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**ASSISTING VICTIMS OF HUMAN TRAFFICKING FOR  
SEXUAL EXPLOITATION AND MEASURING THE COSTS  
THEREOF**

Lisbon, 4-5 December 2017



# Investigations on Trafficking of Human Beings

**Giorgia Spiri – Prosecutor**

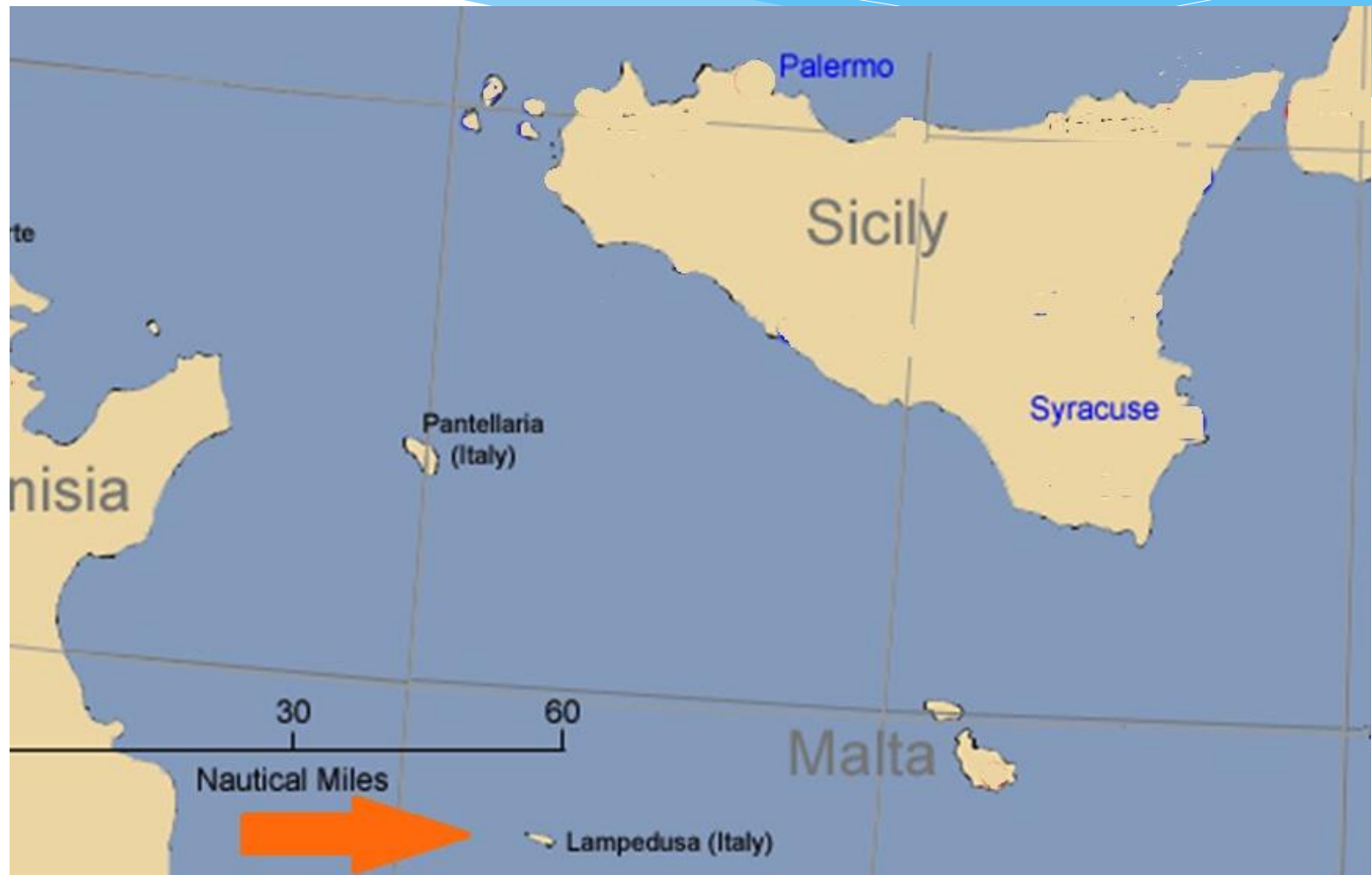
**Special Human Trade and Immigration Directorate at Procura della  
Repubblica di Palermo**

# Lampedusa case

- \* On 3 October 2013 an overcrowded fishing boat caught fire, capsized and sank near the shore of the tiny rocky Italian island of Lampedusa off the North African coast.



# Muhidin / Ben Salem case: Lampedusa horror





# Lampedusa case

366 persons died, mostly Eritreans and Somalis, 155 survived.



# Lampedusa case

The alleged captain of the Lampedusa boat, a Tunisian man named Khaled Bensalam, was immediately arrested because indicated as the “skipper” by some survivors



# Muhidin / Ben Salam case: Lampedusa horror

**Investigation on the criminal group organizing the smuggling was launched.**

- Creation inside the Special Directorate for Mafia Crimes in the Office of Prosecutor in Palermo of a specialized group of Prosecutors dealing with human trafficking / smuggling
- Mafia case approach (double track system):
- protective measures for witness –
- extensive use of wiretappings –
- investigative interviews with inmates –
- support of central investigation services of the Ministry of Interior –

# The Lampedusa cases: the follow-up of the investigation

The statements of survivors on their logistic supports in Europe

The rescue of relevant information in the material found after the shipwreck

The use of traditional investigation tools together with wiretappings (even on international lines)

No judicial/police cooperation in the departure countries



# Lampedusa case

The description of the kidnapping – tortures – rapes – killing of the survivors

*“They forced us to watch our men being tortured with various methods including batons, electric shocks to the feet. Whoever rebelled was tied up,”*

*“We were forced to pay up to \$3,500 (2,600 euros) for our freedom and onward journey to the Libyan coast and we paid again in Libya for the boat to Italy.*

*“The women who could not pay were assaulted,”*

*”I was raped by three men. They threw me on the ground, held me down and poured fuel on my head. It burnt my hair, then my face, then my eyes. Then the three of them raped me without protection. After a quarter of an hour I was beaten and taken back to the house.”*

*“All the women in that centre were raped by Somalis and Libyans. It was like a concentration camp.”*

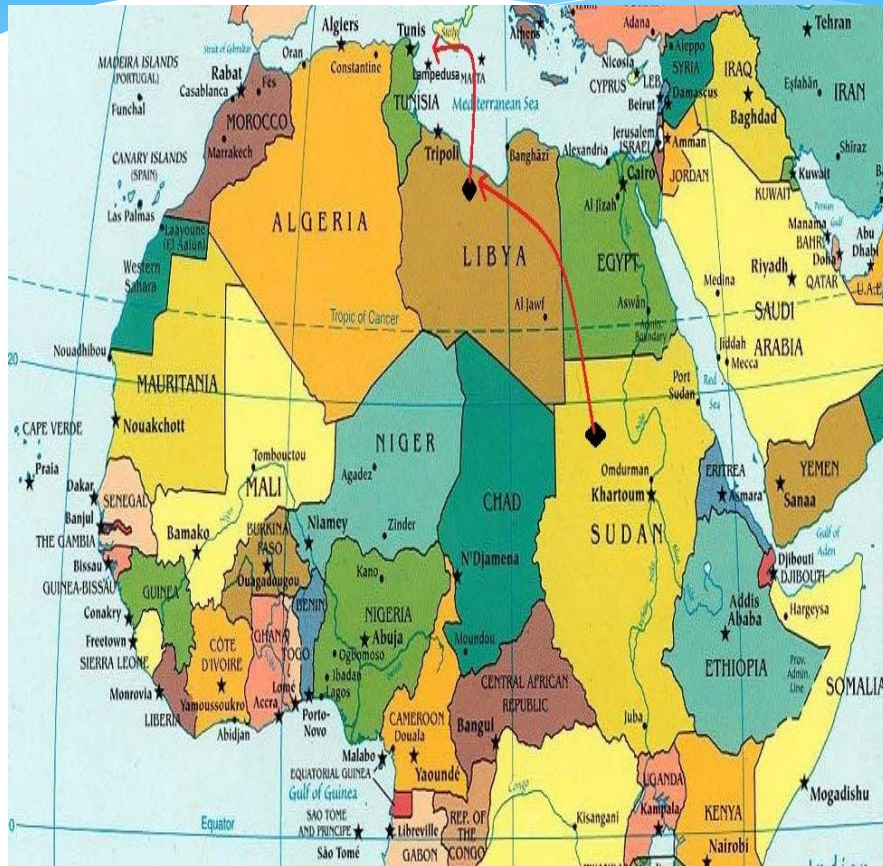
# Lampedusa case

The arrest of one of the torturer (recently convicted to 30 years)

The follow up of the investigation: how and to what purpose?



# «Operation Glauco»: organization for the reception of migrants and their displacement abroad (North Europe - USA)





# «Operation Glauco»: identification of the two main smugglers operating in Libya and Sudan

Intercept on 31 October 2013 G.E. (Libya) – J. M. (Sudan)

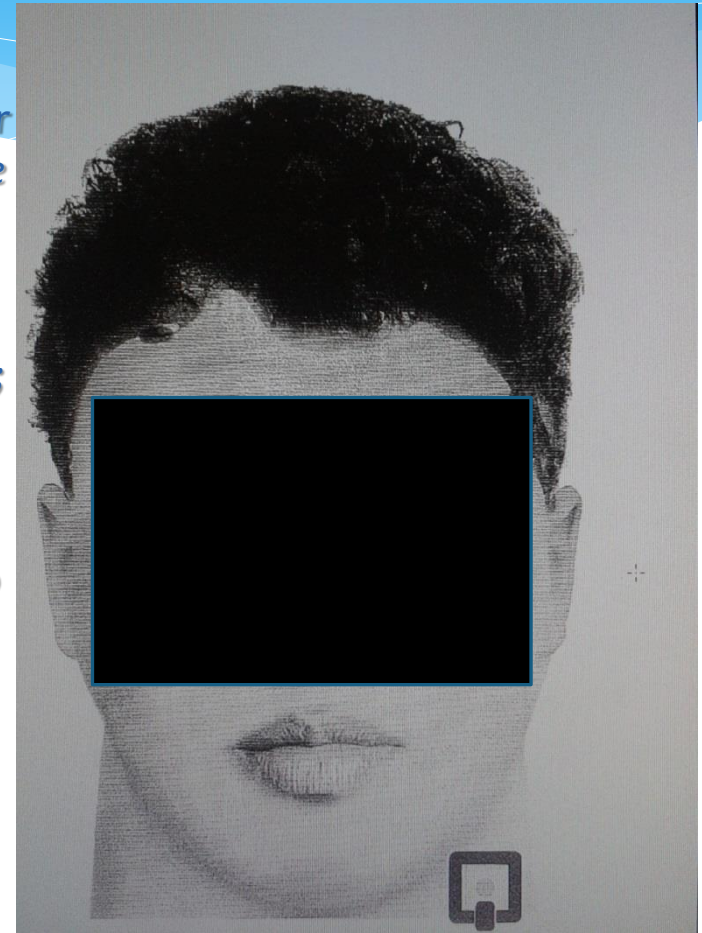
*J.M.: when you organize a trip to Italy you must respect a number of factors because as an organizer you are the person responsible for the fate of «what» you are transporting and your bad behaviour can affect the business of other persons:*

- The boats should not leave if the sea is not good;
- You must be able to deal with the complaints of the migrants;
- If necessary you must beat them when you are hosting them before leaving («it is good for you as well for them»)
- Explain them all the risks;
- Put two persons each 50 migrants to transfer the migrants to the small boats to the «mother-boat»;
- Collect the money in advance

«If you respect the rules and they die it means it was their fate»

*It is important you learn through your mistakes and next time the travel will be luckier.*

*G.E.: it was their fault; they should have called for help when they were at open sea and not wait last minute burning a blanket and causing the shipwreck....*



# THE SMUGGLING ROUTE



- 1. LIECHTENSTEIN
- 2. BOSNIA HERZEGOVINA
- 3. MONTENEGRO
- 4. KOSOVO
- 5. RUS. FED.



# Smuggling /Trafficking:

Schematically, smuggling of migrants and trafficking in human beings differ for:

- a **more aggressive behaviour** of the traffickers which exploits, through the instrument of physical and psychological violence, vulnerable people and act in different phases: recruitment, management, intensive exploitation of persons being transported;
- for the **temporal element**, since in smuggling the relationship between the migrant and the criminal subject is generally exhausted in the time strictly necessary for the transport, while in trafficking it does not have a predetermined duration and usually tends to be particularly long (for example, in case of debt in which the relationship is extinguished only with the return of the debt) or even indefinitely (for example in cases of abduction, kidnapping or deception);
- for the concern of the "**commodity**" in trafficking cases, the care that it arrives intact at its destination, this is why judicial experience shows that, on the contrary, the smugglers often, once cashed their price, force the victims to take risky voyages (as happens frequently between the African and Italian coasts) that can also lead to death.

For these reasons, there is no greater objective seriousness of the trafficking crimes, which usually involve high levels of violence and injuries, because often the smuggling crimes have the largest number of deaths due to the indifference of the traffickers for the good outcome of the trip.

# Trafficking in human beings:

The traffick of human beings can be finalized to:

- ❖ Sexual explotation;
- ❖ Forced labor;
- ❖ Domestic servitude;
- ❖ Organs trafficking;

Aiming to distinguish each single case we have collected some indicators which should help detecting a trafficking case.

# Sexual exploitation indicators:

- \* individual or group members subject the victims to acts of violence or threats to force them to submit to exploitation also **depriving them of passports** so they can not escape or return to their origin country;
- \* people exploited are **checked frequently**, even through mobile phones which they are provided with;
- \* victims have to **account all their income**, of which the exploiters are siphoning off a significant extent (or the majority) allowing them to send small sums to the families in order to prevent their rebellion;
- \* the exploited victims have **no discretion** regarding timetables and modalities of sexual performances;
- \* the victims are **not free to decide** whether, how and when they return to their origin country. Any temporary return, apparently free, is determined and organized by the exploiters, by their exclusive interests, under their strict control or under threat of retaliation in case of retention;
- \* when victims **try to rebel** in some cases are threatened, sometimes relying on the children or the family in the origin country, in other cases are taken, even when seeking shelter in reception structures;
- \* even when not exercising violence or explicit threat, the group or the individual makes use of the **criminal reputation** achieved through violent means in the origin places.

# Other subjective indicators:

This results, on the side of the victim, in a subjective condition susceptible of externalization in the objective circumstances described as follows:

- \* uprooting and **isolation**;
- \* **no knowledge of the language** spoken in the foreign country;
- \* Extreme **poverty** and suffering of the family members, particularly of the children left in the origin country;
- \* need (or misperception) of having to return the amount due for the payment of travel expenses and/or illegal immigration or abortion (so-called servitude from debt or **debt bondage**);
- \* **cultural conditioning** (for example realized through **voodoo or juju rites** to terrorize the Nigerian women or other forms of rituals used to coerce women from Latin America); in such cases, however, the psychological conditioning are accompanied by explicit threats or otherwise an intimidation that also comes from the criminal reputation of the group or by the spread of such beliefs in the origin countries;
- \* failure of the migration project;
- \* belief that they can not give up prostitution because of the **social stigma** that hangs over prostitutes.

# Smuggling investigations main issues

- witnesses or accused of illegal immigration?  
Sezioni Unite nr. 40517/2016: not punishable for the attempt.
- translation (need for interpreters)
- prosecutability for crimes committed abroad? (Italian Supreme Court 27 march 2014)
- wiretapping for conversation abroad: are they usable?  
intradation technique.
- presence of witnesses until the celebration of the trial:  
how to guarantee it without violating migrants rights?  
preliminary trial hearing.
- protection of victims (art. 18 Immigration Act)
- balance of public interests/individual rights



# A very controversial question: use of rescue vessels in international waters

\* **Cassazione 27 march 2014 sezione I penale**

\* Italian jurisdiction

- a) When migrants abandoned in international waters with the aim to provoke intervention of rescue vessels to bring them in national waters, because rescuers action must be qualified as a illicit action determined by level of need created by the same traffickers and for which they are responsible even if their material behaviour was put in place out of Italian territory
- b) Transnational conspiracy (art. 7 c.p., n. 5, ex art. 5 par 1 UN Palermo Convention) based abroad but with effects spreading in Italy.

## INDICTMENT IN A TRAFFICKING/SEXUAL EXPLOITATION CASE:

a) For the crime art. 110, 600 and 602 cp because, in competition with each other, they reduced and maintained \_\_\_\_\_ in a state of continuous subjection, created with continuous beatings and threats (taking the identity documents and passport of her and her daughter), forcing her to commit illegal activities that involved her exploitation;

b) For the crime art. 110, 630 c.p., because they forced her into prostitution to achieve the unfair profit from the exploitation of this illicit activity, even through threats such as: "If you plan to leave or run away from your daughter, we will kill you and we will throw your daughter into the sea";

c) For the crime art. 110, 572 c.p., because in competition with each other, they mistreated \_\_\_\_\_, subjecting them to an unsustainable life regime for the continued physical suffering caused by beatings, threats, privations of personal freedom and continued violence;

d) For the crime art. 81 pt. 2 and 609 bis cp. because, with more executions of the same criminal design, and with violence they forced \_\_\_\_\_ to undergo sexual acts. In particular consisted of:

- on one occasion, having the offended person forcefully stuck in the bed forcing her to penetration;

- on another occasion, when he was suddenly introduced into the bathroom where the offended person was, and after locking the door with his hand, threatened the same in order to induce her to silence, also by blocking her with the face toward the wall at the sink level, lifting her skirt, penetrating her and forcing her to practice an oral relationship.

# ASSOCIATION INDICTMENT

a)for art. 416 c.p., because they associated with each other and with other persons, in order to commit more crimes against the person - and in particular the crimes of trafficking in persons and reduction in slavery and exploitation of prostitution - and crimes of illegal immigration. In particular:

having \_\_\_\_\_ acted as the leader and promoter of the criminal association, taking direct contact for the recruitment of girls in Nigeria and their subsequent arrival in Italy, after a period of detention in Libya, and taking care of all to keep them in a state of subjection and to start prostitution in various places in the national territory and also abroad;

having \_\_\_\_\_ participated in the criminal association by caring girls in various locations to start prostitution, finding also the places where their lodging was to take place, often in a state of subjection execution of sexual performance, also carrying out all the logistics (finding apartments, cars, safe cell phones) for the pursuit of the purposes of the partnership;

having \_\_\_\_\_ participated in the association, especially by putting in place the "voodoo" rites to keep girls in the state of subjection to trafficking and prostitution;

# Following indictments

**b) for the crime art. 81 cpv., 110 and 601 cp**, because, in competition with each other, in the execution of the same criminal design, introduced Nigerian citizens into the territory of the state, in order to get them, once they arrive, to sexual performance that determines their exploitation and, in particular:

- Against the deceptive promise of job opportunities in Italy, they induced them to make a 30,000 euro debt with the partnership, as a payment for travel (from Nigeria to Italy) and for job creation, thus taking advantage of the situation of psychological vulnerability determined by the celebration of a "Voodoo" rite, as a guarantee for the contracted debt;

- they moved from Nigeria to Libya, forcing them against their will, to stay in Libya detention facilities in their availability before embarking on them for Italy and, therefore, already being in the conditions set out in art. 600 c.p. ;

- as soon as they arrived in Italy, they forced them to sexual performance and prostitution, thus obliging them to gradually redeem the agreed amount to re-establish their freedom and avoid damaging consequences for them and their relatives;

**c) of the crime art. 81 cpv, 110 and 600 cp**, because, in competition with each other, in execution of the same criminal design, kept in a state of constant subjection the Nigerian women also threatening them with death and other damages with voodoo rites against them and their family members, forcing them to sexual performance that determined their exploitation;

**d) of the crime art. 81 cpv., 110 c.p. and 3 nn. 1 and 8 Law 20.2.1958 n. 75** having, in competition with each other executing the same criminal design, exploited the prostitution of \_\_\_\_\_ from the same varied remuneration up to the competition of the sum of € 30,000 per head, and providing them accommodation and address.

# «RAMBO» operation

## R.G.N.R. 3930/2017

- \* 5.3.2017 Lampedusa landing
- \* 6.3.2017 At the Hot Spot the migrants attempted to assault one of them: «**Fanti**»
- \* They described the prison where they were kept: «**Ali's Ghetto**»
- \* 14.3.2017 arrest warrant for Fanti
- \* 9.6.2017 recognition of **Rambo** in Isola Capo Rizzuto by other migrants as one of the torturer from Ali's Ghetto
- \* 18.6.2017 arrest warrant for Rambo
- \* 5.10.2017 preliminary hearing from the migrants
- \* 5.10.2017 immediate trial request for both



# Migrant's interviews

“The aforementioned FANTI then embarked on my same boat and came here in Lampedusa. Another who assiduously beat me was such Koudous of Nigeria. There was another such RAMBO jailer of Nigeria who, even if he did not beat me, beat other migrants. The tortures I have been subjected to are countless. For example: I have been tortured with live power lines. On that occasion they made me stand on the ground, where they had previously put water. Then **they acted on the electric current to relieve the tension on me. Excessive electric shocks.** This was about twice a week. Other times, they beat me in various parts of the body with tubes. Sometimes they tied my arms and then hung in the air, to beat me repeatedly and violently. None of us dare react. **It was a climate of total terror.** Once, **with the rifle kick they broke my head.** Most of the violence I have suffered come from the aforementioned FANTI, the Ghanaian. Once, I've seen **that RAMBO, the Nigerian, killed, after gagging and torturing him for a long time, a Nigerian migrant** who was there with us. Also, I had the feeling that **women were frequently raped** by the jailers”.

# Ali's Ghetto



# Rambo's arrest



# Fanti's arrest





# Sofi's arrest



# Other kind of investigation:

- \* **Art. 18 Immigration Act (25 July 1998 n. 286):**
  - ◆ **double track protection: judicial path / social path**
    - ◆ Immigration visa for migrants under danger or other form of exploitation giving cooperative statements
    - ◆ Participation to programme for assistance and social integration
    - ◆ Intermediation role for NGOs and Social Services
    - ◆ Multi-agency cooperation (examples of two protocols signed in Palermo and in Bari involving heterogeneous and miscellaneous actors)

## THE ILLICIT PROCEEDS OF HUMAN SMUGGLING: THE FINANCIAL SCENARIO ANALYSIS

Human smuggling is financed by the migrants' relatives/friends, mostly living abroad. They pay the traffickers mainly by cash through the well known «hawala system» or sending money through Money Transfer Service Providers (MTSP), carrying out many transfers of small amount.

In case of payments through MTSPs the traffickers do not receive the payments directly but they use a large network of partners that collect the payments coming from the migrants' relatives and deliver the money usually by cash but sometimes reloading payment cards.

Profits for the traffickers are given by those payments net of the management costs.



## THE ILLICIT PROCEEDS OF HUMAN SMUGGLING

FIU (Financial Information Unit) potential contribution to criminal investigations:

- Searching RADAR (UIF in-house STRs data base) to find out financial and personal connections;
- Requesting additional information to the reporting entities;

**The challenge:**

- Tracing the payments and the network of people involved in the «business»;
- Finding out financial outflows from Italy and possible connections with Italian criminal organizations;

**The main questions:**

- Are the huge profits of the «business» laundered through the Italian financial system?
- If not, how does cash move from Italy to abroad ?

## THE COOPERATION WITH PALERMO BASED PUBLIC PROSECUTOR'S OFFICE ON «GLAUCO 3» OPERATION

### THE CRIMINAL SCENARIO

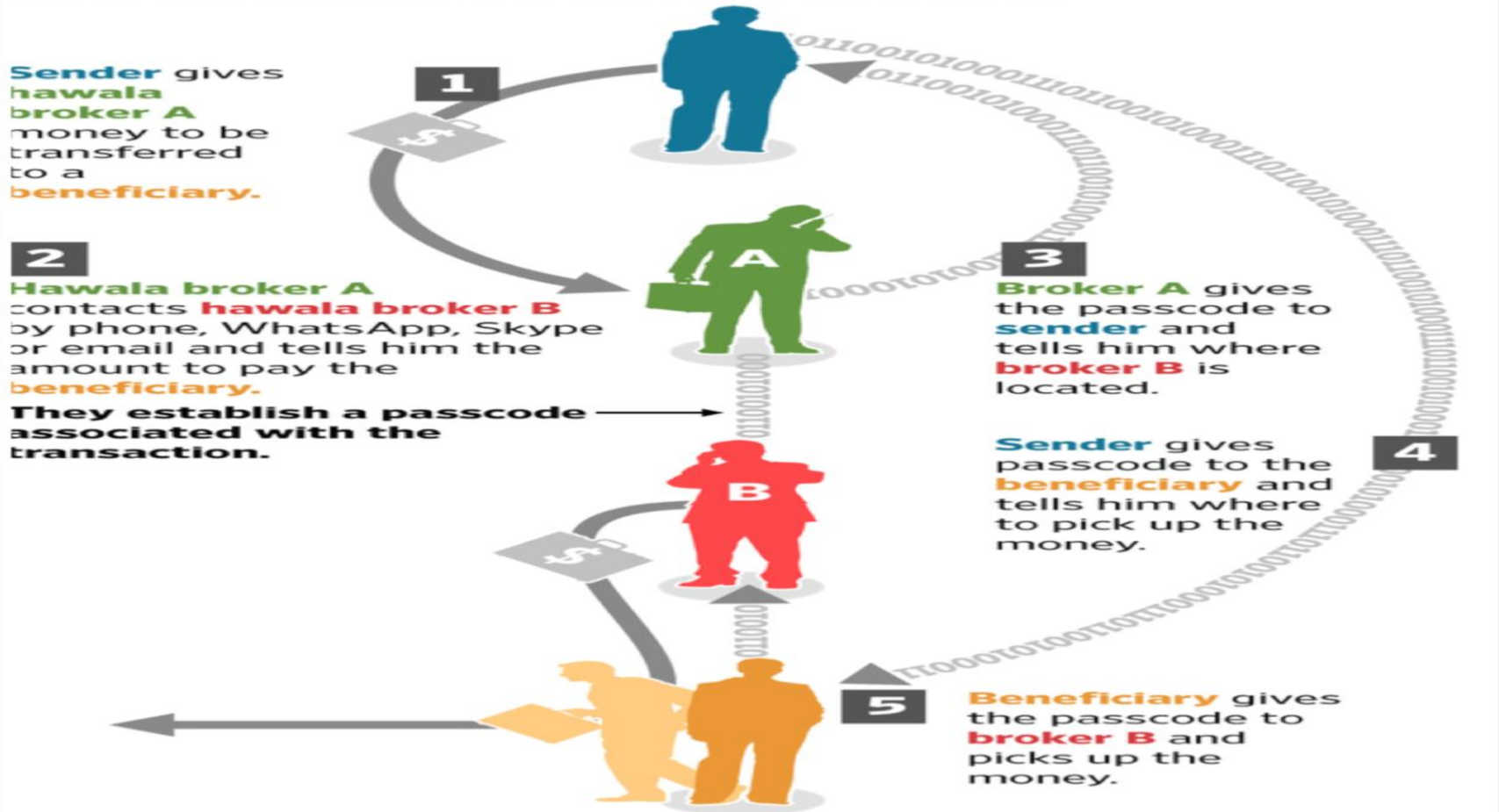
- In July 2016 38 people – Eritrean and Ethiopian citizens – were indicted for facilitating illegal immigration and/or providing illegal financial assistance to the migrants (so called «Glaucio 3» operation). There is evidence that these individuals would be members of a criminal organization based in Rome and Palermo with connections abroad (Eritrea, Ethiopia, Sudan, Lybia, Dubai and Northern Europe States etc.)
- According to what said by a turncoat **collaborator of justice**, an important member of the Italian organization was a «hawala» broker who every week delivered about 300.000 Euro per week to the head of the criminal association at his shop close to Rome central railway station
- On 13 June 2016, in that shop State Police made an important seizure of cash for 526.000 Euro and 25.000 USD

# Financial/Economic Investigations

One of the most important aspects concerns the **asset aggression**, also in the light of the frequent use by traffickers of money movements not traceable because of the use of cash and the **method Hawala** which involves: reduced costs; lack bank charges and capacity to operate in places where there are no banks; reduced risks at various levels. That called Hawala, widely used for the transfer of money from one country to another, constitutes an illegal bank payment system, historically developed in some areas of Africa, of Latin America and of Asia, based on trust between the various actors involved in it. It meets the needs of irregular and usually foreign nationals migrants who do not wish to resort to legal banking channels, involving identification and denoted by traceability procedures, to send part of the money to family or people otherwise close the country of origin or receive it from them. In this cases we have proceeded to charge the traffickers because without authorization and without being registered in special lists, registers and roles required by law, they **exercised abusively towards the public activities a financial intermediation**, especially activities held by abusive collection and illegal brokerage in monetary exchange, through the system known as " hawala" or allowing third parties, against payment of fees, the transfer of funds abroad and in Italy, through fiduciary relationships compensating type with foreign correspondents, which provided to deliver to the recipient site in various African countries - including Eritrea, Sudan, and Ethiopia - a sum equivalent delivered in Italy, or to receive from the sender a sum equivalent to be delivered to the recipient site in Italy, without going through banking and financial channels and in circumvention of the law governing such procedure.

## Money Movers

Hawala first flourished among medieval Muslim traders who used it to pay for transactions without sending money or gold along treacherous trading routes. It is now the dominant way migrants flooding into Europe pay for their journeys. Here's the basic way it works:



Broker A and broker B settle any imbalances at a later stage.

Source: People familiar with the transactions

THE WALL STREET JOURNAL.

# Glauco» 3

## SEIZURE OF ALMOST 800.000 EURO IN CASH DURING THE INVESTIGATIONS + 3 SHOPS



# Glauco Indictment:

## ANTI – MONEY LAUNDERING VIOLATIONS (USE OF HAWALA METHOD)

For the crime as per Arts. 81 paragraph 2 of the Penal Code, 110 of the Penal Code, 12, paragraph 3 letters a), b), c), d) and e), paragraph 3bis and paragraph 3ter letter b) of Leg. Dec. 286/1998, and Art. 4 of Law 146/2006 for having, in moral and material complicity together and with other persons not as yet identified, with a number of actions at various times, in the execution of a single criminal plan, in order to benefit therefrom, promoted, organized and carried out the transport of foreigners within Italian State territory, and in particular after having organized the landings as per the preceding count, either organized their reception directly in national territory or assisted their escape from the reception centres to which they were taken by the Police after disembarking, also for the purpose of illegally securing their entry into the territory of another State, above all in northern Europe, of which they were not citizens and nor possessed any other right to residence, even organizing their transport and providing all the logistics structures for their transfer, against payment of a sum oscillating between 250 and 1,000 euro according to the type of “service” offered (transport by bus; transport by car; accommodation in intermediate places; provision of false identity documents; etc.)





**«one of the main reasons of the exceptional danger of O.C. is their wealth but, at the same time, the richness is their real Achilles heel because big money movements leave behind big trails: follow the tracks and you will find *Cosa Nostra*» (Giovanni Falcone).**



# Other kind of assistance:

- The practice and the experience in this field has led to the necessity of an **intervention of the court in relation to certain requests regarding minors and women**. Often the victims of trafficking crimes have been subjected to **religious rites** able, according to the culture of belonging, of restricting their moral freedom, to affect their ability to make straight accusatory statements, which results compressed. In these cases it would be useful to confer a specific assignment for a psychological technical advice, aimed not only to provide assistance for the enforcement of the victim but also to assess the existence of any influence in their capacity to testify. So we have suggested the possibility, in order to retrieve the genuineness of declarative evidence, to request the court to protect the submission of respondents who apply to a religious rite for liberation from religious ritual (for example voodoo or juju), to be administered through institutional figures of the community membership. Such a request, enveloping the moral freedom of the victims, is finalized to their protection, and necessarily requires an authorization of the judge. However, this determination risks to subdue the principles of legal order on ethical and moral and religious principles that only in exceptional cases should find eligibility in criminal proceedings.

Danke schön

Merci!

¡Gracias!

Bedankt!

Ευχαριστώ!

Obrigado!

**Dekuji!**

Vala!

Grazie!

Tak!

***Thank you!***

[giorgia.spiri@giustizia.it](mailto:giorgia.spiri@giustizia.it)