russian Federation  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 27  
Number of offenders: unknown (multiple)

### Case description:

In 2015, the Investigative Committee of the Russian Federation concluded an investigation that had begun on 27 November 2010 in a criminal case involving three citizens of the Russian Federation who, as members of an organized criminal group, had engaged in trafficking in persons for the purpose of sexual exploitation since 2007. The perpetrators were charged with a criminal offence under article 127.1, paragraph 3 (c), of the Criminal Code of the Russian Federation.

On the basis of the evidence gathered in relation to the case, it was established that the organized group was in operation from 2007 in the territory of the Far Eastern Federal Area. Under the guise of a number of companies purporting to provide employment services abroad for Russian nationals, the group recruited and sold young women to owners of nightclubs in the territory of Greece with a view to their subsequent sexual exploitation.

Members of the organized group sought out girls between the ages of 18 and 36 who found themselves in difficult and vulnerable situations and, by means of deceit, abuse of trust, persuasion and promises of comfortable living conditions, high earnings, accommodation and personal security, recruited those individuals for the purpose of sexual exploitation.

The recruited individuals were transported from the Far Eastern Federal Area to Moscow, where they were met by members of the criminal group and provided with temporary accommodation in hotels and rented apartments. The group members prepared forged documents in the names of the victims and those documents were used to obtain, from the embassies and consulates of Greece, Czechia, Germany and Poland, tourist visas that would enable the victims to enter countries of the European Union. The girls themselves had no part in the process of submitting the documents or applying for the visas.

Once the tourist visas with which the girls had entered Greek territory had expired, fake marriages to Greek citizens were organized for the Russian girls, who were effectively breaking the law, by members of the criminal organization to give the girls' extended stay in Greece the appearance of legality. Other forged documents were also prepared for them, including documents relating to political asylum.

Upon being handed over as "human commodities" to the Greek buyers, the victims were subjected to physical and psychological abuse and, finding themselves trapped and living in the country illegally, were forced to engage in work of a sexual nature in nightclubs in Greece with little or no pay, in many cases being sold on. Moreover, the victims were coerced into engaging in prostitution and providing other sexual services

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in order to reimburse the managers of the Greek nightclubs for the money that had been spent to cover their travel from the Russian Federation to Greece and to arrange the fake marriages and forged documents. Over the course of the preliminary investigation of the criminal case, the investigators ordered 74 forensic assessments. More than 1,000 investigative actions and 400 other procedural actions were carried out, including the transmission of six requests for international legal assistance to the competent authorities of Czechia, Greece, Poland and Germany.

The criminal investigation was particularly difficult because of the interregional and transnational nature of the offence, which was committed by members of the organized criminal group over an extended period of time in respect of a substantial number of victims, their interaction with whom necessitated psychological influence over each victim owing to the sexual nature of the victims' exploitation in Greece.

As a result of the laborious investigative work on the criminal case, sufficient evidence was collected, enabling the Deputy Prosecutor-General of the Russian Federation to confirm the indictment, the length of which exceeded 120 volumes. On 14 January 2016, the case was referred to the Central District Court in Khabarovsk for consideration on the merits.

The Court considered that sufficient evidence had been gathered to sentence the perpetrators. They were found guilty on 27 counts under article 127.1, paragraph 3 (c), of the Criminal Code (trafficking in persons).

On 4 July 2017, the Court sentenced them to between 3.5 and 10 years' imprisonment.

## Case 387 – Russian Federation, 2018

Country: Russian Federation  
Year of conviction: 2018  
Form of exploitation: illegal adoption  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

On 23 May 2017, the St. Petersburg Central Investigation Department of the Investigative Committee of the Russian Federation initiated criminal proceedings under article 127.1, paragraph 2 (b), of the Criminal Code of the Russian Federation against a citizen of the Republic of Uzbekistan, Offender 1, who had given away her newborn child to Tajik citizens Offender 2 and Offender 3. In September 2017, the criminal case was referred to Fruzensky District Court in St. Petersburg, which found the accused guilty on 29 January 2018. The Court sentenced Offender 1 to three years' imprisonment in a general-regime prison, Offender 3 to two years' imprisonment in a general-regime prison and Offender 2 to three years' imprisonment in a general-regime prison.

## Case 388 – Russian Federation

Country: Russian Federation  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: unknown (multiple)

### Case description:

An investigating agency of the Moscow Central Investigation Department of the Investigative Committee of the Russian Federation investigated a criminal case initiated under article 127.1, paragraph 2 (d), of the Criminal Code of the Russian Federation in respect of the sale by individuals Offender 1 and Offender 2 of individual Victim 1, which had involved transfer of the victim across the State border of the Russian Federation. The pretrial investigation revealed that Offenders 1 and 2 had transported Victim 1 to the territory of Ukraine by means of deceit, under the pretext of removing the victim's kidney for transplantation in exchange for money. Subsequently, the accused sold Victim 1 to third parties for the purpose of the victim's providing services of an intimate nature.

## Case 389 – Russian Federation, 2017

Country: Russian Federation  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

The Moscow Central Investigation Department of the Investigative Committee of the Russian Federation investigated a criminal case initiated on 16 August 2017 under article 127.1, paragraphs 2 (a) and (b), and article 30, paragraph 3, of the Criminal Code of the Russian Federation in respect of Offender 1 (male).

During the pretrial investigation, it was established that Offender 1, with the intent to traffic in persons, having deceived his victims into believing that he could help them to find employment with a modelling agency, transferred citizens Victim 1, Victim 2 and Victim 3 in exchange for money to Uncover operative 1, who was taking part — under the surveillance of officers of the internal affairs agencies — in police activities to detect and prevent illegal activities involving trafficking in persons for the purpose of forcing the victims to provide intimate services.

## Case 390 – Russian Federation, 2018

Country: Russian Federation  
Year of conviction: unknown  
Form of exploitation: illegal adoption  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

An investigating agency of the Moscow Province Central Investigation Department of the Investigative Committee of the Russian Federation initiated a criminal case on 20 November 2018 under article 127.1, paragraph 2 (b), of the Criminal Code of the Russian Federation.

During the criminal investigation, it was established that at a time and on a date not established by the investigation but no later than 14 November 2017, Offender 1, a resident of Lyubertsy, Moscow province, born on 11 April 1985, who was pregnant and had been reliably informed that she was pregnant, motivated by financial gain, used the online social media service “VKontakte” to post an advertisement for the sale of her unborn child for 300,000 roubles.

Offender 1 found a buyer for her unborn child: a married couple, who were in fact police officers taking part in a sting operation. The “couple” having agreed to buy her unborn child, Offender 1 received an advance payment of 70,000 roubles from one of the police officers who was posing as a buyer, after which she was arrested by officers of the Central Department for Moscow Province of the Ministry of the Interior.

## Case 391 – Russian Federation, 2015

Country: Russian Federation  
Year of conviction: 2015  
Form of exploitation: illegal adoption  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

The Moscow Province Central Investigation Department of the Investigative Committee of the Russian Federation is currently investigating a criminal case that was originally part of a case initiated on 24 August 2015 against Offender 1 and Victim 1 under article 127.1, paragraph 3 (c), of the Criminal Code of the Russian Federation in connection with the purchase and sale by an organized group of Victim 1, a young child born on 14 May 2015. On 25 August 2017, separate proceedings were instituted under article 127.1, paragraphs 2 (b), (d), (e) and (h), and article 159 (fraud), paragraph 4, of the Criminal Code against Offender 1 and unidentified persons in connection with theft of property by means of deception and breach of trust, committed against Victim 1, and the sale of a minor, Victim 1 born May 2015.

During the course of the investigation, it was established that Offender 1, who had no intention of fulfilling the conditions of an agreement she had concluded on 8 August 2014 with limited liability company DeltaMedKlinik to provide surrogate services to Victim 1, abusing the latter's trust and without waiting for the birth of the child, fled the medical facility, after which she received a significant amount of money from Offender 2; then, with the assistance of Offender 2, Offender 1 and several other persons took the newborn Victim 1, born in May 2015, from Moscow to Cyprus, where the child was given to Offender 2, thereby committing kidnap and a transaction involving the sale and purchase of a person.

The young victim, born in May 2015, was declared missing via an international notice issued by INTERPOL.

Furthermore, INTERPOL issued an international wanted notice in respect of Offender 1, Offender 2 and others, in whose absence the court issued a warrant for their pretrial detention.

Pursuant to a decision of the law enforcement agencies of the Turkish Republic of Northern Cyprus, in the territory of which the accused Offender 1 and the young victim were found, Offender 1 and Victim 1 were deported to the Republic of Turkey and transported to Ataturk airport in Istanbul, where on 1 November 2016 the child, Victim 1, was handed over to her legal representative, after which the child was returned to the Russian Federation and handed over to another legal representative.

On the basis of the review of an appeal filed by Offender 1 on 25 May 2016, the INTERPOL Commission for the Control of Files adopted a decision on 4 July 2017 to provisionally block access to the data recorded in the INTERPOL files in respect of Offenders 1 and 2 and Victim 1 and during its ninety-seventh session, from 10 to 13

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October 2016, decided to remove that data. Consequently, Offender 1 left Turkey and went into hiding in Ukraine.

In connection with the criminal case, six requests for legal assistance have been sent to the competent authorities of foreign countries, of which four have not yet been executed (two sent to the United States of America, one to the United Kingdom of Great Britain and Northern Ireland and one to the Republic of Cyprus) and one has been partially executed (that sent to Ukraine).

The investigation is ongoing.

## Case 392 – United Arab Emirates, 2016

Country: United Arab Emirates  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **27 April 2016**

Court: **Ajman Federal Criminal Court of First Instance**

Fact summary:

The Court of First Instance of Ajman sentenced first defendant, Offender 1 (female) and second defendant Offender 2 (female) in their presence to five years of imprisonment and deportation from the State after they had served their sentences and paid the established feed.

The two defendants appealed. The Ajman Court of Appeals accepted their appeals procedurally and on the merits. Its fined them 2,000 dirhams, amended their prison sentence to six months and otherwise upheld the ruling of the Court of First Instance.

The victim (female) became familiar with the first defendant through Facebook social media network. The victim told the first defendant that she was looking for work. The first defendant asked the victim to send her, via Whatsapp, a photograph showing her entire body and her face without make-up and her phone number. The first defendant told the victim that she would provide employment for the victim in an office. She asked the victim to come to Dubai, purchased her a ticket and obtained a visa for her for Dubai. The first defendant asked the victim to go to Moscow. The first defendant and her mother received the victim in Moscow. The victim slept at the first defendants house for one day. The next day, the first defendant gave the victim a ticket and a visa. The first defendant and the victim travelled to Turkey and then to Dubai. The second defendant received them at the airport and they went to the apartment of the first defendant in the Emirate of Ajman. The first defendant told the victim “This room is for you and this one is for me”. The first defendant invited the victim to sleep and relax and took from the victim the victim’s passport, ticket, visa, \$300 and telephone. Then, the first and second defendants left the apartment and locked the door of the room where the victim was located. The two defendants returned at midnight. The victim asked the first defendant for her effects and a SIM card. The first defendant told the victim that she had not time. The second defendant said that she would bring the items the following morning. The next morning at 8am, the two defendants left the apartment and locked the door. They returned to the apartment at 11pm. At that time, the victim asked about her effects. The first defendant said that the effects were in the car and asked the victim not to talk. The victim asked the second defendant for her effects. The second defendant refused to fetch the victim’s effects, saying that she was tired. The second defendant did not go

downstairs. At midnight, the three went to a café on the Ajman corniche where shisha tobacco is sold and sat there. The first defendant and the second defendant asked the victim to smile at men. After an hour, they returned to the apartment. While en route, the victim asked for her effects. The two defendants did not return her effects. They went to the apartment. There, the victim asked the two defendants to return her passport and telephone. They refused. The victim told them that she would call the police. The first defendant told her that she was keeping the passport as a guarantee that the victim would work. The victim asked to be employed in an office as she was promised. The first defendant told her that there was no office and that the victim must work as a prostitute. The victim told the defendants that she would not engage in such work. She asked them for her passport so that she could leave. The second defendant gave her only her passport. The first defendant pinched the victim's leg and told her that she would have to stay in order to work in prostitution. At around 4am, a person contacted the first defendant expressing a desire to engage in fornication. The first defendant directed him to the X Hotel. The victim, second defendant and first defendant went to the hotel. The victim and the first defendant went to a room. The second defendant remained in the car. The first defendant received 20,000 dirhams from the man who was in the room. The first defendant left the room. The victim remained alone with man. The man engaged in fornication with her twice using a condom. At 6.30am, the victim left the room, went to the hotel reception desk and requested her passport. The hotel clerk told her that the first defendant had taken her passport and that the first defendant and second defendant were waiting for her in the car in the hotel parking lot. The victim got into the car with them and they returned to the apartment. Then, the second defendant returned her passport. The next day at 9.30 hours, the two defendants left the apartment, telling the victim that the first defendant would return and bring her a SIM card. They locked the apartment door with a key. The victim then sought to escape from the two defendants. She went to the balcony of the apartment and threw a rock onto the balcony of the adjacent apartment. A person came out and asked her what the problem was. She told him that she wanted to call the police. The police came and broke down the door of the apartment. The victim informed them of what had happened and she was taken to the police station where she reported the incident to the police.

## Case 393 – United Arab Emirates, 2016

Country: United Arab Emirates  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Date of conviction: **27 April 2016**

Court: **Ajman Federal Criminal Court of First Instance**

Fact summary:

Judgement: The Court of First Instance sentenced: (1) Offender 1 (male) in his presence to three years imprisonment and to an additional three months of imprisonment for overstaying in the country; and (2) Offender 2 to three years of imprisonment.

The victim escaped from the home of her sponsor in the city of Ayn and met a woman of Bangladeshi nationality who told her that she would provide her with a job. She handed the victim over to a person of Indian nationality who in turn told her that he had bought her for 5,000 dirhams. He transported her to Dubai where she was forced to engage in sex for money. The person of Indian nationality then transported the victim to the apartment of the two defendants in the Emirate of Ajman and forced her to engage in sex. The second defendant, Offender 2, brought unidentified men to engage in sex with the victim for money. The second defendant locked the apartment with the victim inside. The victim was able to contact the police and direct them to where she was located. The police arrived at the location and arrested the two defendants.

## Case 394 – Uruguay, 2014

Country: Uruguay  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3

### Case description:

Fecha de sentencia condenatoria: **07/06/2014 “Operación Eclipse”**

Tribunal: **Juzgado Especializado en Crimen Organizado de 1er Turno**

**Resumen de los hechos:** 2 personas del sexo masculino (uno uruguayo y otro dominicano) en forma conjunta captaban bajo engaño a mujeres dominicanas para trabajar en un centro nocturno, en el Departamento de Cerro Largo, quienes en coordinación con el dueño del local las obligaban a ejercer el trabajo sexual.

**Res. Judicial:** para 2 personas del sexo masculino (uruguayo y dominicano). Procesamiento con prisión por un delito de Trata de personas con fines de explotación sexual.

**Res. Judicial:** para el dueño del local. “Procesamiento con prisión por “un delito de trata de personas con fines de explotación sexual, en reiteración con un delito de suministro de estupefacientes”

## Case 395 – Uruguay, 2014

Country: Uruguay  
Year of conviction: 2014  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 21  
Number of offenders: 5

### Case description:

Fecha de la sentencia condenatoria: **03/12/2014 “Operación Imperio”**

Tribunal: **Juzgado Especializado en Crimen Organizado de 1er Turno**

**Resumen de los hechos:** Persona dueña de dos centros nocturnos (whiskerías), uno en la ciudad de Minas, Departamento de Lavalleja u otro en el Departamento de Treinta y Tres, conjuntamente con su pareja reclutaban ciudadanas. También había varones dominicanos que participaban en la captación y engaño de mujeres dominicanas para poderlas trasladar al interior del país.

### Res. Judicial:

- 1) Procesamiento con prisión del ciudadano uruguayo responsable de ambos locales, por un delito de Trata de personas, proxenetismo y lavado de activo en carácter con continuado y en reiteración real.
- 2) Procesamiento con prisión para la encargada del Centro nocturno de Treinta y Tres, por un delito de coautoría de proxenetismo en reiteración real con un delito de asistencia de lavado de activos.
- 3) Procesamiento con prisión para la pareja del dueño de los locales, por un delito de trata de personas, proxenetismo y lavado de activos en carácter continuado y en reiteración real.
- 4) Procesamiento con prisión de un varón y una mujer ciudadanos dominicanos quienes reclutaban a las mujeres, por un delito continuado de proxenetismo.

## Case 396 – Uruguay, 2015

Country: Uruguay  
Year of conviction: 2015  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **20/05/2015 “Operación Ruralito”**

Tribunal: **Juzgado de Carmelo**

**Resumen de los hechos:** Matrimonio del departamento Colonia, reclutaban y financiaban los fastos de pasajes y estadías de mujeres a fin de que ejercieran el trabajo sexual en una Whiskería de su propiedad, entre las cuales se encontraban NNA, lo cual se constato a raíz de un homicidio ocurrido en el lugar.

### Res. Judicial:

- 1) Procesamiento con prisión del propietario del local, por homicidio, incluyendo un delito de explotación sexual de personas menores de edad en reiteración real con un delito de uso de certificado falso.
- 2) Amplificación de procesamiento, incluyendo un delito continuado de trata de personas agravado por la condición de ser la víctima menor de edad en reiteración real con un delito de proxenetismo, modificándose la participación en el delito de la venta de estupefacientes, en calidad de autor.
- 3) Procesamiento con prisión de la esposa y propietaria de los locales, incluyendo un delito continuado e trata de personas agravado por la condición de ser la víctima menor de edad en reiteración real con un delito de proxenetismo.

## Case 397 – Argentina, 2018

Country: Argentina  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: domestic trafficking  
Number of victims of trafficking: 4  
Number of offenders: 2

### Case description:

**FECHA Y LUGAR:** 03 de abril de 2018, Olivos, PBA (TOF San Martín)

**TRIBUNAL:** TRIBUNAL ORAL EN LO CRIMINAL, nro. 1 DE SAN MARTÍN – PROVINCIA DE BUENOS AIRES

**LUGAR DE LOS HECHOS:** Puestos de venta de “Tortillas” en vía pública en la zona de José León Suárez, partido de San Martín, Provincia de Buenos Aires.

**BREVE RESEÑA DE LOS HECHOS:** Los imputados (un hombre y una mujer), trasladaron, acogieron y explotaron laboralmente a cuatro hermanas, tres de ellas menores de edad, abusando de su parentesco (el hombre es tío de las víctimas), de su situación de vulnerabilidad y de encontrarse al cuidado de ellas. Ocurrió entre los meses de enero y noviembre de 2016. Acogieron a las víctimas en la ciudad donde vivían Reconquista, Santa Fé y las trasladaron a la localidad de José León Suárez, PBA. Ya en el lugar de destino, fueron explotadas laboralmente a través de la actividad de venta de “Tortillas” en puestos callejeros, en condiciones precarias y zonas peligrosas. A su vez, se verificó que las víctimas vivían hacinadas y recibían maltrato físico y verbal. No recibían remuneración por la tarea y trabajaban durante extensas jornadas que oscilaban entre 12 y 14 horas.

La investigación se inició a raíz de una denuncia anónima en la Línea 145 del Programa Nacional de Rescate, donde informaron de la existencia de un puesto de venta de “Tortillas” donde serían explotadas laboralmente tres niñas de 14, 16 y 17 años, por una mujer de 50 años aproximadamente. Se realizaron tareas de investigación y se confirmó la hipótesis denunciada. En ese marco, se ordenó el allanamiento.

**TIPO DE EXPLOTACIÓN:** laboral

**CANTIDAD DE VÍCTIMAS:** cuatro (4)

**MENORES:** Si (tres menores de 13, 14 y 15 años y una mayor de 19 años)

**SEXO:** Mujeres.

**PAÍS O PROVINCIA DE ORIGEN:** todas argentinas, oriundas de la localidad de Reconquista, Provincia de Santa Fe.

**CANTIDAD DE IMPUTADOS:** 2 (dos)

**SEXO:** un hombre y una mujer

**PAÍS O PROVINCIA DE ORIGEN:** no surge de la sentencia.

**ALGUN FUNCIONARIO PÚBLICO INVOLUCRADO: NO**

**SENTENCIA:** Condenar a ambos imputados, por resultar autores responsables del delito Trata de personas con fines de explotación laboral, en sus modalidades de captación, traslado, recepción y acogimiento, agravado por haber mediado engaño, abuso de la situación de vulnerabilidad de las víctimas, por la cantidad de víctimas (más de tres), por ser tres de ellas menores de edad, por hallarse una embarazada, por su parentesco colateral con uno de los imputados, por encontrarse los imputados a cargo de la guarda de las víctimas y por haberse consumado la explotación (arts. 145 bis y 145 ter, incisos 1°, 2°, 4° y 6°, segundo párrafo y tercero), a la pena de **DIEZ AÑOS DE PRISIÓN**.

**AGRAVANTES:** abuso de una situación de vulnerabilidad, engaño, más de tres víctimas, víctimas menores de edad, una víctima embarazada, parentesco colateral de las víctimas con uno de los imputados, por encontrarse los imputados a cargo de la guarda de las víctimas y por haberse consumado la explotación laboral.

**CANTIDAD DE AÑOS:** 10 años.

**EFFECTIVO CUMPLIMIENTO:** SI.

**JUICIO ORAL:** SI

**JUICIO ABREVIADO:** NO

**HAY ARREPENTIDOS:** NO

**INTERVENCIÓN DEL PROGRAMA NACIONAL DE RESCATE:** SI.

-La denuncia se recibió a través de la Línea 145 del Programa de Rescate.

-Las Profesionales del Programa intervinieron en el rescate de las víctimas y declaración durante el juicio.

-La situación de vulnerabilidad de las víctimas se tuvo por probada a partir de lo que surge de los informes elaborados por el Programa de Rescate.

## Case 398 – Argentina, 2017

Country: Argentina  
Year of conviction: 2017  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 7  
Number of offenders: 4

### Case description:

**FECHA Y LUGAR:** 16 de agosto de 2017, Ciudad Autónoma de Buenos Aires

**LUGAR DE LOS HECHOS:** Talleres de costura clandestinos en tres domicilios de la Ciudad de Buenos Aires, barrio Pompeya.

**BREVE RESEÑA DE LOS HECHOS:** Los imputados (tres hombres y una mujer) desde el mes de noviembre de 2014, conformaron una organización que captaba, trasladaba, acogía y finalmente explotaba laboralmente a personas, para su propio beneficio, en los talleres textiles clandestinos, ubicados en la calles Daract n° 2124 y Mom n° 2355 de esta ciudad. Ello ocurrió hasta el 31 de mayo de 2015, cuando se produjeron los allanamientos.

La investigación se inició a raíz de la denuncia de una de las víctimas que, a partir de un descuido de sus explotadores, pudo escaparse.

**TIPO DE EXPLOTACIÓN:** laboral

**CANTIDAD DE VÍCTIMAS:** siete (7) (5 hombres y 2 mujeres).

**MENORES:** NO

**SEXO:** Mujeres Y hombres

**PAÍS O PROVINCIA DE ORIGEN:** Bolivia.

**CANTIDAD DE IMPUTADOS:** 4 (cuatro)

**SEXO:** tres hombres y una mujer

**PAÍS O PROVINCIA DE ORIGEN:** Bolivia.

**ALGUN FUNCIONARIO PÚBLICO INVOLUCRADO:** NO

**SENTENCIA:** Condenar a los cuatro imputados por resultar autores responsables del delito Trata de personas con fines de explotación laboral (arts. 145 bis y 145 ter, incisos 1°, 2°, 4° y 6°, segundo párrafo y tercero), a la pena de **CINCO (5) AÑOS DE PRISIÓN** para uno de ellos y **TRES (3) AÑOS Y CUATRO (4) MESES DE PRISIÓN** para los tres restantes.

**AGRAVANTES:** abuso de una situación de vulnerabilidad, cantidad de imputados (más de tres), cantidad de víctimas (más de tres)

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**CANTIDAD DE AÑOS:** 5 años para uno de los imputados y 3 años y 4 meses para los restantes.

**EFFECTIVO CUMPLIMIENTO:** SI.

**JUICIO ORAL:** NO

**JUICIO ABREVIADO:** SI

**HAY ARREPENTIDOS:** NO

**INTERVENCIÓN DEL PROGRAMA NACIONAL DE RESCATE:** SI.

-Las Profesionales del Programa de Rescate entrevistaron a las víctimas y aportaron el informe mediante el cual se acreditó su situación de vulnerabilidad.

**OBSERVACIONES:**

-La sentencia dispuso el decomiso de las 20 máquinas de coser que se utilizaron para consumir la explotación.

## Case 399 – Argentina, 2018

Country: Argentina  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 6  
Number of offenders: 2

### Case description:

FECHA DE LA SENTENCIA CONDENATORIA: **11 de octubre de 2018**

TRIBUNAL: **Tribunal Oral en lo Criminal Federal de Corrientes**

**BREVE RESEÑA DE LOS HECHOS:** Desde marzo de 2015 hasta el allanamiento ocurrido en octubre del mismo año, Offender 1 y su pareja Offender 2 en el local denominado “X”, se promovió y facilitó el ejercicio de la prostitución de al menos seis (6) mujeres, beneficiándose económicamente de ello.

La investigación se inicia por una denuncia anónima realizada a la línea 145 del Programa Nacional de Rescate y Acompañamiento a las Personas Damnificadas por el Delito de Trata, del Ministerio de Justicia y Derechos Humanos de la Nación, por la que una persona de sexo femenino dio a conocer que en un prostíbulo ubicado sobre ruta nacional 14 en el acceso a la localidad de Gobernador Virasoro (Corrientes), e identificado con el nombre de “XXX”, un matrimonio compuesto por “Offender 1” y “Offender 2”, la obligó a prostituirse luego de haberle prometido que iría a trabajar con ellos como empleada doméstica; además, en el lugar también eran explotadas sexualmente otras mujeres, obligadas a tomar alcohol hasta emborracharse, o drogarse con cocaína, y finalmente realizar “pases” con los clientes; eran maltratadas y obligadas a trabajar incluso estando enfermas.

**TIPO DE EXPLOTACIÓN:** sexual

**CANTIDAD DE VÍCTIMAS:** 6 (seis)

**MENORES:** No

**SEXO:** Mujeres.

**PAÍS O PROVINCIA DE ORIGEN:** Entre Ríos y Misiones

**CANTIDAD DE IMPUTADOS:** 2 (dos)

**SEXO:** una mujer y un hombre

**PAÍS O PROVINCIA DE ORIGEN:** Misiones

**ALGUN FUNCIONARIO PÚBLICO INVOLUCRADO:** No

**SENTENCIA:** CONDENAR a los dos imputados, por ser coautores penalmente responsable del delito de Trata de Personas con fines de explotación sexual (Arts. 145 bis y 145 ter incs. 1, 4 y penúltimo párrafo del CP) a la pena de CINCO (5) y OCHO (8) años de prisión.

**AGRAVANTES:** abuso de una situación de vulnerabilidad, por ser más de tres víctimas y haberse consumado la explotación.

**CANTIDAD DE AÑOS:** 5 y 8 años.

**EFFECTIVO CUMPLIMIENTO:** Se resuelva mantener las excarcelaciones concedidas por el Juez Federal de Paso de los Libres, con expresa prohibición de salir del país.

**JUICIO ORAL:** SI

**JUICIO ABREVIADO:** NO

**HAY ARREPENTIDOS:** NO

**INTERVENCIÓN DEL PROGRAMA NACIONAL DE RESCATE:** La denuncia se recibió a través de la Línea 145 del Programa de Rescate.

-Las Profesionales del Programa intervinieron en el rescate de las víctimas y declaración durante el juicio.

-La situación de vulnerabilidad de las víctimas se tuvo por probada a partir de lo que surge de los informes elaborados por el Programa de Rescate.

**OBSERVACIONES:** Se resolvió DECOMISAR dos inmuebles, uno de ellos donde funcionaba el local denominado “X” sito en ruta nacional N° 14 de la Ciudad de Gobernador Valentín Virasoro (Provincia de Corrientes) y el otro inmueble sito de la Ciudad de Gobernador Valentín Virasoro (Provincia de Corrientes), oportunamente allanados.

Se resolvió DECOMISAR el dinero secuestrado, el que una vez firme el pronunciamiento se afectó a programas de asistencia a las víctimas.

## Case 400 – Austria, 2018

Country: Austria  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 4

### Case description:

Conviction date: **8 May 2018**

Court: **Regional Court Wiener Neustadt 37**

The perpetrator, a Nigerian citizen, trafficked girls and young women from Nigeria to Austria for the purpose of exploitation of the prostitution of the victims. Having worked as a prostitute herself, the perpetrator made use of her contacts for luring the victims from Nigeria to Europe. The perpetrator acted within the framework of a criminal association together with her sister and at least two other unidentified perpetrators. The victims were told they could work legally in Europe and pay back their debts for being smuggled to Europe. Before leaving Nigeria, the victims had to swear in a „juju“ or „voodoo“ procedure to pay back their debts. This procedure served the purpose to intimidate the victims and make them obedient. Having arrived in Vienna, the perpetrator received the victims and lured them to her flat where she told them that they had to work as prostitutes to pay back the travel costs from Nigeria to Europe. Being in a foreign country without any knowledge of German and under the pressure of the criminal association that had transported them to Europe, the victims obeyed the perpetrator. Instructed by the perpetrator, they worked in different brothels in Austria. The perpetrator came regularly to the brothels in order to receive the money the victims had gained as prostitutes. She drove the victims from one brothel to another. One of the victims was also harboured by the perpetrator in her flat.

The perpetrator was convicted for, amongst other offences, trafficking in human beings (§ 104a of the Criminal Code - CC), procuring engagement in prostitution and pornographic performances by a minor (§ 215a) and transnational prostitution trade (§ 217 CC) to three years of imprisonment (partly suspended). The victims were granted compensation in the criminal proceedings (victim 1 EUR 29.500,- for her work as a prostitute from November 2015 until June 2017, victim 2 EUR 1.400,- for her work as a prostitute from February 2017 until April 2017).

## Case 401 – Austria, 2018

Country: Austria  
Year of conviction: 2018  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Conviction date: **22.03.2018 first instance, 27.2.2019 Supreme Court**

Court: **Regional Court of Vienna and Supreme Court**

The perpetrators, two Chinese citizens (male), trafficked the victim, a Chinese woman, for the purpose of sexual exploitation (prostitution) and labour exploitation in Winter 2011/2012. The victim was smuggled from China to France where perpetrator 1 fetched her and offered her that she could work as a prostitute in Vienna and earn between EUR 3.000,- and 4.000,- per month. However, in fact his intention was to keep the money the victim would earn. The victim who was in a position of vulnerability because her stay in Austria was illegal, she had no money and she did not speak German agreed to come to Austria. Perpetrator 1 brought her to a flat in Vienna where he withdrew the victim's passport, took nude photographs of her and claimed that she had not paid enough for the travel to Europe and therefore had to pay back her debts by sex work. The victim was not allowed to leave the flat. During her work she was supervised by perpetrator 2 who also took the money from the clients. The perpetrators requested the victim to work daily as a prostitute and gave her detailed instructions about the working times, the prices and her behaviour in order to attract clients. The victim did not receive any money from her work.

Perpetrator 1 was convicted for trafficking in human beings (§ 104a CC), transnational prostitution trade (§ 217 CC), smuggling of human beings (§ 114 Aliens' Police Act) and exploitation of an Alien (§ 116 Aliens' Police Act) to 3 years and 3 months of imprisonment. Perpetrator 2 was convicted for trafficking in human beings (§ 104a CC) and exploitation of an Alien (§ 116 Aliens' Police Act) to 8 months of imprisonment.

## Case 402 – Austria, 2018

Country: Austria  
Year of conviction: 2018  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction date: **4 May 2018**

Court: **Regional Court for Criminal Matters Vienna**

The perpetrator, a Bulgarian citizen, harboured the victim, a 63-year-old Bulgarian citizen (male) who had mobility problems, from February 2015 until 26 June 2015 for the purpose of exploitation of begging. The victim was in a position of vulnerability because of imminent homelessness and the perpetrator abused this position. In addition, the perpetrator deceived the victim by telling him, he could keep the earnings from begging, although in fact the victim had to hand over all the money he received while begging.

The perpetrator was in pre-trial detention from 6 August 2015 to 16 November 2015. In the main trial he was sentenced for trafficking in human beings (§ 104a CC) to six months of imprisonment on probation.

## Case 403 – Austria, 2018

Country: Austria  
Year of conviction: 2018  
Form of exploitation: forced labour, sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction date: **11 December 2018 first instance, final judgement 24 April 2019**

Court: **Regional Court Linz, Higher Regional Court Linz**

The perpetrator, who was born in Kosovo and is meanwhile an Austrian citizen, received the victim, a Serbian citizen, for the purpose of sexual exploitation and labour exploitation. The victim came in March/April 2018 to the perpetrator's night club because she was looking for work as a waitress. The victim was in a position of vulnerability because she had no chance for work in her home country and no work permission in Austria and the perpetrator abused this position of vulnerability. He gave her a job with the following working conditions: Until 23 May 2018 she had to work up to 13 hours daily (between 19 and 5 o'clock, partly also up to 8 o'clock) for a wage of EUR 40,- per day. However, the wage agreement in Austria provided for an hourly wage of EUR 8,44. As a return service for occupying her, the perpetrator also urged her to vaginal and oral intercourse up to four times a week. Due to her position of vulnerability, the victim accommodated the perpetrator's requests.

The perpetrator was sentenced for trafficking in human beings (§ 104a CC) and other offences (to the detriment of other people) to two years of imprisonment.

The victim was granted a compensation of EUR 1.300,- for personal suffering in the criminal proceedings. With the rest of her claims she was referred to the civil law proceedings (§ 366 para. 2 of the Code of Criminal Procedure).

## Case 404 – Austria, 2018

Country: Austria  
Year of conviction: 2018  
Form of exploitation: forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 5

### Case description:

Conviction date: **10<sup>th</sup> of April 2018**

Court: **Regional Court for Criminal Matters Vienna**

In autumn 2017 the perpetrator (male), a citizen of Bosnia and Herzegovina, transported several children aged between 12 and 17 years from Italy to Vienna in his car for the purpose of exploitation of criminal activities. **The victims had to pick pockets in the streets of Vienna.** After the victims had finished the pickpocketing they were transported back to Italy. The victims had to hand over the money they had stolen to the perpetrator. The perpetrator acted within the framework of a criminal association constituting of, amongst others, his parents, his brother and his sister.

He was convicted for the offences of trafficking in human beings (§ 104a CC), receiving of stolen goods (§ 164 CC), money laundering (§ 165 CC) and criminal association (§ 278 CC) to two years of imprisonment.

## Case 405 – Bolivia, 2019

Country: Bolivia  
Year of conviction: 2019  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Fecha de la sentencia condenatoria: **3 de mayo de 2019**

Tribunal: **Tribunal Primero de la Sentencia de la Capital del departamento de Tarija**

De los elementos de prueba cursantes en el cuaderno de investigación, se tiene que los hechos se hubieran suscitado de la siguiente manera: Que, la madre de la adolescente víctima, refiere que la misma, en horas de la tarde del día 12 de enero de 2016, desaparece de su domicilio ubicado en la ciudad Santa Cruz, por lo que inmediatamente pone en conocimiento de las autoridades policiales, quienes proceden a la búsqueda a nivel nacional, mediante anuncios con la foto de la menor. En fecha 15 de enero de 2016, la denunciante toma conocimiento de que su hija se encontraba en la ciudad de Tarija, pues la adolescente se había contactado con Offender 1 (fémica), quien le induce a trasladarse hasta la ciudad de Tarija, para trabajar y ganar dinero, en montos elevados como trabajadora sexual. Asimismo llega a su conocimiento que su hija se encontraba en un local nocturno de Tarija, por lo que pone en conocimiento de funcionarios policiales de la FELCC Tja., quienes proceden a la búsqueda de la menor y en la misma fecha, aproximadamente, entre hrs. 21:00 a 22:00, encuentran a la adolescente en el interior del local.

Que, en su entrevista informativa la víctima refiere haberse trasladó desde la ciudad de Santa Cruz (vía aérea) hasta la ciudad de Tarija; que en diciembre de 2015 conoció a Offender 1, en un Rally en la ciudad de Santa Cruz, oportunidad en la cual le facilitó su número para que la llame, y que le iría a presentar hombres que le darían dinero por su compañía consumiendo bebidas alcohólicas y por mantener relaciones sexuales, que este último no sería obligatorio, ofreciéndole este trabajo Offender 1, la adolescente responde que sí, accediendo a la propuesta, recalando sin tener relaciones sexuales; asimismo, se le consulta si es mayor de edad y la víctima señala que es menor de edad, siendo la sindicada quien le refiere que consiga una cedula de identidad falsa para pasar por mayor de edad, por lo que la menor accede y consigue el carnet de su hermana, para realizar el viaje respectivo. Una vez obtenidos los datos de la adolescente, la sindicada se contacta con Offender 2 (masculino), quien es el propietario del local en la ciudad de Tarija, quien compra el pasaje aéreo para la menor desde la ciudad de Santa Cruz, hasta la ciudad de Tarija; es así que el día martes 12 de enero de 2016, en horas de la tarde la adolescente se traslada a la ciudad de Tarija (vía aérea) e Offender 1 que ya se encontraba en Tarija, juntamente con otra mujer, Offender 3 (fémica), la recogen del Aeropuerto de Tarija, para luego trasladarla a la casa de Offender 2, en el Barrio San Jorge I, a metros del local.

Asimismo tal cual refiere la menor, ese día 12 de enero de 2016 en horas de la noche, junto con Offenders1 y 3, aproximadamente a hrs. 22:00 pm, se trasladan al local, donde hubo una reunión con el Offender 2, quien les explicó en qué consiste el trabajo, instándolas a que tiene que tratar bien a los clientes y no ser aburridas; asimismo en la reunión se encontraba una mujer a quien denominaban la anfitriona, quien le dijo que había un señor que quería compartir con ella, por lo que la menor pide un fernet y le dice que ella no hace pieza y la anfitriona le dice, tú eres nueva por esta vez pasable, pero tienes que ser más atenta; conforme el relato de la menor estuvo trabajando hasta las seis de la mañana y luego se retira a descansar, para el día siguiente también trabajar en el citado local. Refiere que en los días que trabajó, el primer día recaudó 630 bs., y el segundo y tercer día bs. 300, que le cancelaron por manilla.

## Case 406 – Bolivia, 2018

Country: Bolivia  
Year of conviction: 2018  
Form of exploitation: forced criminality  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **23 de febrero de 2018**

Tribunal: **Tribunal 5to de Sentencia de la Capital de Santa Cruz**

Que en fecha 25 de julio del 2017, se formaliza denuncia en contra de Offender 1 (masculino), por el delito de Tráfico de Persona, teniéndose así que el denunciado, con engaños y falsificando documentos de permiso de viaje, había logrado el **traslado de las menores de edad** Victima 1 (fémica) de 17 años y Victima 2 (fémica) de 15 años, desde la ciudad de Sucre a la ciudad de santa cruz, con la finalidad de inducirlas a **actos ilícitos**.

El ahora sentenciado, traslado de forma ilegal, sin autorización de sus padres o tutores, desde la ciudad de Sucre a la ciudad de Santa Cruz, a efectos de hacerlas trabajar y posteriormente usarlas en actividades delictivas, buscando así de manera directa o indirecta un beneficio económico para sí o para un tercero. En los hechos se tiene, que Offender, en franco abuso de la vulnerabilidad de las víctimas, para su propósito enamoro a Víctima 1, capto y traslado ilegalmente a las víctimas a la ciudad de Santa Cruz utilizando autorizaciones de viaje que fueron alteradas en su contenido

## Case 407 – Bolivia, 2018

Country: Bolivia  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Fecha de la sentencia condenatoria: **31 de agosto de 2018**

Tribunal: **Tribunal Primero de la Sentencia No. 2 de la Capital de Cochabamba**

En fecha 17 de marzo de 2015, se da inicio el presente caso seguido por el Ministerio Público a denuncia de la Víctima (fémica) contra Offender 1 (masculino), Offender 2 (masculino) e Offender 3 (fémica) por los delitos de Trata de Personas con fines de Explotación Sexual Comercial y Proxenetismo, sancionado por el Art. 281 bis num. 6 y Art. 321 del Código Penal. De la acción directa se establece que a horas 12:30 a.m. del día 17 de marzo de 2015, el Sbtte. al llamado de radio patrullas 110 se constituyó a la altura del Hospital San Germán y circuito Bolivia, en el lugar tomo contacto con la denunciante y víctima, quien manifestó que era víctima de explotación sexual comercial; posteriormente es trasladada a la FELC-C, Div. Trata de Personas, donde refiere que en fecha 09 de marzo de 2015, se encontraba buscando trabajo por intermediaciones de la Av. Aroma, en el lugar se le acercaron dos personas de sexo femenino, quienes le ofrecieron trabajo de mesera en una discoteca, con la promesa de pagarle 2.000Bs en una semana, con engaños y falsas promesas de trabajo la llevan en un taxi a una casa ubicada en la Av. 6 de agosto a la altura del avión, donde le hicieron ingresar a un cuarto y fue ahí donde Offender 4, le dijo que se pusiera vestido, por lo que la víctima se negó, y la Offender 4 e Offender 3 le amenazaron con matar a sus familiares si no se ponía el vestido, posteriormente la encerraron hasta el día siguiente, sin darle nada de comer, a la mañana siguiente a horas 08:00 a.m. entro a la habitación un señor de constitución robusta, quien se identificó como el dueño del lugar Offender 2, quien le manifestó que le hiciera caso en todo, ya que cuando se había negado a vestirse con diferentes vestimentas de cholita, de colegiala él quiso golpearla; posteriormente, ingreso otra persona de sexo masculino Offender 1 este dormía a lado de su cuarto quien le dijo que la víctima valía oro y que no les convenía golpearla porque los clientes no iban a querer hacer pieza con ella, y al ver su cedula de identidad manifestó que era mayor de edad y que no habría ningún problema, e inmediatamente la Offender 4 empezó a maquillarla y le obligo a colocarse un vestido rosado, tacos rosados, y le indico que a todos los hombres que vengan les tenía que tratar bien, posteriormente empezaron a ingresar personas de sexo masculino con los que la víctima tuvo relaciones sexuales a la fuerza. Aspectos que se encuentran corroborados por el informe del investigador asignado al caso y acta de registro del lugar.

## Case 408 – Bulgaria, 2018

Country: Bulgaria  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 2

### Case description:

Conviction date: **20 March 2018**

Court: **Pleven Regional**

SENTENCE: The Pleven Regional Court RECOGNIZES the defendant Offender 1, born on \*\*\* \*\*\*. He lives in the same city. Bulgarian, Bulgarian citizen, with basic education, married, not working, convicted. PIN \*\*\*\*\*, for GUILTY in that

1. During the period 01.04.2017 - 25.05.2017 in the town of Pleven under the conditions of dangerous recidivism and in partnership with Offender 2, \*\*\*, he recruited an individual Victim 1 \*\*\* by promising benefits (part of the amounts received through prostitution) and by using a state of dependence in order to be used for detrimental actions regardless of its consent, and therefore, on the grounds of Art. 159, proposed. 1 in contact with art. 159a, para. 2, item 4 and item 6, in para. 1 proposed 1, in line with Art. 29, para. 1, b. "A" in the sentence with Art. 20, para. 2 in para. 1, para.54 of the Criminal Code SENTENCES to 6 / six / years of deprivation of liberty, on the grounds of art. 373, para 2 of the Penal Code, with Article 58, paragraph 1 of the Criminal Code, decreases the penalty thus determined by 1/3, or the defendant to serve 4 / four / years of imprisonment under an initial strict regime and a fine in favor of the state amounting to BGN 20,000.

2. During the period between April 2017 and May 25, 2017 in Pleven, under the conditions of a dangerous recidivism, a person under 18 years of age - the underage Victim 2 \*\*\*, in order to be used for detrimental actions, regardless of its consent, and therefore on the grounds of Art. 159d, in the order with Art. 159a, para. 2 item 1, in line with Art. 159a, para. 1 in contact with art. 29, para. 1 b. (A) of the Criminal Code, in accordance with Article 373 (2) of the Code of Criminal Procedure, with Article 58 (1) of the Code of Criminal Procedure, SENTENCES to six (six) years' imprisonment. of the Criminal Code reduces the penalty so established by 1/3, or the defendant to serve 4 / four / years of imprisonment under an initial strict regime and a fine in favor of the state amounting to BGN 20,000.

3. During the period from non-established day in May 2017 to 25.05.2017 in the town of Pleven, under conditions of dangerous recidivism used a person under 18 years, the underage Victim 2 \*\*\* who has suffered from trafficking in human beings to perform devastating actions - paid sexual services for the purpose of acquiring the income she has earned as a prostitute, regardless of her consent, and therefore on the grounds of Art. 159th in conjunction with Art. 159c, in conjunction with Art. 159a, para. 2 item 1, in line with Art. 159a, para. 1 in contact with art. 29 para. 1 b. "A", article 54 of the

Criminal Code, SENTENCES to 6 / six / years of imprisonment as on the grounds of art. 373, para. 2 of the Penal Code, with Article 58, paragraph 1 of the Criminal Code, decreases the sanction thus determined with 1/3, or the defendant to serve 4 / four / years of imprisonment under an initial strict regime and a fine in favor of the state of BGN 20,000.

Pursuant to Article 23 (1) of the Penal Code, the court, after determining a punishment for each of the offenses separately, imposes on the defendant the most severe of them, namely imprisonment for a term of four (four) years, to serve an initial strict regime and a total penalty fine in favor of the state amounting to BGN 20,000.

On the grounds of Art. 59, para 1 of the Penal Code, he shall deduct the time during which, with snow identification was taken MH "Detention in custody" as of 25.05.2017.

RECOGNIZES the defendant Offender 2, born on \*\*\* \*\*\*, Bulgarian, Bulgarian citizen, with primary education, divorced, not working, convicted, rehabilitated. PIN \*\* \*\*\*\*\* for GUILTY in that: 1. During the period 01.04.2017 to 25.05.2017 in the town of Pleven, in co-operation with Offender 1, recruited a separate person Victim 1 \*\*\* by promising benefits (part of the amounts received through prostitution) and by using a state of dependence in order to be used for detrimental actions regardless of its consent, and therefore, on the grounds of Art. 159a, para. 2, item 4 and item 6, in para. 1 proposed 1, in line with Art. 20, para. 2, para. 1, para.54 of the Criminal Code SENTENCES 3 / three / years of deprivation of liberty, as art. 373, para 2 of the Penal Procedure Code, with Article 58, paragraph 1 of the Criminal Code reduces the sanction thus determined with 1/3 or the defendant to serve 2 / two / years of imprisonment under an initial general regime and a fine in favor of the state amounting to BGN 10,000.

2. On an unspecified date he acquired firearms and ammunitions until 25.05.2017 in Pleven, as follows: a pistol without a mark and a factory number, defined as imitation of a Belgian gun "Browing" in 1906, 6 , 35x15 mm caliber, standard smooth-shot lead shotgun brand "GULSAN" with factory number 1914, 12 caliber; 6 pcs. caliber warheads 6.35x15 mm; 3 pcs. hunting cartridges 12 caliber; pistol brand "BLOW COMPACT / MOD 2002" with factory no. XXXX, 9 mm caliber; revolver "EKOL MOD.ARDA" with factory number XXXX, 8 mm caliber; 25 pcs. cartridges fitted with 9 mm caliber shotgun shells (non-standard ammunition), representing firearms ammunition within the meaning of the LVIII, without due authorization, and therefore on the grounds of Art. 339 para. 1, item 54 of the Criminal Code SENTENCES to three (three) years of imprisonment as on the grounds of art. 373, para 2 of the Penal Procedure Code, with Article 58, paragraph 1 of the Criminal Code reduces the sanction thus determined with 1/3, or the defendant endured 2 / two / years of deprivation under an initial common regime.

3. For the period from January 2017 to 25.05.2017 in the town of Pleven, in order to acquire a property benefit for himself, he initiated and maintained misconduct at Victim 3. \*\*\* that for the sum of BGN 100,000 will divorce his wife Person 1 from the town of Pleven and thus cause property damage to Victim 3 in the amount of BGN 62 500, the damage caused being in large proportions and therefore, on the grounds of Art. 210 para. 1 pt. 5, in conjunction with Art. 209 para. 1, item 54 of the Criminal Code SENTENCES to three (three) years of imprisonment as on the grounds of art. 373, para 2 of the Penal Procedure Code, with Article 58, paragraph 1 of the Criminal Code reduces the sanction thus determined with 1/3, or the defendant endured 2 / two / years of deprivation under an initial common regime.

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Pursuant to Article 23 (1) of the Criminal Code, after determining a penalty for each of the offenses individually, it imposes on the defendant the worst of them, namely, imprisonment for a period of two (two) years, to serve in an initial common mode.

On the basis of Article 23 (3) of the Criminal Code, he fully subscribes to the so-called most severe punishment of imprisonment in the amount of 2 / two / years the penalty fine in favor of the state amounting to BGN 10,000.

On the grounds of Art. 59, para. 1 of the Criminal Code, he deducts the time, during which, with snow identity was taken MT "Detention in custody" as of 25.05.2017. SENTENCES, on the grounds of Art. 45 of the Obligations Act, the defendant Offender 2, with the aforementioned identity, to pay to the plaintiff and private prosecutor Victim 3 the amount of BGN 62 500, representing compensation for the material damages suffered, direct and immediate consequence of the committed crime, together with the legal interest on that amount from the day of the disability 25.05.2017. until its final payment.

SENTENCES on the grounds of Art. 189, para. 3 of the Criminal Procedure Code the accused Offender 3 with an identity in the case, pay a state fee on the amount of the civil claim for pecuniary damages amounting to BGN 2500 on the account of RS Pleven and the amount of BGN 7,400 per claimant and private prosecutor Offender 3 for the costs of lawyers' fees incurred in the proceedings.

SENTENCES on the grounds of Art. 189, para. 3 of the Criminal Procedure Code the accused Offender 3 with the aforementioned identity to pay to the account of the Directorate of the Ministry of Interior Pleven the expenses in the case amounting to 600.43 BGN.

SENTENCES on the grounds of Art.189, para 3 of the Penal Procedure Code the defendant Offender 1 with the aforementioned identity to pay to the account of the Directorate of the Ministry of Interior Pleven the costs incurred in the case amounting to 507.84 BGN.

The SENTENCE can be appealed and protested within 15 days from today's Pleven District Court.

## Case 409 – Chile, 2017

Country: Chile  
Year of conviction: 2017  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **31 de diciembre 2017**  
Tribunal: **Tribunal de Juicio Oral en lo Penal de Punta Arenas**

En agosto del 2012, Offender 1 (fémica), ciudadana ecuatoriana que reside en la ciudad de Otavalo, contactó a los padres de las niñas de nacionalidad ecuatoriana víctima 1 y a su hermana víctima 2, de 14 y 17 años de edad respectivamente, quienes residían en la comunidad indígena de Gualsaqui, Otavalo, en Ecuador, para trasladarlas, en compañía de su hermano hasta Chile, a trabajar como empleadas con una remuneración mensual de 180 dólares a cada una, financiando los pasajes aéreos y tramitando sus pasaportes y visas en calidad de turistas. En la etnia kichwa otavaleña se ha internacionalizado la venta de productos de su artesanía, emigrando los jóvenes desde Ecuador a otros países para aprender el rol de comerciantes como una estrategia de ascenso social”.

“Las niñas arribaron a Chile el 29 de agosto del año 2012, acompañadas de su hermano mayor, siendo recibidas en el aeropuerto de Santiago por Offender 1 y acogidas en un domicilio de la capital, ciudad donde Víctima 1 permanece hasta fines de septiembre y Víctima 2 hasta comienzos de octubre, periodo en que el hermano vuelve a Ecuador dejando a las niñas con los acusados”. “Offender 2 (masculino) se encarga del traslado de las niñas — hasta Punta Arenas el 27 septiembre y 3 de octubre de 2012, en donde las acogen y reciben, en su domicilio de calle, obligándolas desde esas fechas a trabajar confeccionando gorros en algunas oportunidades y a vender los mismos productos de artesanía que elaboraban u otros que el imputado les entregaba, de manera ambulante en la Plaza de Armas de esta ciudad o en el sector de la Zona Franca, debiendo levantarse algunos días a las 05:00 horas. aproximadamente, a fin de realizar labores domésticas de lavado y cocina previas a cumplir su función como vendedoras ambulantes”.

“Los trabajos antes descritos no les fueron pagados, prevaliéndose de la condición de vulnerabilidad en que las niñas se encontraban en ese momento, toda vez que estaban al cuidado del imputado, ya que no tenían familiares directos que las protegiesen, manteniéndolas con restricciones de comunicación a terceros, de su aseo y cuidado personal y sin enviarlas al colegio”.

“El 15 de marzo de 2013, la niña Víctima 1, se encontraba vendiendo en la salida de Zona Franca, donde conversa con una señora que se acercó a mirar los productos que vendía, a la que le preguntó dónde podía tomar un bus para ir a su casa en Ecuador comentándole que no estaba bien en el lugar en que se encontraba, por lo que la señora llamó a su marido, quien a su vez se comunicó con funcionarios de la PDI, los que concurrieron al lugar, siendo posteriormente la niña y su hermana Víctima 2 ingresadas a sistema de protección.

## Case 410 – Chile, 2018

Country: Chile  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 2

### Case description:

Fecha de la sentencia condenatoria: **14 de junio del 2018**  
Tribunal: **Tribunal Oral en lo Penal de Osorno**

Entre julio y agosto de 2015, Offender 1 e Offender 2, concurrieron a la ciudad de Otavalo, Ecuador, y contactaron a un menor de edad y a otros dos jóvenes "bajo la oferta y promesa de traerlos con la finalidad de trabajar y ganar dinero, aprovechándose de la situación de vulnerabilidad que afectaba a estas personas". Ya en Chile, los jóvenes tuvieron jornadas laborales extensas e incluso se les obligó a dormir a los 3 en una sola cama. Ante el incumplimiento de las condiciones pactadas uno de ellos logró volver a su país con la ayuda de su familia. Los otros dos jóvenes después fueron separados para trabajar –sin que se les pagara salario- en puestos itinerantes de artesanía, espacios de pequeñas dimensiones donde además debían cocinar, comer, bañarse y dormir, todo por unos 150 dólares mensuales que se les entregaría a su regreso a Ecuador. En el juicio oral se acreditó que los acusados retuvieron toda la documentación personal de las víctimas.

## Case 411 – Cyprus

Country: Cyprus  
Year of conviction: unknown  
Form of exploitation: forced marriage  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 5

### Case description:

Court: **Court of first instance – Criminal Court**

Information was given from the victims to relatives in their home countries, as they were locked in an apartment and were coerced into conducting sham marriages with third country nationals. The information was forwarded to the Cyprus Police and a coordinated operation took place, locating women and the suspects. The investigation revealed the criminal network behind orchestrating forced sham marriages of Romanian nationals with third country nationals. Among the suspects was a Cypriot national. Five accused were convicted with the higher sentence being 5 years imprisonment, according to the role each possessed in the criminal group.

## Case 412 – Cyprus

Country: Cyprus  
Year of conviction: unknown  
Form of exploitation: forced marriage  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Court: **Court of first instance – Criminal Court**

The victim approached was approached by a relative in order to come to Cyprus for work. She agreed and was later introduced to the first defendant. After arriving in Cyprus she was transported to an apartment and was revealed that the real reason she was in Cyprus was to conduct a sham marriage with a third country national after seizing her personal documents. The victim managed to leave the apartment and sought the help of the police. Both defendants were convicted, one for withholding her personal documents and the other for trafficking in human beings for the purpose of forced criminality, that is conducting a sham marriage.

## Case 413 – Denmark, 2017

Country: Denmark  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Conviction Date: **05.12.2017**

Court: **High Court of Eastern Denmark**

- Offender 1: Prison for 3 years (also convicted of fraud, procuring, violence, mistreatment of a child, coercion, detention and threats against a witness)
- Offender 2: prison for 2 years (also convicted of procuring, involvement in mistreatment of a child, involvement in coercion and involvement in detention)

The two accused women were convicted of trafficking of a Thai woman for the purpose of prostitution. The two defendants were found guilty of, in association, having carried out business with prostitution of the injured, as they organized and managed the prostitution, which took place partly from an address in a Danish village, and partly as an escort company. They also organized periodic prostitution in Sweden. It was assumed that prostitution in the beginning was voluntary, but gradually came under the use of illegal coercion, violence and threats, as the defendants evoked and exploited a mistake by the perpetrators that she owed them \$ 200,000, threatened to want reveal a criminal offense on the use of narcotic drugs, as well as threatened the victim and her son with violence.

Offender 1 was also convicted of violence against the injured party and for violence and mistreatment of a child (the victims son) who, at the time of the crime, who stretched over a period of approx. one year and three months, was 8-9 years old. Offender 2 was also convicted of involvement in mistreatment of the child. Offender 1 was also convicted of threats and detention of the injured, and of detention of the son of the offender. Offender 2 was convicted of involvement in these conditions. Offender 1 was further convicted of witness threats in relation to the son of the injured and for violence, coercion and possession of child pornography

At the sentencing, the court emphasized the gravity of the offenses and the lengthy period over which the abuses took place, as well as the fact that the injured persons who were subjected to the offenses had to be considered particularly vulnerable. It was assumed that Offender 1 was the leading figure.

Offender 2 who was a Thai citizen was conditionally expelled from Denmark.

## Case 414 – Denmark, 2017

Country: Denmark  
Year of conviction: 2017  
Form of exploitation: forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: 30  
Number of offenders: 22

The Wasp Nest case concerns trafficking in human beings for the purpose of forced criminality.

The Wasp Nest case comprises three linked cases. The case was divided into "cells" and processed at 3 different courts.

The three court cases will be summarized below:

### Case description:

Conviction Date: **29.05.2017**

Court: **Supreme Court of Denmark**

In February 2015, the Danish police arrested a large number of persons suspected of trafficking for exploitation for forced criminality and extensive economic crime. The defendants recruited poor Romanians in Romania promising them work in Denmark. The defendants transported the persons to Denmark, where they were housed under miserable conditions at many different addresses around the country. The purpose was to utilize the persons and their identity to commit fraud and data fraud to traders and tax authorities. In the autumn 2015, a total of 22 defendants were prosecuted for among other things, trafficking in human beings, gross fraud and data fraud.

The first case is called "Cell 3" and is described in the following: The final judgment was issued by the Supreme Court. The Supreme Court passed sentence on among other things human trafficking of 3 persons. The defendants were found guilty of having exploited the victims to commit criminal offences by promising the victims jobs in Denmark and transported them to Denmark. The defendants were sentenced to between 3 years and 3 years and 6 months of prison. The defendants, not being Danish citizens, were also expelled from Denmark. The Supreme Court stated that it is not a requirement in section 262a of the Danish Penal Code for trafficking in human beings that the exploited person has participated in the execution of the offenses or must have been aware of this.

### **Case description:**

Conviction Date: **14.03.2016, 30.06.2017 and 10.11.2017**

Court: **District Court of Lyngby and the High Court of Eastern Denmark**

In the second case of the Wasp Nest case, "Cell 1", a total of 14 people were charged of among other things trafficking in human beings. 13 of the defendants were convicted of trafficking by a total of 19 people (3 of these defendants convicted appealed the sentence by the District Court to the High Court, but were subsequently convicted by the High Court on the 10.11.2017). The defendants were found guilty of having recruited, transported, housed and exploited the victims in order to make them commit a criminal act. All 14 defendants were convicted of gross fraud, gross data fraud and gross tax fraud by utilizing a total of 116 persons' identities for total amounts of between approx. 3.6 million DKK and approx. 10.4 million DKK. The defendants were sentenced to sentences of between 3 years and 7 years and 11 months in prison.

### **Case description:**

Conviction Date: **12.07.2016 and 19.01.2018**

Court: **District Court of Glostrup and the High Court of Eastern Denmark**

In the last case "Celle 2/5" a total of five defendants were charged of among other things trafficking in human. Four defendants were convicted of trafficking by a total of 18 people (1 of these defendants appealed the District Court's sentence to the High Court, and was convicted by the High Court on the 19.01.2018). They were convicted of exploiting the victims to commit criminal offences. All five defendants were convicted of fraud by exploiting a total of 48 persons' identities for between DKK 4.8 million and DKK 16.4 million. They were sentenced to between 3 years and 7 years in prison.

## Case 415 – France, 2017

Country: France  
Year of conviction: 2017  
Form of exploitation: forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 4

### Case description:

Tribunal: **TGI de Paris**

En juin 2013, la brigade des mineurs recevait des renseignements des autorités bosniaques sur les activités supposées criminelles d'un réseau de traite des êtres humains et d'exploitation des mineurs dirigé par Offender 1 et ses fils, Offender 2, Offender 3 et Offender 4. La juridiction interrégionale spécialisée de Paris ouvrait une information judiciaire en janvier 2015 des chefs de traite des êtres humains en bande organisée, provocation de mineur à commettre un crime ou un délit, vol en bande organisée, blanchiment et association de malfaiteurs. La traite des êtres humains se matérialisait notamment par l'exploitation de femmes et de mineurs bosniaques se livrant à des vols dans les transports en commun parisiens. Cette affaire se distinguait par une forte dimension familiale et par la nécessité de recourir aux outils de l'entraide pénale internationale au vu de la forte mobilité géographique des auteurs des faits. Ainsi, une équipe commune d'enquête entre la France et la Bosnie Herzégovine était conclue. Il était établi que les voleuses restaient toute la journée en contact téléphonique avec les hommes pour lesquelles elles volaient. Elles les tenaient informés du déroulement de leur journée et de leur activité, des arrestations des unes et des autres. Les hommes impliqués leur fixaient des objectifs à atteindre et décidaient de l'arrêt des vols en fonction des montants atteints. Ils fixaient également les modalités d'envoi des sommes d'argent volées, à savoir par l'intermédiaire de ressortissants roumains résidant à Paris et de prête-noms résidant en Bosnie. Par ailleurs, l'enquête devait révéler qu'un diplomate bosniaque, Offender 5, conseiller auprès de la section consulaire de l'ambassade de Bosnie en France, participait au réseau en fournissant aux membres des documents administratifs authentiques contre rémunération. Ce dernier était interpellé et jugé en Bosnie. **Par jugement du 23 mai 2017, le tribunal correctionnel de Paris** statuant sur renvoi du juge d'instruction, **déclarait les 4 principaux protagonistes coupables de recel, blanchiment, participation à une association de malfaiteurs, provocation de mineurs à commettre des crimes ou des délits, traite d'êtres humains et les condamnait à des peines d'emprisonnement de 4 ans à 1 an d'emprisonnement**, ordonnait leur maintien en détention. En outre, il prononçait l'interdiction définitive du territoire national et la confiscation des scellés.

## Case 416 – France, 2018

Country: France  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 8  
Number of offenders: 11

### Case description:

Tribunal: **TGI de Paris**

Le 20 juillet 2015, l'Office central de répression de la traite des êtres humains (OCRTEH) prenait attache avec le parquet de Pontoise afin de lui rendre compte d'une dénonciation dont l'officier de liaison français au Nigeria l'avait rendu destinataire.

Celui-ci avait été informé par l'agence nationale nigériane de répression du trafic d'êtres humains qu'un dénommé Offender 1, nigérian résidant en France, était impliqué dans l'acheminement, en Europe, de jeunes femmes nigérianes livrées à la prostitution.

Les recherches pour localiser Offender 1 restaient vaines. En revanche, l'analyse des fadet de sa ligne téléphonique permettait de conclure qu'il était en lien avec un dénommé Offender 2, résidant à Franconville, dans le Val d'Oise. Ce dernier était connu des services de l'OCRTEH pour des faits de proxénétisme.

Le parquet de Pontoise ouvrait une enquête préliminaire des chefs de traite des êtres humains en bande organisée et proxénétisme aggravé en bande organisée.

Au terme des investigations et notamment des interceptions téléphoniques sur la ligne de Offender 2, il était démontré que Offender 2 avait, en un mois, fait acheminer quatre jeunes femmes, depuis le Nigeria jusqu'en France, afin de les livrer à la prostitution. Quatre autres étaient, en outre, en attente de transfert.

Les investigations mettaient en évidence une organisation structurée avec des ramifications internationales dans la mesure où les victimes transitaient par la Libye, l'Italie, le sud de la France avant d'arriver à Paris. En termes d'effectifs, outre la phase de recrutement au Nigeria, des individus, différents à chaque escale, prenaient en charge les jeunes femmes et assuraient un segment de leur trajet.

Les interceptions téléphoniques révélaient que Offender 2 appartenait à une organisation criminelle internationale : la « Eiye Confraternity » nigériane. Toutefois l'enquête ne permettait pas de le localiser en France. Il dirigeait depuis le Nigéria une équipe de passeur et d'anciennes prostituées appelées "Mamas".

**Le 7 décembre 2018, le tribunal correctionnel de Paris déclarait coupable de traite des êtres humains et de proxénétisme les 15 prévenus.** Les 10 "mamas" étaient condamnées à des **peines d'emprisonnement allant de 5 ans à 12 ans d'emprisonnement avec maintien en détention ou mandat de dépôt, à des peines d'amende allant de 20 000 euros à 150 000 euros, et pour 8 d'entre elles une**

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**interdiction définitive du territoire national. Les 3 passeurs étaient condamnés à des peines d'emprisonnement allant de 5 à 10 ans avec maintien en détention, des peines d'amende de 10 000 euros à 100 000 euros d'amende et pour deux d'entre eux une interdiction définitive du territoire français.**

## Case 417 – France, 2018

Country: France  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 8  
Number of offenders: 21

### Case description:

Tribunal: **TGI de Rennes**

Le 28 juillet 2015, les fonctionnaires de police de Nantes étaient saisis d'une plainte d'une ressortissante nigériane ne souhaitant pas révéler son identité et se disant victime d'un réseau ayant organisé sa venue puis sa prostitution sur le territoire national.

Elle expliquait avoir été recrutée dans son pays en 2010 par Offender 1, et avait ensuite été convoyée, la même année, du Nigeria vers la France où elle avait été prise en charge à Nice par deux femmes proxénètes nommées Offender e 2 et Offender e 3. Elle disait s'être à la suite prostituée dans cette ville, sur la voie publique, jusqu'en 2013. Elle disait avoir contracté, pour sa venue en France, une dette chiffrée à 60 000 € qu'elle avait remboursé pour partie à hauteur de 15 000€ à chacune des deux proxénètes. Selon elle, neuf autres femmes avaient été amenées à se prostituer pour le compte de Offender es 2 et 3, cette dernière étant décédée à Nice, le 26 juin 2013. Elle précisait que Offender e 2 avait quitté Nice courant 2013, par crainte de la police, ce qui lui avait permis de prendre la fuite et de déposer plainte. Pour autant, depuis qu'elle s'était affranchie du réseau de prostitution, elle disait avoir fait l'objet de plusieurs tentatives d'intimidation, consistant principalement en des menaces exercées au Nigeria à l'encontre des membres de sa famille. Les investigations entreprises à la suite par les fonctionnaires de police de Nantes permettaient d'identifier un profil Facebook au nom de Offender e 2 utilisé vraisemblablement par la proxénète visée par la plainte sous X. Elles permettaient de confirmer l'implication de Offender e 2 mais aussi d'autres protagonistes, majoritairement nigériens pouvant participer à la prostitution de ressortissantes nigérianes entrées le plus souvent irrégulièrement.

Ces éléments entraînaient l'ouverture d'une information judiciaire confiée à la Juridiction interrégionale spécialisée de Rennes. Les investigations menées par l'OCRTEH faisaient état de l'existence d'une communauté nigériane établie en France depuis une vingtaine d'années, la France étant à la fois un pays de destination mais aussi de transit pour des migrants cherchant à se rendre en Grande Bretagne mais aussi en Allemagne ou aux Pays Bas.

Selon l'OCRTEH, la prostitution nigériane s'exerçait très majoritairement sur la voie publique, dans des zones de forte affluence, soit les centres-villes ou leur périphérie immédiate, prenant la place d'autres communautés, roumaine ou bulgare, se livrant également habituellement à la prostitution, le constat ayant été fait que le communauté nigériane avait la capacité de déployer un grand nombre de prostituées sur les secteurs convoités.

Les emplacements occupés par les prostituées nigérianes sur la voie publique revêtait une grande importance, conditionnant le chiffre d'affaire, faisant ainsi de la territorialisation une des caractéristiques marquantes de la prostitution nigériane en France, chaque prostituée occupant un emplacement obtenu par l'achat, la location voire la dissuasion ou la contrainte. Au sein de chaque ville où la communauté nigériane s'était implantée, il était observé des structures s'adonnant au proxénétisme plus ou moins hiérarchisées, chacune d'elles s'appuyant sur une "mama", femme d'origine nigériane, le plus souvent ancienne prostituée parvenue à s'émanciper suffisamment pour organiser à son tour le recrutement puis la gestion de nouvelles ressortissantes nigérianes acheminées en France. Sous couvert de permettre l'émigration clandestine d'une recrue nigériane vers l'Europe, il était demandé une contrepartie financière consistant dans le remboursement d'une dette prétendue fixée par la proxénète et remboursée par les sommes obtenues de la prostitution de la recrue. La "dette" dont il était ainsi demandé le remboursement variait le plus souvent entre 20 000 € et 60 000 €, soit deux à six fois le coût moyen représenté par l'acheminement de la recrue nigériane sur le territoire national. Il était également constaté l'implication croissante de confraternités nigérianes telles que SUPREM EYE CONFRATERNITY (SEC), susceptibles de recourir au recouvrement des dettes fixées, par l'intimidation ou la violence.

Ces structures nigérianes en France instauraient également un système de blanchiment des fonds collectés, dont une part importante était acheminée au Nigeria, soit par des circuits officiels de transferts de fonds, soit par des circuits officieux tels que l'hawala. Les investigations diverses diligentées, interceptions téléphoniques et surveillances physiques notamment, permettaient d'identifier les protagonistes en lien avec des jeunes femmes nigérianes se livrant à la prostitution, leur implication s'établissant tant au stade de l'organisation de leur venue sur le territoire français qu'au stade de l'organisation logistique de leur implantation et de leur logement, de la récupération des fonds récoltés vers des comptes bancaires ou des virements, traçables ou occultes, adressés à des bénéficiaires économiques situés essentiellement à l'étranger. **Le 29 juin 2018 le tribunal correctionnel de Rennes déclarait coupable de proxénétisme aggravé, de traite d'être humains et blanchiment 21 personnes. Il les condamnait à des peines s'échelonnant entre 8 ans et 2 ans d'emprisonnement. Il ordonnait leur maintien en détention.**

## Case 418 – France, 2017

Country: France  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 4

### Case description:

**Tribunal: TGI de Rennes**

Le 31 mai 2015, un homme se présentait au commissariat de police d'Angers, expliquant qu'il sortait d'un appartement où il venait d'avoir un malentendu avec une prostituée avec laquelle il croyait avoir rendez-vous.

L'individu expliquait en effet qu'il avait découvert une annonce diffusée sur le site internet "viva street" qui faisait état d'une possibilité de rencontre sexuelle tarifée dans la région d'Angers. Ayant répondu à cette annonce, il avait eu un contact téléphonique avec une personne qui lui avait fixé un rendez-vous auquel il s'était rendu. Cependant, arrivé à l'adresse convenue, il s'était trouvé en présence d'une femme qui, à sa vue, avait pris peur et s'était enfuie.

Les policiers s'étant immédiatement rendus dans l'appartement désigné, ils y rencontraient une femme qui, munie d'un passeport chinois, expliquait être arrivée quelques jours plus tôt de Hong-Kong, et s'être installée dans ledit appartement après avoir répondu à une annonce de location sur internet. Elle avait ainsi été prise en charge à la gare d'Angers et conduite jusqu'au logement où elle s'était installée, aussi affirmait-elle ne pas avoir pas compris l'arrivée subite d'un homme qu'elle n'attendait pas, d'où sa fuite.

Une enquête était d'abord diligentée par le parquet local pour proxénétisme aggravé, avant d'être transmise à la juridiction inter-régionale spécialisée de Rennes qui ouvrait alors une information judiciaire du chef de proxénétisme aggravé, traite d'êtres humains et association de malfaiteurs en vue de la préparation de ces deux délits.

Les investigations des enquêteurs permettaient d'établir que l'appartement en question avait été loué à plusieurs reprises et ce, pour de courtes durées et toujours à des femmes d'origine asiatique, le régisseur de la résidence ayant expliqué qu'il avait eu affaire à des intermédiaires qui réservaient le logement par téléphone, les locataires payant elles-mêmes les cautions et loyers à leur arrivée. Peu après l'investissement des lieux par la police, le régisseur recevait un SMS mettant fin à la location en cours et lui réclamant la restitution de la caution, ce message provenant d'un numéro qui était attribué à un dénommé Offender 1.

Dès le 2 juin 2015 et alors que les policiers procédaient à la surveillance de l'appartement, un nouveau contrat de location était conclu, les enquêteurs apercevant alors une femme de type asiatique rentrer dans les lieux. D'autres locations se succédaient ainsi jusqu'au mois d'août 2015, toujours au profit de femmes de type

asiatique. Au même moment, les enquêteurs constataient la publication sur le site "Viva Street" de plusieurs annonces en rapport avec l'appartement et dont l'objet prostitutionnel apparaissait évident eu égard aux termes employés.

Les enquêteurs contactaient les numéros de téléphone indiqués, entrant ainsi en contact avec une femme à l'accent asiatique qui se montrait encore plus précise sur la nature des prestations offertes de même que sur les tarifs pratiqués, les mêmes informations étaient enfin confirmées par SMS.

Le même jour, alors qu'ils surveillaient les abords de la résidence, les enquêteurs assistaient aux allers et venues de clients dont plusieurs étaient contrôlés à leur sortie, ceux-ci reconnaissant alors qu'ils venaient d'avoir une relation sexuelle tarifée avec une femme d'apparence chinoise qu'ils avaient préalablement contactée par l'intermédiaire du site "Viva Street". Les investigations permettaient finalement de mettre à jour un réseau de proxénétisme dépassant le cadre géographique de la seule ville d'Angers, d'autres appartements étaient loués dans les mêmes conditions en diverses régions de France. Les interceptions téléphoniques permettaient d'interpeller quatre personnes particulièrement impliquées dans ce qui apparaissait comme un réseau de proxénétisme:

- le couple composé des dénommés Offender 1 et Offender e 2 sa compagne,
- la dénommée Offender e 3, associée aux deux précédents pour recruter et placer des prostituées dans les appartements, de même que pour tirer profit des revenus générés par leur activité,
- la dénommée Offender 4, recrutée par les trois précédents pour occuper les fonctions de standardiste téléphonique.

**Par jugement contradictoire en date du 19 mai 2017, le tribunal correctionnel de Rennes déclarait coupables Offender es 1, 2, 3, et 4, et les condamnait à des peines d'emprisonnement de 5 ans à 3 ans et prononçait une interdiction définitive du territoire national ainsi que la confiscation du patrimoine saisi.**

## Case 419 – France, 2018

Country: France  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 5

### Case description:

Tribunal: **Cour d'appel de Bordeaux**

Fin septembre 2016, l'OCRTEH était destinataire de renseignements concernant l'arrivée en France d'une jeune femme nigériane dont l'identité réelle était Victime 1. Cette dernière aurait, selon les renseignements, voyagé le 15 septembre 2016 par avion via Istanbul et Athènes pour arriver en France où elle aurait été prise en charge par un passeur, également ressortissant nigérian, Offender 1. Ce voyage depuis le Nigéria avait pour but de l'amener à se prostituer sur la voie publique à Bordeaux pour le compte et sous la coupe d'une compatriote Offender e 2, notamment connue pour des faits de racolage commis le 17 juin 2015 à Bordeaux.

L'exploitation des lignes téléphoniques permettait de constater que Offender e 2 était en contact fréquent avec un homme Offender 1. Leurs conversations avaient pour sujet principal la logistique relative à la venue des ressortissantes nigérianes et les problèmes liés au manque d'activité de ces dernières. Ces conversations permettaient de faire le lien avec Offender 1 qui avait fait venir la jeune Victime en France. La géolocalisation de la ligne utilisée par Offender 1 confirmait qu'il s'agissait bien du même homme.

Il apparaissait que Offender 1 exerçait une activité de passeur à plein temps, livrant des filles aux mamas et se remboursant sur l'argent que les victimes gagnaient en se prostituant. En outre, il se chargeait de toute la logistique pour la venue des jeunes femmes en France : du recrutement au Nigéria jusqu'à la remise à la "mama" en France. Grâce à des contacts au Nigéria, il gérait l'obtention des visas, la réservation des billets d'avion. Offender e 2 était également en contact avec deux hommes concernant les transferts de fonds vers le Nigéria par le procédé de l'hawala: Offender 3 et Offender 4 semblant travailler en association et utilisant des numéros de téléphones français.

**Par jugement contradictoire en date du 15 juin 2018, le tribunal correctionnel de Bordeaux déclarait coupable de traite d'êtres humains, proxénétisme aggravé et blanchiment les trois principaux protagonistes. Il condamnait Offender e 2 à trois ans d'emprisonnement dont un an avec sursis, Offender 5 à cinq ans d'emprisonnement et Offender 1 à sept ans d'emprisonnement. Il prononçait à l'encontre de Offender 5 et Offender 1 une interdiction du territoire national pour 10 ans. Ces deux derniers interjetaient appel et par arrêt contradictoire en date du 11 décembre 2018, la cour d'appel de Bordeaux confirmait la culpabilité et les peines d'emprisonnement mais prononçait une peine d'interdiction définitive du territoire national.**

## Case 420 – Poland, 2017

Country: Poland  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: unknown (multiple)

### Case description:

Court: **District Court (court of the first instance)**

The convicted people conducted human trafficking by recruiting the aggrieved woman by taking advantage of her critical position, in order to exploit her for prostitution, and having misled her as to the nature of the job, conditions and salary, and after bringing her to Poland from another country, they derived benefits from her prostitution.

## Case 421 – Poland, 2018

Country: Poland  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: unknown  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case description:

Court: **District Court (court of the first instance)**

For several years, the convicts conducted human trafficking in Poland and abroad by exploiting many aggrieved persons for forced labour on a farm. The convicts had provided the aggrieved persons with false information on the working conditions, working hours, travel abroad, and once the aggrieved left Poland, the convicts as their supervisors made the full payment of salary and possibility of returning to Poland subject to recruiting new persons or completing a specified period of work. They enforced the obedience of the aggrieved persons by means of unlawful threats and violence.

## Case 422 – Poland, 2018

Country: Poland  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case description:

Court: **Regional Court (court of the first instance)**

The convict operated as part of an international organised crime group that followed an established action plan set up to derive benefit from trafficking in human beings and managing escort agencies. In order to derive material benefit, the convict conducted trafficking of women. First, he ordered their recruitment abroad, and then their transport and transfer to Poland, where he took them over. Here, by taking advantage of their critical position, he derived material benefits from their prostitution and erotic dancing.

## Case 423 – Slovakia, 2018

Country: Slovakia  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Conviction date: **04.09.2018**

Court: **District Court Galanta**

1/ In the period of May 2007 in the territory of the Slovak Republic, in the district of Galanta, the accused person searched and enticed the citizen of the Slovak Republic Victim 1 from the lower social class, who was in a bad social situation, to a paid job in the UK, while Victim 1 he agreed to book it at his own expense and buy a bus ticket to England, where a man who took him to Peterborough on a passenger motor vehicle was waiting for him to arrive at the bus station, where he was staying in a family home that the accused had rented and where accused lived with his wife. he subsequently employed the aggrieved party at various employers through a labor agency as a laborer, where he worked for 6-7 days a week for 8-12 hours a day. For the work done, the aggrieved party received a salary of around £ 200 every Friday in a calendar week, which he handed over to the accused, who gave the aggrieved 5, - to £ 10 a week, with part of his earnings being used for accommodation and food and the remainder will be handed over to him when he leaves home. The aggrieved handed over the above-mentioned wage to the accused, as he behaved patronizingly and aggressively. Subsequently aggrieved left UK to Slovakia without any earnings.

2 / in the period of May 2007 in the territory of the Slovak Republic, in the district of Galanta, accused searched and enticed the Slovak citizen Victim 2 from the lower social stratum, who was in a bad social situation, for advantageously paid work in the UK, after which the aggrieved party agreed , at his own expense, she bought a bus ticket to England, where a man took her to Peterborough on a passenger motor vehicle, where she was staying in a family house that the accused had rented to her and in which the accused lived with his wife. The accused then provided aggrieved with the necessary documents for work and residence, then employed her at various employers through the employment agency as a laborer, where she worked for 6-7 days a week for 8 to 15 hours a day, each Friday in a calendar week she received a salary of about £ 150, a whole she handed over to the accused who had given her about £ 20 when she asked him that she needs to buy something. Accused explained that half of her earnings being used for accommodation and food, and the rest would be handed over when she left home. The aggrieved party had fear from accused, as he behaved patronizingly, aggressively, and beat people who worked for him, after the victim intended to return home to Slovakia, the accused did not want to pay her a wage bill, subsequently aggrieved party left Great Britain to Slovakia without any earnings.

## Case 424 – Slovakia, 2017

Country: Slovakia  
Year of conviction: 2017  
Form of exploitation: forced marriage  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: unknown (multiple)

### Case description:

Conviction Date: **13 Sept 2017**

Court: **District Court Kosice I**

Several accused persons in an unspecified time in December 2012 in Kosice, planning and coordinating their activities, dividing the tasks with other persons, some of whom were staying abroad, under the pretext of financially profitable employment abroad, in fact with the intention of misuse for the purposes of illicit marriage, using bad social and financial situation, acquired and transported by personal motor vehicle stamp. aggrieved party to Belgium, where they kept her against her will, and with the use of physical violence, forced her to marry an unknown man, and then they took her for a week to a shop in the city Evergem in Belgium, where potential spouses went to see her and when no one chose her at that time, she was transferred to Germany to another person she knew under the name Offender 1. He forced her again to marry an unknown man, and when she finally agreed to marry, she was transported to the Kingdom of Denmark, where she married an unknown male. Subsequently, a foreigner whom she married was granted a residence in Austria after that marriage. As an organized group using fraudulent or otherwise vulnerable status, U. E. Q. has attracted and transported another for the purpose of forced service.

## Case 425 – Slovakia, 2018

Country: Slovakia  
Year of conviction: 2018  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **29.03. 2018**

Court: **District Court Rimavska Sobota**

Accused person persuaded a vulnerable disabled person under the pretext of medical treatment to go with the accused person to Germany. Aggrieved party was forced to begging at public places 7 days a week, including public holidays. Aggrieved party was forced to hand all the money he was given at streets to the accused person. Aggrieved party was also physically attacked when accused person came to a conclusion that he received little money for his begging.

## Case 426 – Slovakia, 2017

Country: Slovakia  
Year of conviction: 2017  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 2

### Case description:

Conviction date: **21.06.2017**

Court: **District Court Rimavska Sobota**

Two accused persons. On an unidentified day in the beginning of December 2015 in Janice, accused persons agreed that they transfer a person for begging to Germany, where the aggrieved party would beg and subsequently surrendered the money to accused. First accused took and transported a child, albeit with his consent, for the purpose of forced service, including begging, as a form of exploitation. Second accused handed over the child to another, albeit with his consent, for the purpose of forced labor, including begging, as a form of exploitation, which has been committed against the protected person to which he or she is dependent.

## Case 427 – Slovakia, 2017

Country: Slovakia  
Year of conviction: 2017  
Form of exploitation: begging  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 6

### Case description:

Conviction Date: **19.06.2017**

Court: **District Court Banska Bystrica**

Six accused persons who used a vulnerable position of sick persons lured them and used for begging in various places in Germany. Accused persons treated the sick persons very badly, they would physically attack them and deny basic health care, while sick persons were forced to hand the begged money to accused.

## Case 428 – Slovenia, 2017

Country: Slovenia  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 8  
Number of offenders: 3

### Case description:

Conviction Date: **15.09.2017**

Court: **District Court in Ljubljana**

On 16 June 2015 the charges were filed against 1 Slovene, 1 Romanian and 1 Serbian citizen involved in the criminal offense of trafficking in human beings according to Article 113 of the Criminal Code for the purpose of sexual exploitation.

In the period from October 2013 to January 2015, the Serbian and Romanian citizens recruited vulnerable girls from their countries to Slovenia where they were promised to perform erotic massages for a good payment. However, when these girls came to Slovenia they were brought to different apartments throughout Ljubljana and were handed out to the clients for prostitution. They worked 11 hours a day, seven days a week. The girls were beaten and intimidated. At least half of the money went to a criminal organization. There were 8 victims of human trafficking identified in this case.

On 15 September 2017, the District Court in Ljubljana found all three perpetrators guilty of the criminal offense of trafficking in human beings and sentenced them to a uniform sentence: the Slovene citizen 8 years, Serbian citizen 2 years and 6 months and the Romanian citizen 2 years and 8 months in prison. All of them also received fines, ranging from €2,200 to €18,000; they were also required to turn over €34,500 of illegally gained property.

## Case 429 – Slovenia, 2018

Country: Slovenia  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 9  
Number of offenders: 2

### Case description:

Conviction Date: **30.03.2018**

Court: **District Court in Maribor**

On 17 November 2015 the charges were filed against 1 Slovene and 1 Czech citizen involved in the criminal offense of trafficking in human beings according to Article 113 of the Criminal Code for the purpose of sexual exploitation.

In the period from 2012 to 2015, the Czech citizen recruited 9 girls from the Czech Republic and Slovakia to the Slovenian citizen for sexual exploitation. The girls were settled in an apartment in Maribor and handed out to the clients for prostitution. The Slovenian citizen collected a part of their payment for sex services and she disguised it as if they were paying for rent and residence costs.

On 30 March 2018, the District Court in Maribor found both perpetrators guilty of the criminal offense of trafficking in human beings and sentenced them to a uniform sentence, the Slovene citizen 2 years and 2 months and the Czech citizen 2 years in prison. Both of them also received fines, 2000 EUR each.

## Case 430 – Slovenia, 2018

Country: Slovenia  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 10  
Number of offenders: 2

### Case description:

Conviction Date: **26.04.2018**

Court: **District Court in Ljubljana**

On 8 September 2017, an application was filed for an investigation against 2 Slovenian citizens (a husband and wife) for criminal offense of trafficking in human beings according to Article 113 of the Criminal Code. The couple had posted several nanny job advertisements for their kids in Ljubljana since 2013 offering 350 to 500 EUR in earnings a month plus food and accommodation. This way they recruited at least ten women from Serbia, Bosnia and Herzegovina and Croatia to Slovenia whom they then abused and exploited. The victims were often made to sleep on the floor or on the balcony, their movement was restricted and they were not allowed to use a phone. One of the victims was subjected also to sexual abuse.

On 26 April 2018, the District Court in Ljubljana found both perpetrators guilty of the criminal offense of trafficking in human beings and sentenced them to a uniform sentence, the wife 3 years and 4 months and the husband 2 years and 4 months in prison.

## Case 431 – Slovenia, 2018

Country: Slovenia  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **23.10.2018**

Court: **District Court in Ljubljana**

On 9 June 2017, an application was filed for an investigation against 1 Slovenian citizen for criminal offense of trafficking in human beings according to Article 113 of the Criminal Code. The suspect was sexually abusing a mentally ill man for seven years, stunning him with drugs, beating him, restraining his freedom and also selling him for sex to other people.

On 23 October 2018, the District Court in Ljubljana sentenced the perpetrator to 8 years in prison and a 3000 EUR fine.

## Case 432 – Norway, 2019

Country: Norway  
Year of conviction: 2019  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **25.01.2019**

Court: **Second Instance**

A Bulgarian man was convicted in first and second instance to 4 years in prison for Human Trafficking. From October 2016 to June 2017 a Bulgarian woman was trafficked for the purpose of prostitution and sexual exploitation. The man and the woman became friends via Facebook at the beginning of 2016. The woman was married and had three children. She came from poor conditions. The man predicted the woman that they were going to get married and have children. The courts found that the man exploited the woman's vulnerable situation.

## Case 433 – Norway, 2019

Country: Norway  
Year of conviction: 2019  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 4  
Number of offenders: 2

### Case description:

Conviction Date: **15.01.2019**

Court: **First Instance** (appealed to second instance so not yet in force)

One man and one woman, were convicted of trafficking in persons to 2 years and 2 months, and 1 year and 6 months imprisonment. Both convicted are Indian nationals. They were convicted of exploiting 4 Indian chefs into forced labour at their Indian restaurant. The victims worked long hours, were poorly paid and had restriction of movement as well as little spare time outside work. The court found that for the 3 chefs did not have a chance to end the exploitative work arrangement due to the fact that they had been granted specific working permits in order to work at that specific restaurant for the Indian couple as employers. The charges against the employers also included charges on trafficking for forced labour pertaining to an Afghan man who worked as a dishwasher at the same restaurant. The court ruled however that the situation of the Afghan man did not constitute trafficking for forced labour. This in lieu of the fact that he was an irregular immigrant in Norway, and thus the "pressure" was not considered dense enough as he in fact had the opportunity (although limited) to end the exploitative work at the restaurant. The court case has been appealed to second instance.

## Case 434 – Dominican Republic, 2018

Country: Dominican Republic  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 6

### Case description:

Fecha de la sentencia condenatoria: **22 de enero 2018**

Tribunal: **Segundo Tribunal Colegiado de la Cámara Penal del Juzgado de Primera Instancia**

**Explotación sexual comercial de NNA. Relato:** La Procuraduría especializada contra el tráfico ilícito de migrantes y la trata de personas recibieron informaciones de que en la zona de Boca Chica había una red que se dedicaba a captar menores de edad para utilizarlas como mercancía y ofrecérselas a los extranjeros que visitaban el área. Luego de realizar las investigaciones pertinentes con agentes bajo reservas, la Procuraduría especializada realizó un allanamiento en la residencia donde se estaba ejecutando una fiesta con extranjeros, menores de edad y los imputados. En el lugar se pudo encontrar todas las pruebas necesarias del ilícito de explotación sexual comercial.

**Fallo:** En fecha 22 de enero de 2018 el Tribunal Colegiado declaró culpable al ciudadano Offender 1 por cometer el delito de explotación sexual comercial y lo condena a cumplir diez (10) años de prisión y al pago de una multa de RD\$50,000.00 pesos dominicanos. En cuanto a la ciudadana Offender 2, la condena a cumplir diez (10) años de prisión. En cuanto a los ciudadanos Offender 3, Offender 4 e Offender 5 a cumplir la pena de cinco (5) años de reclusión. En cuanto a las ciudadanas Offender 6 e Offender 7 la condenan a cumplir tres (3) años de reclusión, los cuales son suspendidos en su totalidad. Así como también, todos los imputados son condenados al pago de una indemnización de RD\$50,000.00 pesos dominicanos para cada una de las víctimas del proceso

## Case 435 – Dominican Republic, 2018

Country: Dominican Republic  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **1 de marzo 2018**

Tribunal: **Cámara Penal de la Corte de Apelacion del Distrito**

**Explotación sexual comercial de NNA. Relato:** El hecho de que el Offender (masculino) se dedicara a abusar y explotar sexualmente a menores de edad ofreciéndole y entregándoles dádivas y sumas de dinero a cambio de practicarles sexo oral para incitar a las víctimas a que posteriormente lo penetraran analmente. Aprovechándose del estado de vulnerabilidad de las víctimas menores de edad, estas también eran utilizadas para que a cambio de dádivas y dinero extra llevaran a la casa de dicho señor a sus amiguitos, donde de igual forma les ofrecía dinero, dádivas y regalos a cambio de favores sexuales. En fecha 3 de octubre de 2017 se celebró un juicio donde Offender 1 resultó condenado a una pena de diez (10) años de reclusión mayor y al pago de una indemnización de ciento cincuenta mil pesos dominicanos (RD\$150,000.00). Pero fruto de esta decisión los abogados de la defensa del imputado no estuvieron de acuerdo con esta sentencia por lo que apelaron dicha decisión por medio de la Corte de Apelación.

**Fallo:** En fecha 1 de marzo de 2018 la Primera Sala de la Cámara Penal de la Corte de Apelación del Distrito Nacional rechazó el recurso de apelación interpuesto por el imputado Offender 1, en contra de la Sentencia No. 249-05- 2017-SSEN-00236 y a su vez confirma la sentencia recurrida, es decir, se mantiene la sentencia dictada por el Tercer Tribunal Colegiado de la Cámara Penal del Juzgado de Primera Instancia del Distrito Nacional.

## Case 436 – Dominican Republic, 2018

Country: Dominican Republic  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **3 de abril 2018**

Tribunal: **Tribunal Colegiado de la Cámara Penal del Juzgado de Primera Instancia del Distrito Judicial**

**Explotación sexual comercial de NNA. Relato:** La Fiscalía de la ciudad de Puerto Plata a través de la Unidad de atención integral a las víctimas de violencia de género, intrafamiliar y delitos sexuales recibieron información de que un ciudadano de nombre Offender 1 se dedicaba a captar y trasladar menores de edad, entre los 12 y 13 años; a una casa de unos extranjeros estadounidenses en el municipio de Sosúa, con el objetivo de que las menores sostuvieran relaciones sexuales con ellos, a cambio de una remuneración, además de que utilizaba las amenazas para que las jovencitas no comentaran lo que estaba pasando.

**Fallo:** El Tribunal Colegiado de la ciudad de Puerto Plata declaró culpable al ciudadano Offender 1 y lo condena a cumplir la pena de 15 años de prisión en el Centro de Corrección y Rehabilitación San Felipe de Puerto Plata.

## Case 437 – Dominican Republic, 2018

Country: Dominican Republic  
Year of conviction: 2018  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **7 de agosto 2018**

Tribunal: **Tribunal Colegiado de la Cámara Penal del Juzgado de Primera Instancia del Distrito**

**Trata de personas por explotación sexual y laboral.** Relato: La Procuraduría Especializada contra el Tráfico Ilícito de Migrantes y Trata de Personas, conjuntamente con la Fiscalía de San Juan de la Maguana, iniciaron una investigación penal partiendo de información recibida de que el Offender 1 (masculino) se dedicaba a captar, transportar y trasladar mediante engaño a mujeres de nacionalidad dominicana, para estas ser acogidas en un negocio en Trinidad y Tobago, donde eran explotadas sexualmente. En el proceso de investigación, se realizaron labores de inteligencia y diligencias con las que se pudieron identificar a la persona implicada en el caso, mediante levantamientos, vigilancias, interceptaciones telefónicas, entre otras labores. En base a las informaciones obtenidas se llevó a cabo un operativo donde resultó arrestado el imputado Offender 1 y se rescataron tres (3) víctimas, de las cuales dos (2) habían sido explotadas sexualmente y una (1) explotada laboralmente.

**Fallo:** El día 07 de agosto del año 2018, se celebró un juicio donde Offender 1 fue declarado culpable y condenado a cumplir la pena máxima de 25 años de reclusión mayor y al pago de una indemnización de RD\$500,000.00 pesos dominicanos para cada una de las víctimas.

## Case 438 – Dominican Republic, 2018

Country: Dominican Republic  
Year of conviction: 2018  
Form of exploitation: pornography  
Type: domestic trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **14 de marzo 2018**

Tribunal: **Tribunal Colegiado de la Cámara Penal del Juzgado de Primera Instancia del Distrito Nacional**

**Pornografía Infantil. Relato:** La Procuraduría especializada contra el tráfico ilícito de migrantes y trata de personas, conjuntamente con el Departamento de persecución contra la trata y el tráfico de personas de la fiscalía del Distrito Nacional, iniciaron una investigación penal partiendo de información recibida de que la Offender (fémica) tenía a sus hijas de aproximadamente 5 y 6 años totalmente sexualizadas. En el proceso de investigación, se realizaron labores de inteligencia y diligencias con las que se pudieron identificar que la madre de las niñas menores de edad le tomaba fotografías y videos sexuales para ser enviados por redes sociales a una persona de sexo masculino en la ciudad de New York, quien le enviaba remesas (dinero) a cambio de esas fotografías y videos. Cabe destacar, que gracias a la coordinación de las autoridades de Estados Unidos con las autoridades dominicanas se apresó al ciudadano estadounidense en la ciudad de New York, quien fue identificado como la persona que pagaba a la Offender.

**Fallo:** El día 14 de marzo del año 2018, se celebró un juicio donde Offender 1 resultó condenada a una pena de diez (10) años de reclusión mayor.

## Case 439 – Mexico, 2017

Country: Mexico  
Year of conviction: 2017  
Form of exploitation: forced criminality, sexual exploitation  
Type: unknown  
Number of victims of trafficking: 11  
Number of offenders: 5

### Case description:

Fecha de la sentencia condenatoria: **06 de octubre 2017**

Tribunal: **Tribunal de Enjuiciamiento Penal del Distrito Judicial Bravos**

Se desarrolla audiencia correspondiente a Juicio Oral en contra del inculpado (a) por los delitos de "**Homicidio agravado, trata de personas y por el ilícito de delincuencia organizada**" en contra de diversas víctimas. Durante el período comprendido entre los años 2009 al 2012 en el Estado de Chihuahua, en conjunto con otras personas, procuraron, indujeron, facilitaron, promovieron, reclutaron, mantuvieron, captaron, ofrecieron y trasladaron a diversas víctimas a fin de ser explotadas sexualmente y obligarlas a vender drogas, en algunos de los casos para obtener beneficios mediante amenazas físicas y morales, para posteriormente privarlas de la vida. Sus restos óseos fueron localizados en la región conocida como Valle de Juárez. Aunado a ellos se toma en cuenta el ilícito de delincuencia organizada. Cabe destacar que las víctimas se encontraban en calidad de desaparecidas, por lo cual los familiares descartaron que las víctimas se hayan ido por voluntad propia. Derivado de lo anterior se resolvió que el acusado es penalmente responsable de los delitos de homicidio agravado y trata de personas, así como por el ilícito de delincuencia organizada, se impone al sentenciado una pena de 430 años de prisión y multa de \$5,982.00 (Cinco mil novecientos ochenta y dos pesos). Se brindó reparación del daño.

## Case 440 – Mexico, 2017

Country: Mexico  
Year of conviction: 2017  
Form of exploitation: begging, sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **18 de septiembre del 2017**

Tribunal: **Juzgado de Juicio Oral del Distrito Judicial de Tlalneantla de Baz**

El presente juicio se llevó a cabo por conductas constitutivas de varios ilícitos penales, concretamente denominados "**Trata de personas en su modalidad de mendicidad y explotación sexual**". El inculpado (a), obliga a tener relaciones sexuales a su esposo (a) con otra persona, para ello el acusado (a) ingresó al domicilio en compañía de dicha persona, por lo cual el probable responsable le refirió a la víctima que necesitaba dinero para su consumo de drogas y que si no se le daba , otra persona se lo proporcionaría a cambio de tener relaciones sexuales con ella, amenazando con quitarle a su hijo si se negaba, derivado de ello la víctima se vio obligada a tener relaciones sexuales con la persona que ingresó al domicilio, y si bien ella se negó, el acusado la amenazó y le refirió que se iría sin el menor que procrearon. Cabe destacar que el día de los hechos, el inculpado se encontraba drogado. Así mismos desde el día 12 de diciembre de 2013 hasta el 21 de septiembre de 2015 obligó a la víctima a pedir limosna en algún municipio del Estado de México, amenazándola que en caso de no pedir limosna la obligaría a prostituirse. Posteriormente, a partir de finales de mayo de 2015, obligó a la víctima a prostituirse en diversos lugares. Se impone pena privativa de libertad consistente en 99 años, 6 meses de prisión y multa consistentes en la cantidad de cuatro millones trescientos catorce mil cuatrocientos veintisiete pesos con cincuenta centavos.

## Case 441 – Mexico, 2017

Country: Mexico  
Year of conviction: 2017  
Form of exploitation: begging, sexual exploitation  
Type: domestic trafficking, cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

Fecha de la sentencia condenatoria: **30 de octubre de 2017**

Tribunal: **Juzgado Tercero de Distrito de Procesos Penales Federales en la Ciudad de Mexico**

Se dicta sentencia definitiva por el delito de **"Trata de personas en su modalidad de quien consigna y entregue, para sí o para un tercero, a una persona, por medio de la violencia física o moral y engaño para someterla a explotación sexual agravado"**. Se identifican a 4 responsables por el delito de trata de personas con fines de explotación sexual agravada, por haber sido cometido en contra de una menor de edad. Cada uno de ellos sentenciados por su actuar específico: a) Por conseguir y entregar a la víctima, b y c) por promoción y facilitación de la explotación sexual a la que fue sometida la víctima, y d) Por promoción, facilitación y recepción de la víctima para su explotación en la Ciudad de México y Puebla (México) y Houston y Florida (EE.UU.); lo cuales mediante el engaño, la amenaza y el enamoramiento, sometieron a la víctima a explotación sexual. Los cuatro casos fueron sentenciados a una pena condenatoria de 11 años y tres meses de prisión y mil ciento veinticuatro días de multa a fin de dar paso a la reparación del daño.

## Case 442 – Canada, 2018

Country: Canada  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **March 20<sup>th</sup> 2018**

Court: **Ontario Court of Justice**

### Fact Summary:

Type: Domestic human trafficking for sexual exploitation

### Significance of case:

Sentence for the accused was collectively 4.5 years. Both other co-accused were used as witnesses and charges were all dropped against them.

SENTENCE LENGTH: 4 years and 6 months.

CONVICTED OF: Trafficking in persons, materially benefitting from human trafficking, procuring someone to provide sexual services, materially benefitting from sexual services.

CHARGED WITH: Charged with one count of each of the following:

Trafficking in persons Sec. 279.01 CC,  
Materially benefitting from trafficking in persons Sec. 279.02 CC,  
Procuring someone to provide sexual services. 286.3(1) CC,  
Materially benefitting from sexual services Sec. 286.2(1) CC,  
Sexual assault Sec. 271 CC ,  
Uttering threats Sec. 264.1 CC,  
Assault causing bodily harm Sec. 267(a)CC,  
Assault with a weapon Sec. 267(b)CC,  
Forcible confinement Sec. 279(2)CC,  
Mischief under \$5000 Sec. 430(4),  
Advertising sexual services Sec. 286.4 CC,  
Theft under \$5000 334(b) CC

### Profile of the trafficker(s):

The accused is a black male born in Africa. The accused has lengthy and violent criminal record. He is known in the city of Ottawa for violent crimes and dealing drugs. His older brother is currently serving time for a homicide.

**Profile of the victim(s):**

The victim is a Caucasian female who was 22 years old at the time of the offences. She comes from a broken family, her mother suffers from drug addictions and has been working part time in the sex industry. The victim suffers from alcohol and drug addictions.

**Modus Operandi of the trafficker(s):**

At the time of the introduction, the accused was supplying a variety of drugs to the victim's friends. The accused used techniques such as telling the victim that he would be taking care of her and that she would not have to worry while with him. The victim was transported to an apartment, locked into a bedroom. She had to service men inside the residence and go out for service calls. At the beginning of every day, the accused would have sexual intercourse with the victim some were consensual and some were forced. The accused kept the victim's earnings and provided her drugs and alcohol to feed her addiction. The victim was pregnant at the time of the offences and was forced to work everyday of the week. The victim told the accused that she wanted out and was physically assaulted by the accused. The victim became suicidal, at one point, the accused poured alcohol on the victim and threatened to light her on fire if she still tried to kill herself. The accused continued to sexually assault the victim and threatened to kill her. The accused told the victim she was his slave. At one point, the victim fled to a hospital and the accused was arrested outside of the hospital waiting for the victim to take her back against her will.

## Case 443 – Canada, 2018

Country: Canada  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 3

### Case description:

Conviction Date: **January 29<sup>th</sup> 2018**

Court: **British Columbia Supreme Court**

### Fact Summary:

**Type:** Domestic human trafficking for sexual exploitation

### Significance of case:

SUBJECT 1 and SUBJECT 2 were convicted and sentenced in 2018 for 17 out of 19 human trafficking-related offences for their involvement in recruiting and controlling three victims in the sex trade. SUBJECT 3 has since been extradited from the US and is awaiting trial.

SUBJECT 1 and SUBJECT 2 were sentenced to 9 and 10 years in prison. This case highlights that human trafficking is increasingly being recognized as a very serious offence involving vulnerable victims. It was also noted that all victims were supported throughout the entire court process with the assistance of an embedded support worker within the Vancouver Police Department, Counter Exploitation Unit. During the trial, SUBJECT 1 attempted to bribe a victim to recant her statement.

### Profile of the trafficker(s):

SUBJECT 1, SUBJECT 2, and SUBJECT 3 are the traffickers involved in this case. They are male, Middle Eastern, Canadian Citizens, and over the age of 18 years at the time of the offence.

### Profile of the victim(s):

VICTIM 1 and VICTIM 2 were in their early 20s and both were mothers. VICTIM 3 was 15 years-old at the time of the offence.

### Modus Operandi of the trafficker(s):

SUBJECTS ‘befriended’ the victims and had relationships with them prior to exerting their control over them. They made false promises such as luxury condos and earning lots of money. They had several underage victims who worked out of an apartment that had been rented by the SUBJECTS. The SUBJECTS would advertise for the victims, control the phones, and take most of the money made by the VICTIMS. The SUBJECTS became increasingly violent and abusive over time. One victim described having had a gun pointed at her. SUSPECTS had the VICTIMS work in both Vancouver and Edmonton.

## Case 444 – Canada, 2018

Country: Canada  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **March 3<sup>rd</sup> 2018**

Court: **Ontario Court of Justice**

### Fact summary:

**Type:** Material benefit resulting from trafficking in persons offence

### Significance of case:

SUBJECT was found guilty of materially benefitting from trafficking in persons by a judge, as well as assault causing bodily harm. SUBJECT was sentenced to 18 months' probation.

SENTENCE LENGTH: 18 months' probation.

### Profile of the trafficker(s):

SUBJECT is the trafficker in this case. He is male, black, Canadian Citizen, and was over the age of 18 years at the time of the offence.

### Profile of the victim(s):

The victim in this case is a female, black, Canadian Citizen, and was over the age of 18 years at the time of the offence.

### Modus Operandi of the trafficker(s):

SUBJECT and VICTIM were in a common-law relationship for approximately five years. The SUBJECT repeatedly assaulted the victim over the course of their relationship. The VICTIM escorts to support herself and her addictions. The VICTIM claims to love the SUBJECT, just does not want to be hit by him. The VICTIM provides sexual services to clients in several hotels under SUBJECT control. The VICTIM sets up advertisement for her sexual services and arranges her own clients. SUBJECT controls the VICTIM's phone as he does not trust her and all money she earns was to be handed over to him. SUBJECT doesn't allow the VICTIM to spend any money. The VICTIM gives him the money in fear of him becoming upset and being beaten by the SUBJECT. SUBJECT used fear of possible harm to control the VICTIM and threatened the VICTIM saying if she left him that she wouldn't be able to escort in Ontario.

## Case 445 – Canada, 2018

Country: Canada  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Conviction Date: **June 5<sup>th</sup> 2018 and September 2018**

Court: **Nova Scotia Supreme Court**

### Fact summary:

**Type:** Domestic human trafficking for sexual exploitation

### Significance of case:

Offender 1 and Offender 2 were co-accused, and both found guilty of trafficking in persons (section 279.011), procuring someone to provide sexual services (section 286.3(2)), advertising sexual services (section 286.4), materially benefitting from trafficking in persons (section 279.02), assault (section 266(a)) and sexual assault (section 271).

### Profile of the trafficker(s):

Offender 1 is the trafficker in this case. He is a black male, Canadian citizen, and was over the age of 18 years at the time of the offence.

Offender 2 is also the trafficker in this case. She is a Caucasian female, Canadian citizen, and was over the age of 18 at the time of the offence.

### Profile of the victim(s):

The victim in this case is female, Caucasian, Canadian Citizen, and was under the age of 18 years at the time of the offence. The victim had minimal experience prostituting prior to meeting Pellow and Webber. The victim was living in a single parent home and ended up leaving when conflict arose. The victim stayed with different friends while away from home and was most likely, in a vulnerable state.

### Modus Operandi of the trafficker(s):

The victim met Offenders 1 and 2 through a mutual friend and began hanging out at their apartment. (Offenders 1 and 2 were in a relationship and living together). There was drug and alcohol use at the Offenders 1 and 2's residence and the victim would also participate. The victim says that Offender 1 would make comments about her look and say she was beautiful and that she had lots of potential. Offender 1 would also suggest she could probably make money dancing and stripping. They also provided the victim with pills to help with her anxiety. The victim began living at the residence. The victim says after a short time, Offender 1 began to take photos of her and post them with ads on backpage.com. Offender 1 would get the messages on his phone and set

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up the dates. The victim said she was scared and would cry, Offender 1 would grab her by the face and arms and call her a little bitch. The victim said she would give the money to Offender 1. Offenders 1 and 2 took the victim to Toronto and Moncton to work and used backpage.com to advertise and set up the calls. The victim says during a hotel stay in Moncton, Offenders 1 and 2 were staying in the same room as her. Victim in one bed and the two in the other. The victim says she heard the two “fooling around”, she tried to get up and leave, but they forced her to join them. The victim said she was scared and felt she had no choice but participate. They forced themselves on her to the point where she began to bleed. Some months later, the victim had an unrelated medical emergency and was admitted to the hospital. During this time, the victim contacted her mother and decided she would make a report to the police.

## Case 446 – Canada, 2018

Country: Canada  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **August 8<sup>th</sup> 2018**

Court: **Superior Court of Justice**

### Fact Summary:

**Type:** Domestic human trafficking for sexual exploitation

### Significance of case:

Offender 1 was found guilty of trafficking in Persons at the Superior Court Justice after a Jury Trial. The jury found Offender 1 guilty of 279.01(1)(b), 279.02(2) of the Criminal Code, as well as numerous sex trade-related offences. The Superior Court sentenced Offender 1 to a term of 5 (five) years. The sentence was a global sentence for all guilty charges which included 4 (four) years pretrial custody. The charges stemmed from a 2016 investigation after the victim came forward to police.

### Profile of the trafficker(s):

Offender 1 is male, white, Canadian Citizen, and was over the age of 18 years at the time of the offence.

### Profile of the victim(s):

The victim in this case was a female, white, and was over the age of 18 at the time of the offences. The victim had previously worked in the sex trade.

### Modus Operandi of the trafficker(s):

Offender 1 and the victim were involved in a relationship at the time of the offences. Offender 1 knowing the victim had previously worked in the sex trade pressured the victim to start working for him while they still remained in a relationship. Offender 1 was able to manipulate the victim into agreeing.

Advertisements of the victim were placed by the accused on backpage.com. Over the course of 2 years, the victim was engaged in the sale of sexual services to various clients throughout the jurisdictions of Toronto and York.

As the victim commenced offering sexual services, Offender 1 became aggressive, violent and demanded she fulfill a quota of \$1,000 per day, keeping all the proceeds a majority of the time.

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When the victim protested the working conditions and attempted to stop working, Offender 1 would continue to control her behaviour by assaulting her and through threats of violence.

On occasion, the victim reported being denied access to food and sleep in order to maintain/exercise control of her.

During their time, together Offender 1 made reference to the victim in the following manner:

"You're my cow with milk" and that he was going to suck all the milk out of her. The victim upon attempting to recall the amount of money collected estimated the proceeds of her exploitation at approximately \$70,000.

## Case 447 – Myanmar, 2018

Country: Myanmar  
Year of conviction: 2018  
Form of exploitation: forced marriage  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 4

### Case description:

Conviction Date: **2018 February 27**

Court: **Muse District Court**

No.17 Anti-Trafficking in Persons Task Force (Muse) found 3 suspicious people, including Victim 1 at Sin Phyu checkpoint at 2.30pm on December 4, 2017. Under interrogation, it was known that 4 persons, including Offender 1, convinced 2 persons, including Victim 1 that they would be paid 2,000,000kyats per month if married to Chinese men, and promised that they were brought back home after one year of marriage and giving birth to a child. Hence, Muse Township Police instituted legal proceedings against the offenders in accordance with the sections 28(a) and 32 of Anti-Trafficking in Persons Law; and the offenders were convicted for (20) years imprisonment.

## Case 448 – Myanmar, 2018

Country: Myanmar  
Year of conviction: 2018  
Form of exploitation: forced marriage  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 4

### Case description:

Conviction Date: **2018 August 9**

Court: **Keng Tung District Court**

Four persons, including Offender 1, were arrested at Kengtung bus terminal, while they were taking Victim 1 from her birthplace in the Bago Region to China for the purpose of forced marriage with Chinese men. Kengtung Police filed a FIR against the traffickers under the sections 24 and 32 of Anti-Trafficking in Persons Law; and the offenders were convicted for (10 years imprisonment).

## Case 449 – Myanmar, 2018

Country: Myanmar  
Year of conviction: 2018  
Form of exploitation: forced marriage  
Type: cross-border trafficking  
Number of victims of trafficking: 3  
Number of offenders: 1

### Case description:

Conviction Date: **2018 August 31**

Court: **Mandalay District Court**

Offender 1 was caught at 16 miles checkpoint at 07:05 pm on November 16, 2018 on his way to China with three girls, including Victim 1 from Maha Aung Myay Township, Mandalay Region. It was known that he convinced the girls that they would get paid 5,000,000 kyats if married to Chinese men and could return to their homes after 2 or 3 months of marriage with Chinese husbands. Hence, Ohn Chaw Police Station registered a FIR (No. 232/2017) against the offender under sections 24 and 32 of Anti-Trafficking in Persons Law; and the offender was convicted for (10) years imprisonment.

## Case 450 – Myanmar, 2019

Country: Myanmar  
Year of conviction: 2019  
Form of exploitation: forced marriage  
Type: cross-border trafficking  
Number of victims of trafficking: 5  
Number of offenders: 2

### Case description:

Conviction Date: **2019 August 24**

Court: **Banmaw District Court**

Two persons, including Offender 1, at first persuaded five girls including Victim 1 to work in Lwe Je Township for 500,000 kyats per months. However, upon arrival in Ba Maw Township, the traffickers insisted that business was so bad in the town that it was impossible to find a job there and attempted to lure the girls into China, they would be paid 2,000,000 kyats if married to Chinese men and the travelling expenses would be deducted from their wages. On October 29, 2017, they were caught by police at Sein Talone checkpoint, Moe Mauk Township, Kachin State and Banmaw Police Station filed a (FIR) against the offenders under the sections 24 and 32 of Anti-Trafficking in Persons Law and the offenders were convicted for (10) years imprisonment.

## Case 451 – Myanmar, 2019

Country: Myanmar  
Year of conviction: 2019  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Conviction Date: **2019 August 24**

Court: **North Yangon District Court**

Three persons, including Offender 1 from Haling Thar Yar Township, Yangon Region, deceived the girl, Victim 1, from Kyoe Pin Village, Htoo Gyi Township, Ayarwaddy Region into getting a job which pays 150,000 kyat per month and coerced her to work as a prostitute in March, 2016. Therefore Hlaing Thar Yar Township Police State filed a lawsuit against the offenders with FIR No. 2035/2017 under the sections 24 and 32 of Anti-Trafficking in Persons Law; and the offender was convicted for 10 years imprisonment.

## Case 452 – El Salvador, 2013

Country: El Salvador  
Year of conviction: 2013  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 2

### Case description:

Fecha de convicción: **13 de agosto de 2013**

Tribunal: **Tribunal Cuarto de Sentencia de San Salvador**

Agentes de autoridad se apersonaron al negocio ubicado en Quinta Calle Oriente y Octava Avenida Norte de ésta ciudad, lugar en el cual funciona una cervecería y existen mujeres que se dedican a ofrecer servicios sexuales; por lo que al momento de constituirse a eso de las dieciocho horas con treinta minutos fueron recibidos por los señores Offender 1 e Offender 2, quienes se identificaron como los propietarios del negocio, por lo que al hacer esta manifestación se les solicitó la autorización respectiva para poder ingresar al lugar y verificar los documentos y la situación jurídica de las personas que se encontraban al interior del mismo, siendo que el señor Offender 1, autorizó el ingreso al referido negocio; siendo así que al ingresar se les consultó sobre el número de mujeres que tenían trabajando, manifestando la señora V. de V. que eran “tres”, dos de las cuales estaban en la puerta y una que se encontraba en el cuarto “ocupada”, siendo que al instante salió un señor con una joven del cuarto, por lo que de inmediato procedieron a pedirles la documentación, habiendo mostrado su documento de identidad el señor Offender 3, mientras que la joven que lo estaba atendiendo, quien ha sido identificada en el curso del proceso como Víctima 1, les manifestó que no tenía documento de identidad y al consultarle por qué razón no lo portaba, ella les dijo que solo tenía catorce años de edad, ya que nació en el año mil novecientos noventa y ocho; luego de lo cual agregó que para prestar sus servicios los clientes depositaban una suma de dinero a la “caja” a favor de los señores encargados del negocio. Es el caso que al escuchar la versión anterior se procedió a trasladar a los imputados antes relacionados, a las oficinas de la División de Control Migratorio y Fiscal de la Policía Nacional Civil, a efecto de realizar la detención de los mismos a las veintiuna horas treinta minutos del día veintisiete de septiembre de dos mil doce.

## Case 453 – El Salvador, 2016

Country: El Salvador  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 2

### Case description:

Fecha de convicción: **13 de diciembre de 2016**

Tribunal: **Tribunal de Sentencia de Zacatecoluca, La Paz**

Que se ha establecido que las víctimas clave agosto y septiembre, en los meses de junio, julio y agosto de dos mil catorce, fueron objeto de Explotación Sexual, en el lugar ubicado en la final de la Primera Avenida Sur, de la Colonia José Simeón Cañas, jurisdicción de Zacatecoluca, departamento de La Paz, lugar donde las obligaban a prostituirse teniendo relaciones sexuales vía vaginal, y a ingerir bebidas alcohólicas, mediante amenazas, que de no hacerlo tenía familias pandilleras, cuando estas eran menores de dieciocho años, y que por cada rato que realizaban con los clientes que llegaban a dicho lugar cobraban la cantidad de diez dólares, y que el rato duraba veinte minutos, de los cuales los clientes no tenían que pasarse, que de la ganancia obtenida por dicha actividad, la señora Offender 1, era la persona que juntamente con su hijo Offender 2, los que la recibían dicha ganancia, ya estos son los dueños de dicho establecimiento.

## Case 454 – El Salvador, 2017

Country: El Salvador  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Fecha de convicción: **25 de abril de 2016**

Tribunal: **Tribunal de Sentencia de Ahuachapán**

Sentencia condenatoria emitida en el proceso penal instruido en contra de la imputada por atribuirse el delito de TRATA DE PERSONAS.

Los hechos probados se enmarcan dentro de la figura penal descrita como TRATA DE PERSONAS, ya que se acreditó que la sujeto activo recibió a una persona con el objeto de trasladarla a un lugar fuera del país, con la finalidad de ejecutar actividades de explotación humana, básicamente aquellas tendientes a inducir al sujeto pasivo a que realizara actos de tipo sexual o erótico, todo ello guiado con el fin último o ánimo especial de obtener un beneficio económico para el propio sujeto activo; los actos de prostitución se incluyen dentro de la explotación sexual, lo que a su vez constituye una forma de explotación humana.

El hecho de que la víctima en el presente caso nunca hubiera ejercido actos de tipo sexual, no obsta para que se entienda consumado el delito, puesto que en esta figura al igual que ocurre con el tráfico de personas, se ha adelantado la barrera de consumación y se vuelve un delito de tipo tendencial, sancionándose además las simples acciones tendientes a inducir a otra persona, sin necesidad que efectivamente se realicen los actos propuestos.

Por lo que el Juez emite sentencia CONDENATORIA, declarándosele penalmente responsable y condenándosele a cumplir la pena principal de DIEZ AÑOS DE PRISIÓN.

## Case 455 – El Salvador, 2018

Country: El Salvador  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de convicción: **13 de junio de 2018**

Tribunal: **Tribunal de Sentencia de San Miguel**

El caso inicio a raíz del aviso que se recibió del Coordinador de la Junta de Protección de la Niñez y Adolescencia sobre hechos que podrían constituir el ilícito de Trata de personas en perjuicio de una adolescente de dieciséis años de edad. La víctima expresó que fue sacada de su casa con engaños, llevándosela la imputada para su casa, en donde fue retenida una noche; al día siguiente fue llevada a un hotel, en donde fue entregada al otro imputado, quien la obligó a tener relaciones sexuales con él. No obstante que la víctima en su deposición no menciona el nombre completo de los acusados, consta en un primer momento que se realizaron actas policiales de ubicación e individualización, los cuales sirvieron como diligencias iniciales para lograr la identificación de los procesados, realizándose posteriormente reconocimientos Judiciales.

El Juez consideró que la declaración es creíble, coherente y concordante con el resto de prueba testimonial, documental y pericial incorporado en juicio y por lo tanto merece de credibilidad, por lo que declara a los imputados CULPABLES en grado de coautores por la comisión del delito de TRATA DE PERSONAS AGRAVADA y se les condena a la pena de DIECISÉIS AÑOS DE PRISIÓN.

## Case 456 – El Salvador, 2017

Country: El Salvador  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Fecha de convicción: **3 de febrero de 2017**

Tribunal: **Tribunal de Sentencia de San Salvador**

La víctima contacto inicialmente por medio de Facebook a uno de los imputados, con quien también entablo comunicación vía telefónica, ultimando una cita en la cual tuvieron relaciones sexuales, recibiendo dinero por parte del imputado.

En este apuro económico de la joven, que en esa época tenía quince años de edad, conoció a varias personas del sexo masculino quienes eran ya adultos mayores, entre ellos otro de los imputados quien era un mesero o encargado del lugar donde la menor llegó a verse con el primer imputado, siendo el segundo imputado quien le propuso a la menor prostituirse en dicho lugar, manifestándole que él conseguiría los clientes ahí mismo, asegurando así un beneficio económico para él a través de la explotación sexual de la menor; siendo así que consiguió varios clientes, entre ellos el otro acusado.

Al realizar la valoración de los elementos probatorios se emitió sentencia condenatoria contra los imputados, a quienes se les atribuye la comisión de los delitos calificados como REMUNERACIÓN POR ACTOS SEXUALES O ERÓTICOS, VIOLACIÓN AGRAVADA EN GRADO DE TENTATIVA y TRATA DE PERSONAS, imponiéndole al imputado procesado por el delito de TRATA DE PERSONAS la pena de DIEZ AÑOS DE PRISION.

## Case 457 – United States of America, 2017

Country: United States of America  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **unknown**

Court: **U.S. District Court for the District of South Carolina**

Fact Summary: On December 5, 2017, Offender 1 was sentenced to 20 years in federal prison for conspiracy to commit sex trafficking by means of force and threats of force, followed by a life term of supervised release. Offender 1 was also ordered to pay \$50,000 in restitution to the victim. Offender 1 exploited an 18-year-old girl, promoting her addiction to cocaine and heroin, and beating her on an almost-daily basis to force her to have sex with numerous men per day from 2013 through the late fall of 2015.

Offender 1 beat the victim when he believed she wanted to leave, when she did not make enough money, or if he believed she was taking any of the money. Offender 1 used heroin to control the victim. The victim was finally able to break free from the defendant when he went to jail for a short time on unrelated charges, and she was able to withdraw from heroin. When the defendant got out of jail, shortly thereafter, she told him that she was leaving him for the last time. Offender 1 then beat and choked the victim so severely she had to be treated in the hospital for bruises and swelling to her head and body and a possible concussion.

## Case 458 – United States of America, 2018

Country: United States of America  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 100  
Number of offenders: 36

### Case description:

Conviction Date: **multiple**

Court: **U.S. District Court for the District of Minnesota**

**Fact Summary:** In December 2018, five defendants were convicted by a federal jury for their roles in operating a massive international sex trafficking organization that was responsible for coercing hundreds of Thai women to engage in commercial sex acts across the United States. Thirty-one defendants previously pleaded guilty for their roles in the sex trafficking organization. The criminal organization compelled hundreds of women from Bangkok, Thailand, to engage in commercial sex acts in various cities across the United States. The trafficking victims were often from impoverished backgrounds and spoke little or no English. They were coerced to participate in the criminal scheme through misleading promises of a better life in the United States and the ability to provide money to their families in Thailand. Once in the United States, the victims were sent to houses of prostitution where they were forced to have sex with strangers – every day – for up to 12 hours a day, at times having sex with 10 men a day.

The organization also engaged in widespread visa fraud to facilitate the international transportation of the victims. Traffickers assisted the victims in obtaining fraudulent visas and travel documents by funding false bank accounts, creating fictitious backgrounds and occupations, and instructing the victims to enter into fraudulent marriages to increase the likelihood that their visa applications would be approved. Traffickers also coached the victims as to what to say during their visa interviews.

## Case 459 – United States of America, 2017

Country: United States of America  
Year of conviction: 2017  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Conviction Dates: **December 18, 2017; December 21, 2017**

Court: **U.S. District Court for the Western District of Washington**

Fact Summary: On April 27, 2018, Offender 1 (male) was sentenced to three years in prison for one count of forced labor and his wife, Offender 2 (female), was sentenced to one year of probation for one count of document servitude in furtherance of forced labor. The defendants were ordered to pay \$18,950 in restitution to the victims.

Offenders 1 and 2 lured Offender 2's sister to enter the United States from Guatemala, falsely promising that they would provide her with a home, a job earning good money, and a good life. Contrary to these promises, however, the defendants imposed a significant debt on the victim upon her arrival in the United States, and informed her that she would work off the debt by picking salal, a brush commonly used by florists. The defendants retained all of the victim's earnings and increased her debt by imposing additional charges on her for food, housing, transportation, and utilities. The defendants also kept the victim's identification documents and threatened her with deportation if she ever tried to leave them.

## Case 460 – United States of America, 2018

Country: United States of America  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 3  
Number of offenders: 4

### Case description:

Conviction Date: **January 10, 2018**

Court: **U.S. District Court for the Eastern District of Virginia**

Fact Summary: On January 10, 2018, Offender 1 (male) and Offender 2 (male), were found guilty of one count of conspiracy to sex traffic three minor females, including by force, fraud, and coercion, and three substantive counts of sex trafficking those minor females, after a six-day jury trial. In May 2018, Offenders 1 and 2 were each sentenced to 312 months in prison. Between September and November 2016, the defendants worked together and with two other traffickers to recruit, harbor, transport, and provide three minors for commercial sex. The victims were recovered by law enforcement after two undercover stings responding to advertisements for the victims on Backpage.com. Co-defendant Offender 3 (female) pleaded guilty on November 30, 2017 to sex trafficking of minors. Offender 3 was sentenced to 50 months in prison. The defendants were ordered to pay \$119,300 in restitution to the three minor victims.

## Case 461 – United States of America, 2016

Country: United States of America  
Year of conviction: 2016  
Form of exploitation: forced labour  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Conviction Date: **October 19, 2016**

Court: **U.S. District Court for the Southern District of Texas**

Fact Summary: Offender 1 (female) pleaded guilty to unlawful conduct with respect to documents in furtherance of forced labor, while her husband, Offender 2 (male), pleaded guilty to visa fraud in connection with the trafficking of a woman for domestic work. They were sentenced to serve seven years in prison and another seven years of home confinement. They were also ordered to pay \$121,035.04 in restitution to the victim. In addition to the restitution, Offender 1 was ordered to pay a \$5,000 fine pursuant to the Justice for Victims of Trafficking Act of 2015. Both will be required to serve a term of three years of supervised release following completion of the prison term.

From on or about September 29, 2013 to October 10, 2015, the couple maintained a Nigerian woman to serve as a house cleaner and nanny at their residence. The defendants knowingly caused a false visa application for the victim to be submitted with numerous pieces of false information. Offender 2 knowingly made multiple material misrepresentations under oath on the visa application to increase the chances that the victim's visa application would be accepted and to hide the fact that she would be working for the Offenders' family as a housemaid and nanny under conditions not in compliance with U.S. labor laws.

## Case 462 – Malaysia, 2018

Country: Malaysia  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: unknown  
Number of victims of trafficking: 2  
Number of offenders: 2

### Case description:

Conviction Date: **26.09.2018**

Court: **Selayang Sessions Court PP**

Victim 1 and Victim 2 were working at accused's' house as domestic maids. The two victims were working for 5 years and during that period they were subjected to beatings by both of the accused. They were given RM650 initially as monthly salary for the first two years before receiving RM900 in 2015. They had to work as early as 5 am in the morning until 8 in the evening. Apart from accused's' house, the two victims were sent by the accused to work at other people's' home as well. The victims had to continue to finish their tasks upon returning from other people's' house until 11 in the evening. Both of the victims were not given free access during the period that they were working for the accused. Both of the accused were sentenced to imprisonment up to 12 years from the date of conviction.

## Case 463 – Malaysia, 2018

Country: Malaysia  
Year of conviction: 2018  
Form of exploitation: baby selling  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **09.10.2018**

Court: **Klang Sessions Court PP**

The accused sold his 5 months-old son to a third person who was willing to adopt the baby whom he contacted via Facebook on the pretense that the victim's biological parents had gave up the victim and that the accused's background could not afford to maintain the victim. The victim was sold for RM2000 without the knowledge of the victim's biological mother. Upon returning from work, the biological mum had asked for the victim's whereabouts, but the accused just brought her to the scene where he sold the baby. A few days later, the accused's whereabouts were unknown. The victim however was returned to the biological mother after the third person found out on Facebook that the victim was sold to her by the accused. The accused pleaded guilty and was sentenced to 4 years imprisonment from the date of his arrest.

## Case 464 – Malaysia, 2018

Country: Malaysia  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **18.01.2018**

Court: **Klang Sessions Court PP**

The victim arrived in Malaysia at 2.12.2016 and was promised a job as a housemaid with monthly salary of 20,000 rupees. The victim, who is married, acknowledged that during the first month of working (with her first employer) she did send her salary back to her family in her native country. Later the victim was sent to work with the accused. When the victim arrived at the accused's house, she was told that she had to work as a prostitute for the accused, even though initially she was promised to work as a housemaid. The victim's passport was retained by the accused. Throughout the two years working for the accused, the victim was denied access to the outside world. There were attempt made by the victim to seek help from the clients that she solicited but to no avail. The victim testified that the accused had the full control over her movement, although she was allowed to contact her family in India, the victim could not being to tell them her situation here in Malaysia for she feared that this could cause embarrassment to her family. The accused was tried and found guilty at the end of the defense's case and was sentenced to 9 years imprisonment from the date of the arrest.

## Case 465 – Malaysia, 2018

Country: Malaysia  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **13.08.2018**

Court: **Kuala Kubi Bharu Sessions Court PP**

The victim came to Malaysia on 30.12.2012 from India. Upon arriving here in Malaysia, she was sent to a house in Kland, Selangor to work as a housemaid for her first employer. After working there for 1 year and a half, the employer's house was broke in by a thief and the victim was down with shock over the incident.

Initially, her employer engaged the victim's agent to send her to the hospital to seek medical help and was supposed to be sent back to employer's house afterwards, but the victim testified that the agent (who is the accused) who picked her up for the purpose to go to the hospital instead drove her to a different place and told her that she was going to be sent to a new place to work as a maid. The victim then told the accused that she wasn't feeling well and needed to be sent to the hospital. The victim also asked the accused to send her back to her employer's house so that she could talk to persuade her to be sent back to India.

The accused refused to send her back and instead brought her to his house whereby the victim was badly beaten by the accused and his first wife. The victim was later sent to the accused's second wife to work, whereby she was locked up and beaten too. The victim was then ferried back to the accused's first wife before she was sent to work for her second employer in Kuala Lumpur. The wife of the second employer noticed the bruises and the victim told that she was abused by the accused and his first wife. The victim worked there for a month before being sent to Rawang. The victim then was sent back to the accused's house and was beaten before sending her off to her third employer's house to work for 2 months, where she also endured the same treatment before sending her back. The victim was then sent to an apartment whereby she stayed there for 5 days before being rescued.

The accused was tried and found guilty and was sentenced to 9 years imprisonment and RM10,000 fine id 2 years imprisonment. The accused was also found guilty for committing hurt to the victim and was sentenced 12 months imprisonment and RM2,000 fine id 6 months imprisonment. These two sentences are to run consecutively from the date of the decision.

## Case 466 – Singapore, 2019

Country: Singapore  
Year of conviction: 2019  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction Date: **2019 February**

In March 2018, SPF took action against the husband (accused) who had forced his wife (victim) into prostitution. When the victim rejected the accused's demand to prostitute herself to pay for their infant son's diapers, milk powder and other general household expenses, he badgered the victim and the victim eventually succumbed to the pressure, in fear of physical assaults. In February 2019, he was convicted and sentenced, under the Prevention of Human Trafficking Act, to 6 years' imprisonment, 3 strokes and a fine of SGD \$6,000.

## Case 467 – Germany, 2018

Country: Germany  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 1

### Case description:

Court: **AG Traunstein**

The local court found the defendant guilty of accessory to forced prostitution (Section 232a of the German Criminal Code) and other offences. She was therefore sentenced to an aggregated term of imprisonment of one year and six months on probation.

The defendant is a Nigerian citizen. She acted as a member of a group that smuggled African women, mostly Nigerians, into Germany and subsequently forced them to engage in prostitution. Before their departure, the victims had to swear by their family to work off the costs for their transfer in presence of a voodoo priest. Within this setting, in November 2016, the defendant received a Nigerian woman in Germany and brought her to a brothel where she supervised her activities until the victim escaped. In March 2017 the defendant returned the passport to another victim in exchange for money so that the victim was able to pass identify controls by the authorities.

Besides, the defendant supported drug delicts.

When suspending the sentence on probation, the court took into account that the defendant was serving six months in pre-trial detention and had thus already been made aware of the consequences of his actions.

## Case 468 – Germany 2018

Country: Germany  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Court: **AG Nürnberg**

The local court found the defendant guilty of forced prostitution on a commercial basis (Section 232a of the German Criminal Code) concomitantly with pimping. He was therefore sentenced to imprisonment for a term of two years and nine months. The court ordered the confiscation of 5,250 € from the defendant.

The defendant caused two Hungarian women to engage in prostitution for at least six months. For this purpose the defendant rented a ‘brothel flat’ and gave further instructions to both victims on how to exercise their business. He took most of the income for himself. The victims were permanently under his control and were unable to escape since they neither had sufficient language skills nor knowledge of the place. In addition, the defendant did hold back the victims’ passports.

During criminal proceedings, the victims made contradictory statements regarding the defendant, e. g. they sometimes came to protect him or even denied the accusations. Thus, the public prosecutor’s office found the witness testimony to be implausible and brought charges against the defendant only on the basis of material evidence. The prosecution stated that the victims’ behavior is typical for such cases; it could be explained by their fear of the defendant and worries concerning their families in their home countries.

In the end, the defendant made a full confession which corresponded to the result of the criminal investigation.

## Case 469 – Germany

Country: Germany  
Year of conviction: unknown  
Form of exploitation: sexual exploitation  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Court: **AG Düsseldorf**

The local court found the defendant guilty of particularly serious forced prostitution (Section 232 of the German Criminal Code) concomitantly with serious human trafficking (Section 232a of the German Criminal Code), promotion of sexual acts by minors, pimping and dangerous body harm concomitantly with misappropriation, coercion and unlawful imprisonment. He was therefore sentenced to an aggregated term of imprisonment of two years on probation. The court ordered the confiscation of 30,000 € from the defendant.

The defendant made a fourteen year old homeless teenager without funds to fall in love with him by using the ‘loverboy method’ and subsequently brought her into prostitution. He manipulated the unstable young woman and kept her prostitution incomes mainly for himself in order to pay the rent for his apartment and other life expenses. Only after a fight during which the victim was injured and imprisoned by the defendant she drew attention to herself by shouting and was liberated afterwards.

Concerning the measure of the penalty, the court considerably mitigated the punishment because of the defendant’s confession and the assumption that the victim continued prostitution of her own accord for some time. When suspending the sentence on probation, the court took into account that the defendant was serving six months in pre-trial detention and had thus already been made aware of the consequences of his actions.

## Case 470 – Germany

Country: Germany  
Year of conviction: unknown  
Form of exploitation: forced criminality, sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 3

### Case description:

Court: **LG Berlin**

The district court found three defendants (Offenders 1, 2, and 3) guilty of various crimes in the field of serious human trafficking in the version in force until 14 October 2016. They were each sentenced to an aggregated term of imprisonment of four years and four months (Offender 1), three years (Offender 2) and three years and six months (Offender 3). The court ordered to confiscate 41,840 € from Offender 1, 12,550 € from Offender 2 and 8,240 € from Offender 3.

The defendants transferred Bulgarian women to Germany and forced them to engage in prostitution. Between 2005 and 2006, Offender 1 ran a brothel and an escort agency where he only ‘employed’ Bulgarian women. The women came from poor economical/social conditions, were unemployed and often less educated which made it easy for the defendants to control and influence them. They were lured into Germany by empty promises regarding the type of work or the work conditions. Beginning with the arrival they had to pay overpriced rents for the apartments provided by the defendants and had to pay money for pretended administrative fees, marketing and other things. Most victims were unwilling to engage in prostitution but gave in under the financial pressure and sometimes physical violence. While Offender 1 acted as the overall leader, Offenders 2 and 3 took turns in further important positions (e. g. organization, billing and instruction). The victims had to deliver at least 50 % of their incomes to the defendants; sometimes they only received an allowance. The prices for sexual services were specified by the defendants. Besides prostitution the women were also asked to sell drugs to their ‘clients’.

## Case 471 – Sweden, 2010

Country: Sweden  
Year of conviction: 2010  
Form of exploitation: begging  
Domestic or International Trafficking: cross-border trafficking  
Number of victims: 1  
Number of offenders: 2

### Case description:

**In 2010, 4 individuals** were deemed by a court of first instance to be victims on **reasonable grounds**. These victims were involved in 3 different investigations.

Three of the victims were females under the age of 18; one 17 year old girl from Slovakia, one 16 year old girl from Nigeria, and one 14 year old girl from Sweden. The fourth victim was a 21 year old woman from Nigeria.

In the case of the first victim, two men, born 1971 and 1983 from Slovakia were convicted of THB for sexual purposes in the court of first instance, and again, after appeal, in the Court of Appeal, and sentenced to three years in prison.

In the case of the second and fourth victims (both from Nigeria), one woman from Cameroon and one man from Denmark, were convicted. The woman from Cameroon was sentenced to six years in prison for trafficking in human beings for sexual purposes and the man from Denmark was sentenced to eight months in prison for attempted pimping.

The case of the third victim, a 14 year old girl from Sweden, was dismissed and instead the perpetrators were convicted of procuring and aggregated fraud and sent to prison.

**In 2011, 5 individuals** were deemed victims on **reasonable grounds**. These victims were involved in 3 different investigations. All five victims were adult women over the age of 18.

In the first case, which involved two victims from Romania, 19 and 24 years old, two men, also from Romania, born in 1987 and 1981, were convicted of trafficking in human beings for sexual purposes in the court of first instance. On appeal, the court struck down the THB conviction and instead convicted them of a lesser charge of procuring. One of them was sentenced to two years in prison and the other to 10 months in prison.

In the second case, which involved two victims from Slovakia, 28 and 36 years old, the court of first instance dismissed the charges of trafficking in human beings for sexual purposes against three Swedish men born in 1972, 1972 and 1968. The prosecutor did not appeal the dismissal. One of the men, born in 1972, was convicted of fraud to six months in prison.

The third human trafficking case against a man from Romania, born in 1987 and a man from Iraq born 1980, and involving one victim, a 25 year old woman, from Romania was dismissed in the first court level and in the Court of Appeal. Instead, the Romanian

man was convicted of procuring to one year in prison and the man from Iraq was convicted of procuring to six months in prison.

**In 2011, 5 individuals** were deemed to be victims on **reasonable grounds**. These victims were involved in **3** different investigations.

The first case, involved a 12 year old girl from Bulgaria, who was trafficked to Sweden for the purpose of petty theft by a Bulgarian man born in 1978. He was convicted of trafficking in human beings and sentenced to four years in prison in the first court of instance, and on appeal, even in the Court of Appeal.

In the second case, 3 men from Bulgaria were lured to Sweden by two Bulgarian perpetrators, one man born in 1969, and a woman born in 1971, for the purpose of berry picking. The court dismissed the charges of human trafficking, but instead convicted the perpetrators of assault and other minor crimes. They were sentenced to three months in prison. The case was not appealed.

The third case involved one victim, a 16 years old girl from Romania, who was brought to Sweden for the purpose of petty theft, and one perpetrator, a man born in 1969 from Romania. The court dismissed the human trafficking charges and instead convicted him of rape, and sentenced him to one year in prison. The decision was not appealed.

**In 2012, 17 individuals** were deemed victims on **reasonable grounds**. These victims were involved in 5 different investigations; four in Sweden and one was a Swedish-Norwegian joint investigation. All victims were female, with four victims being under the age of 18. One victim was from Serbia, one from Lithuania and **15** from Romania.

In four of the five prosecuted cases (in Sweden) the perpetrator was found guilty by the court; additionally in the Norwegian/Sweden case. One case, involving one victim, was dismissed. In the convicted cases the rest of the victims were considered victims of less serious crimes. These 10 girls were considered, by the court, to be victims of pimping activities.

5 cases led to prosecution (4 in Sweden and 1 in Norway). 4 of the 5 cases led to a conviction of THB by the court.

In the cases that led to conviction **7** perpetrators were convicted of THB for sexual purposes in Sweden **in the first court level** (1 man from Lithuania born 1991, 2 men from Romania born 1965 and 1966, 1 man from Serbia born 1982, 1 man from Kosovo born 1979, 2 men with unknown nationality born 1983).

The conviction of THB remained, in the court of appeal, for **3** of these 7 mentioned above (1 man from Lithuania born 1991 and 2 men from Romania born 1965 and 1966). The remaining 4 perpetrators were convicted of grave procuring instead. All of the convicted were sentenced to jail.

**In 2012, 16 individuals** were deemed victims on **reasonable grounds**. These victims were involved in 2 different investigations.

In the first case, **12 Bulgarian** adults, 9 men and 3 women, were lured to Sweden for the purpose of berry picking. Two perpetrators, one man and one woman from Bulgaria, were convicted of human trafficking and sentenced to **10 months** in prison.

*These court case narratives were provided by Member States. The content does not necessarily reflect the views or policies of UNODC, and nor does it imply any endorsement.*

In the second case **4 individuals**, one woman and three men from Poland were lured to Sweden for the purpose of petty thefts. Three perpetrators, one man and two women, also from Poland were charged with THB but these charges were dismissed. They were instead convicted of other crimes instead like for example thefts.

## Case 472 – Ghana, 2018

Country: Ghana  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Conviction date: **28<sup>th</sup> October 2018**

Court: **Circuit Court Five Accra**

Two accused persons were put before court on 9<sup>th</sup> April, 2018 for committing human trafficking related offences. The first offender was charged for trafficking a victim from Nigeria to Ghana for prostitution and harbouring as well as exploitation the victim through commercial sexual exploitation. The first offender was charged under the Human Trafficking Act of 2005 Act 694 for Human Trafficking related offences contrary to Section 1 and 2 as amended by the section 1(1) of the Human Trafficking Amended Act 2009 Act 784. The first offender was sentenced to a jail term of five years. The second offender was charged with abatement of crime and sentenced to three years jail term for helping the first offender commit the crime of human trafficking.

## Case 474 – Ghana, 2018

Country: Ghana  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: unknown  
Number of victims of trafficking: 24  
Number of offenders: 14

### Case description:

Conviction date: **20<sup>th</sup> September 2018**

Court: **Koforidua Circuit Court**

An informant reported to the Anti-Human Trafficking Unit about the recruitment and the trafficking of children to work on the Volta Lake in the Eastern side of the lake. On 24<sup>th</sup> January 2017, there was a rescue operation on the Volta Lake. 24 children were rescued and 14 traffickers arrested and prosecuted for the offences of child trafficking and engaging children in hazardous and exploitative labour. On 24<sup>th</sup> October 2018, the offenders were convicted and charged under the Children's Act of 1998 Act 560 for engaging children in hazardous work contrary to section 91 sub section 2 and section 94 sub section 1 of the Act. The other charges also included engaging a child in exploitation labour contrary to Section 87 of the Children's Act of 1998 Act 560. The 14 offenders were to pay a fine of 120 penalty units (GHC 1,440), on default to face eight months imprisonment.

## Case 475 – France, 2019

Country: France  
Year of conviction: 2019  
Form of exploitation: forced criminality  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 8

### Case description:

The ALI BABA case demonstrates that isolated Moroccans minors were forced through violence to snatch golden necklaces and cell phones:

The organised crime group controlled the minors or the ones who pretended themselves as minors and forced them to consume psychotropic drugs, like Rivotril or cocaine, making them dependant of the smugglers. They were lodged in a squat in Bordeaux where the main organiser terrified them to maintain the submission of the group of thieves. He imposed them the theft of 200 gr of gold per week and was connected to dealers for the sale of the stolen goods, and also with the providers of Rivotril and cocaine.

One of the thieves became the victim of an attempted murder with firearm in August 2018. Investigations allowed arresting the organiser of this OCG and it was clearly established that this criminal structure fostered illegal immigration of Moroccans minors towards France. Some of them had previously gone to Paris. The organisers and others minors lived in Montpellier for a time.

Three of them were imprisoned after an indictment for an attempted of murder, another for his role in the leading of a criminal group. One right-hand man of the organisation used the social media to recruit thieves. The gold dealers were also identified. The stolen jewels were sent to Morocco by bus trips by unidentified individuals. Considering the imposed weight of gold to be stolen by the thieves, the continuous criminal activity of the group and its size, an approximate evaluation of 5 million Euros is guessed for the damage.

## Case 476 – Australia, 2017

Country: Australia  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 1  
Number of offenders: 1

### Case description:

Conviction date: **28.11.17**

On 28 November 2017 following a trial in which the jury returned a guilty verdict, Offender 1 was sentenced to one charge, contrary to s271.2(2) Criminal Code (Cth), of Trafficking in persons by organising or facilitating the entry of another person into Australia and deceiving that person about the fact that the entry would involve the provision of sexual services or exploitation by that person. The offender was sentenced to a term of imprisonment of three years and four months, with a non-parole period of 18 months, backdated to commence on 11 August 2017.

The offender was involved in organising or facilitating of a female victim to travel to Australia from Malaysia, deceiving the victim about the fact that she would be required to perform sex work at a brothel in Perth. On 29 December 2015, the victim travelled to Perth and on arrival was met by the offender at Perth International Airport. The victim and the offender were friends in Malaysia and the victim presumed she was staying with the offender but was informed as they departed Perth Airport, that she was being taken to “the shop.” The victim was then taken to a brothel in East Perth known as “X Massage.” Once inside, the offender told the victim she owed her \$1,900 for immigration, flights and transport fees and she would have to do sex work in order to pay her this money back. The offender then demanded the victim’s passport and took it from her. Over the coming days the victim engaged in sex work at “X Massage” and argued with the offender using the social media platform “WeChat” telling her that she had tricked her into coming to Australia and requesting the return of her passport. The offender then demanded a further \$10,000 from the victim. On 31 December 2015, the offender attended “X Massage” and took \$900 and a new Apple iPhone from the victim.

On 3 January 2016, the victim began communicating with a friend in Malaysia via social media and told him of her situation. This friend put her in contact with an associate who lived in Australia and was familiar with the laws here. This friend told the victim to leave the brothel immediately and that she could go to the police in Australia and they would help her. The next morning the victim walked to a nearby McDonald’s, then caught a taxi to the Perth Police Station where she was referred to the Australian Federal Police who placed her on the Australian Government’s Support for Trafficked People Program.

## Case 478 – Mongolia, 2016

Country: Mongolia  
Year of conviction: 2016  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 2  
Number of offenders: 1

### Case description:

Court: **Criminal Court**

In July 2016, Offender 1 abducted children/girls Victims 1 and 2 and passed them through Mongolian and Chinese border. Sold them for sexual exploitation in Erlian, China to others. Police investigated the case and transferred it to prosecution and court in 2017, which was fulfilled by sentencing Offender 1 in convicting a crime of trafficking in persons for sexual exploitation purpose.

## Case 479 – Mongolia, 2010

Country: Mongolia  
Year of conviction: 2019  
Form of exploitation: unknown  
Type: domestic trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 4

### Case description:

Court: **Criminal Court**

Offender 1, together with partner Offender 1 and their son and daughter were sexually exploiting women and girls to prostitution since 2010 for 8 years. Police investigation proved that Offender 1 and family members were convicting in crime of trafficking in persons and transferred the case to prosecution and court on January 03 2019. Court sentenced Offender 1 to 10 years in prison, partner Offender 2 and son and daughter were sentenced to 5 years in prison each.

Three persons were convicted by Vilnius Regional Court for recruiting a person knowing and seeking to exploit her to enter into fake marriage by taking advantage of victim's vulnerability to the difficult financial and social situation (the victim had no job, no legal income for living, was addicted to alcohol). The victim was offered a reward for entering into a fake marriage (4 000 Euros). One of the convicts controlled the victim, organized and profited from prostitution of the victim. The victim refused to travel to foreign country after all and the fake marriage was not made. Despite that fact, those individuals were convicted of human trafficking as they performed actions in order to make fake marriage – recruited the victim and restrained her freedom.

These individuals were sentenced to 2 ½ to 6 in prison under section 147(1) of the Criminal Code.

## Case 480 – Lithuania, 2018

Country: Lithuania  
Year of conviction: unknown  
Form of exploitation: forced marriage, sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Three persons were convicted by Vilnius Regional Court for recruiting a person knowing and seeking to exploit her to enter into fake marriage by taking advantage of victim's vulnerability to the difficult financial and social situation (the victim had no job, no legal income for living, was addicted to alcohol). The victim was offered a reward for entering into a fake marriage (4 000 Euros). One of the convicts controlled the victim, organized and profited from prostitution of the victim. The victim refused to travel to foreign country after all and the fake marriage was not made. Despite that fact, those individuals were convicted of human trafficking as they performed actions in order to make fake marriage – recruited the victim and restrained her freedom.

These individuals were sentenced to 2 ½ to 6 in prison under section 147(1) of the Criminal Code.

## Case 481 – Lithuania, 2018

Country: Lithuania  
Year of conviction: unknown  
Form of exploitation: forced criminality, forced marriage  
Type: domestic trafficking  
Number of victims of trafficking: 1  
Number of offenders: 3

### Case description:

Court: **Klaipeda Regional Court**

Three persons were convicted by Klaipeda Regional Court of acting as an accomplice group, taking advantage of the vulnerabilities of victims, recruited and transported victims abroad to exploit victims to commit crimes – shopliftings. Convicts benefitted from vulnerability of victims due to their young age, also because of being raised in social risk families, having completed basic education, having no job and no income for a living.

One of the convicts lined the bags with foil, transported victims to the shops to steal, controlled who stole and what kind of goods, gave that information to other accomplices, receiving instructions from the on how to control the victim to make them steal more.

These individuals were sentenced to 5 to 5 ½ years in prison under section 147(2) of the Criminal Code.

## Case 482 – Lithuania, 2018

Country: Lithuania  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: unknown  
Number of victims of trafficking: 1  
Number of offenders: 2

### Case description:

Court: **Panevežys Regional Court**

One of the convicts in the case exploited the vulnerability of the victim, in agreement with other convict who would help the victim to go to the foreign country in order to work as a prostitute, made a promise to the victim to pay her a 40% of her money earned, and made a deal with other person, whose case has been singled out, to have a personal gain himself. The other convict in this case organized the trafficking of the victim to a foreign country in order to exploit her to prostitution.

The court convicted two individuals for human trafficking under section 147 (1) of the Criminal Code imposing a prison sentence of 2 years and 3 months with a suspended sentence for 2 years and 2 years 6 month (each) with an obligation not to leave the place of residence for seven days without the consent of the institution controlling the suspended sentence, contribution to the Crime Victims Fund.

## **Case 483 – Belarus, 2017**

Country: Belarus  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: 100  
Number of offenders: unknown (multiple)

### **Case description:**

A resident of Minsk, together with residents of Ukraine, Russia and Turkey, for the mercenary purpose, organized channels for the supply of girls of model appearance from Belarus, Ukraine, Russia and Kazakhstan to Turkey for controlled prostitution. More than 100 girls who were controlled by a traffic agent via the Internet from Minsk without any personal meetings were organized to leave for Turkey. To organize prostitution in the country of destination, several sites were created, messengers were actively used. Traffickers received criminal income through bank transfers. About 360,000 U.S. proceeds of crime have been seized. Guilty convicted under Art. 171 of the Criminal Code of the Republic of Belarus to three years in prison with a fine.

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## Case 484 – Belarus, 2017

Country: Belarus  
Year of conviction: 2017  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims of trafficking: unknown (multiple)  
Number of offenders: 2

### Case description:

Two residents of Vitebsk, acting from selfish motives, in a group of persons by prior conspiracy during 2013 – 2017 recruited and transported local residents to Germany for controlled prostitution in brothels. Guilty convicted under Art. 171 of the Criminal Code of the Republic of Belarus to five years in prison with a fine and confiscation of property.

## Case 485 – Belarus, 2018

Country: Belarus

Year of conviction: 2018

Form of exploitation: sexual exploitation

Type: cross-border trafficking

Number of victims: unknown (multiple)

Number of offenders: unknown (multiple)

### Case description:

A resident of Bobruisk, acting on a mercenary motive, by prior conspiracy in a group with foreign partners, by means of deceit, under the pretext of employment by dancers, recruited and organized the departure of Belarusian citizens to Northern Cyprus for sexual exploitation in the form of the controlled provision of paid sexual services, as well as their transfer to the indicated other people. Guilty convicted under Art. 171 of the Criminal Code of the Republic of Belarus to eight years in prison with confiscation of property.

## Case 486 – Belarus, 2018

Country: Belarus  
Year of conviction: 2018  
Form of exploitation: sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 2

### Case description:

Two residents of Vitebsk, acting in a group of persons by prior conspiracy, during a meeting in a nightclub were persuaded to drink alcohol and then tricked (on the pretext of driving home) into their car two local residents, after which they were forcibly taken to the territory of Russia from the purpose of transportation to an unknown destination (that is, they were abducted) for sexual exploitation, but were detained during the transportation of victims. Guilty convicted under Art. 182 of the Criminal Code of the Republic of Belarus to seven years in prison.

## Case 487 – Belarus, 2018

Country: Belarus  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: domestic trafficking  
Number of victims: 1  
Number of offenders: 1

### Case description:

A resident of the Vileika district of the Minsk region used the slave labor of an unemployed fellow countryman, forcing him to work free of charge in a personal plot, and also kept him there, chained. In the case of the escape of an exploited person, the perpetrator forcibly returned him to slave labor through physical violence, threats (including with the use of firearms) and abduction (including by moving his car in the trunk). Guilty convicted under Article. 181-1, 182, as well as art. 149, 295 of the Criminal Code of the Republic of Belarus to six years of imprisonment with confiscation of property and imposition of a fine.

## Case 488 – Colombia, 2019

Country: Colombia  
Year of conviction: 2019  
Form of exploitation: forced labour, sexual exploitation  
Type: cross-border trafficking  
Number of victims: 2  
Number of offenders: 3

### Case description:

Fecha de la sentencia condenatoria: **04 de junio de 2019**

Tribunal: **Juzgado Segundo Especializado del Circuito de Medellín**

Nombre de la investigación: OPERACIÓN DANTE

Fecha y lugar de los hechos: 03 de febrero de 2014 en el departamento de Antioquia municipio de Medellín y Marinilla.

Explicación del caso:

En la ciudad de Medellín del departamento de Antioquia se tuvo conocimiento por intermedio de la Fiscalía General de la Nación y de la Dirección de Investigación Criminal e INTERPOL de un caso en particular de PVTP las cuales fueron llevadas al país de MEXICO mediante engaños, donde fueron sometidas a tratos crueles e inhumanos y a ejercer labores tales como cuidar niños de igual forma a mantener las casas en perfecto estado de aseo, labor en las que son llamadas (NANAS), para beneficio de terceros. Por tal razón se hizo necesario designar un investigador judicial que permitiera identificar a los partícipes de estas conductas delictivas y esclarecer los hechos generados por este conflicto el cual se estaba afectando y vulnerando los derechos y libertades de las mujeres.

Por lo anteriormente expuesto la Policía Judicial de la DIJIN en coordinación con la Fiscalía Dieciséis (16) Especializada de la Unidad Nacional Contra el Crimen Organizado, mediante diligencias judiciales tales como declaraciones juradas, entrevistas, inspecciones judiciales a entidades públicas y privadas (búsqueda selectiva en base de datos), interceptaciones telefónicas, reconocimientos en álbumes fotográficos, han logrado obtener el suficiente material probatorio con el objeto de identificar, vincular y judicializar a una serie de personas que hacían parte de esta organización criminal dedicada a la trata de personas, captando sus víctimas en la ciudad de Medellín y trasladándolas hacia el país de MEXICO donde se realiza la explotación laboral y sexual.

Así mismo, se logra evidenciar que esta organización criminal dedicada a la trata de personas, en el departamento de Antioquia, contaba con medios logísticos como teléfonos celulares ya que los integrantes se comunican constantemente y casas de habitación donde alojaban a las mujeres para posteriormente llevarlas al país de MEXICO.

De la misma manera se logra establecer a través de información suministrada por las víctimas, quienes en su momento fueron repatriadas del sitio donde estaban siendo explotadas laboralmente y quienes por sus propios medios llegaron a la embajada de Colombia en México, la Víctima 1 y Víctima 2 quienes rindieron entrevista de fecha 03-02-2014 y 17-06-2014 en donde relatan detalladamente los hechos en modo tiempo y lugar la forma como los señores integrantes de la misma familia Offender 1, Offender 2 e Offender 3, las captaron, trasladaron y posteriormente las acogieron en su residencia por un periodo hasta de 20 días a algunas de sus víctimas mientras les iban realizando todos los trámites pertinentes para poder salir del país, también narraron la forma en que estas personas les costearon todos los gastos de sus viajes.

La víctima 1 quien en el municipio del Bagre Antioquia recibió oferta laboral en el cual se trasladó a Medellín donde conoció a sus captadores quienes le tramitaron los documentos para viajar al país de México y le explicaron en qué consistía la oferta laboral y como iba a ser el pago de dicho trabajo de igual manera el día 21 de marzo de 2014 se realizó el viaje al país de México donde ocurrieron unos inconvenientes con sus empleadores, haciendo que la Víctima 1 se escapara y llegara a la embajada de Colombia por sus propios medios y decide poner en conocimiento ante las autoridades ya que en varias ocasiones la madre de la víctima recibió amenazas por estas personas.

El modus operandi consistía en enviar tres fotos una de cara, otra de cuerpo entero de frente y otra de perfil cuerpo entero, donde no podían tomarse fotos con blusas escotadas, ni con chores, ni con faldas, las fotos tenían que ser muy serias con el fin de que la persona no se diera cuenta de que se trataba la situación al lograr salir del país.

El trabajo consistía en cuidar niños y cuando ellos estén en el colegio deberían hacer el oficio, les ofrecían el pago de dos millones de pesos 1 millón se lo ahorran en su cuenta personal y el otro al finalizar el contrato de un año de trabajo.

### **Resultados:**

Teniendo en cuenta lo anteriormente expuesto y de acuerdo a los elementos materiales probatorios esbozados, tales como Entrevistas, declaraciones juradas, reconocimientos en álbumes fotográficos, inspecciones judiciales, Búsquedas selectivas en Base de Datos, interceptaciones telefónicas me permito informar las actividades judiciales realizadas en dicho caso el día **22 de agosto del 2018** se solicitaron 04 órdenes de captura en contra de las personas vinculadas en la investigación así:

Offender 1, Offender 2, Offender 3 logrando su captura y posteriormente medida de aseguramiento en su contra el día 28 de agosto de 2018 del cual el señor Offender 1 ya cuenta con sentencia condenatoria emitida el día 30 de mayo de 2019 emitida por el juzgado segundo especializado del circuito de Medellín y Offender 4 cuenta con circular azul de interpol a fin de ser capturada en el país donde se encuentre.

En los diferentes elementos aportados por las víctimas (entrevistas, declaraciones juramentadas, reconocimiento mediante álbum fotográfico, búsquedas selectivas en bases de datos, interceptaciones...), se puede apreciar las diversas manifestaciones de violencia física y psicológica a que fueron sometidas una vez fueron sustraídas de su país y separadas de sus familia. Mismas que hicieron que huyera de sus captores esto debido a que si no cumplían con todo lo exigido en sus labores eran enviadas a otras casas de castigo en la ciudad de Mérida, donde debían permanecer encerradas realizando largas jornadas laborales de hasta 20 horas de trabajo diario sin ningún día

de descanso a la semana, algunas de estas mujeres huyeron debido a la presión que allí se les ejercía, también informaron que en Colombia, les ubicaron y amenazaron de muerte a sus familia, de manera constante e intimidante, con el fin que se quedaran calladas y no contaran nada de los que les había tocado vivir allí en México país donde fueron víctimas de trata de personas, la fiscalía al identificar que se trataba de un caso transnacional realizado por una organización delincuencia con injerencia el departamento de Antioquia, dedicada a la captación, traslado y acogida de mujeres colombianas con fines de explotación sexual hacia el país de México (Cancún y Mérida), estas víctimas eran captadas mediante ofertas laborales engañosas y a quienes no contaban con la documentación requerida se les brindaba acompañamiento para el trámite y además les pagaban todos los gastos de la documentación y los pasajes aéreos, una vez llegaban al país de México eran recibidas en el aeropuerto por alias “X” quien las enviaba a la casa donde deberían trabajar como nanas, en esta casa del señor Offender 5 eran sometidas a largas jornadas laborales hasta de 20 horas y posteriormente cuando ya llevaban varios días en la casa laborando iban siendo llamadas una a una por el Offender 5 a un cuarto en donde bajo presión eran sometidas a tener relaciones sexuales con él, posterior a esto si no accedían a sus pretensiones eran enviadas a una casa de castigo en la ciudad de Mérida, en la cual eran explotadas laboralmente hasta altas horas de la noche realizando jornadas domésticas como planchado de ropa, aseo de las mansiones de este señor.

#### **Contribuciones a los procedimientos de investigación criminal:**

Los elementos materiales probatorios con los cuales cuenta la fiscalía para lograr la totalidad de condenas en contra de los hoy capturados son principalmente las víctimas y los testigos que obran dentro del proceso investigativo y con quienes se ha mantenido contacto permanente a fin de que comparezcan como testigos a la hora del juicio a fin de que se ratifiquen en lo dicho por ellos en las entrevistas, declaraciones juradas, reconocimientos en álbumes fotográficos, como también los investigadores cuentan con la información obtenida legalmente mediante las búsquedas selectivas en Base de Datos, interceptaciones telefónicas entre otras actuaciones.

El día 04 de junio de 2019 se le notificó al Offender 1 la condena emitida por el juzgado segundo especializado del circuito de Medellín a la pena de diez años de prisión y multa de 2500 salarios mínimos mensuales vigentes, por los delitos de Concierto para delinquir y Trata de personas, los cuales se obtuvieron en una aceptación de cargos a la hora de su captura y fue judicializado por la fiscalía 16 especializada DECOC de la ciudad de Bogotá.

## Case 489 – Colombia, 2018

Country: Colombia  
Year of conviction: 2018  
Form of exploitation: forced labour  
Type: domestic trafficking  
Number of victims: 1  
Number of offenders: 1

### Case description:

Fecha de la sentencia condenatoria: **19 de septiembre de 2018**

Tribunal: **Juzgado 16 Penal del Circuito de Conocimiento de Bogota**

Se da inicio a la investigación en marzo de 2014, luego de que la Organización Nacional Indígena ONIC, colocara en conocimiento del ministerio del interior y este a su vez de la DIJIN los hechos ocurridos con la indígena víctima de 18 años de edad.

Víctima 1 perteneciente a la comunidad indígena Cara Pana, fue captada en enero de 2014 por un comerciante en el sector de san Victorino en la ciudad de Mitú Vaupés, estando ella en embarazo, indicándole que debería trabajar en una casa de familia realizando oficios varios y por lo cual le pagarían \$ 250.000 mil pesos mensualmente.

Fue trasladada a Bogotá, recibida y acogida por su explotadora Offender 1 en una casa ubicada en el barrio ciudad jardín de esa ciudad.

La víctima debía trabajar jornadas extenuantes, sin ningún tipo de afiliación a prestaciones sociales durante 45 días aproximadamente sin que recibiera algún tipo de pago y siendo restringida de su libre locomoción, argumentándole su explotadora que debía pagar su tiquete del vuelo Mitú – Bogotá, adicionalmente un plato decorativo que daño la víctima y por lo cual su explotadora le estaba cobrando \$ 5.000.000 millones de pesos.

Su explotadora Offender 1 saca a la calle a la víctima con su ropa en una bolsa de basura a altas horas de la noche, a pesar de que esta joven indígena no tenía donde refugiarse y no conocía la ciudad; esta decisión la tomó su explotadora, debido a que el hermano de la víctima ejerce presión indicándole que le ha informado a la autoridades para que rescaten a su hermana.

Por estos hechos la ciudadana anteriormente relacionada fue condenada a 158 meses de prisión.