



mr. Karin Janssen

EU Seconded Prosecutor in Albania

IPA 2017/Countering Serious Crime in the Western Balkans.

Center for International Legal Cooperation.

Prosecutors office unit serious organized Crime in Tirana.

15 June 2018

OPENBAAR MINISTERIE

Effective cross-platform cooperation and with the private sector (money service businesses) in tracing THB financial flows, financial investigations and monitoring the internet/darknet in relation to financial flows and profits





Human trafficking ↔ Human smuggling

Not necessarily cross-border

Violation of human rights and personal integrity

Voluntary or forced beginning, to a forced situation

Objective: financial profit



Cross-border

Primary violation of State interest

Smuggled person as initiator or agrees, but: inhumane circumstances

Objective: financial profit



Characteristics exploitation

- Coercive measures with adult victims (can also be abuse of vulnerable position)
- Minors: no need of coercive measures. Minor prostitution = pretty much always THB
- Financial profit obtained by suspect

"MODERN SLAVERY"

Barrier Model

Legal facilitators



**Barrier
Entry**

**Barrier
Housing**

**Barrier
Identity**

**Barrier
Labour**

**Barrier
Money
laundering**



Illegal facilitators

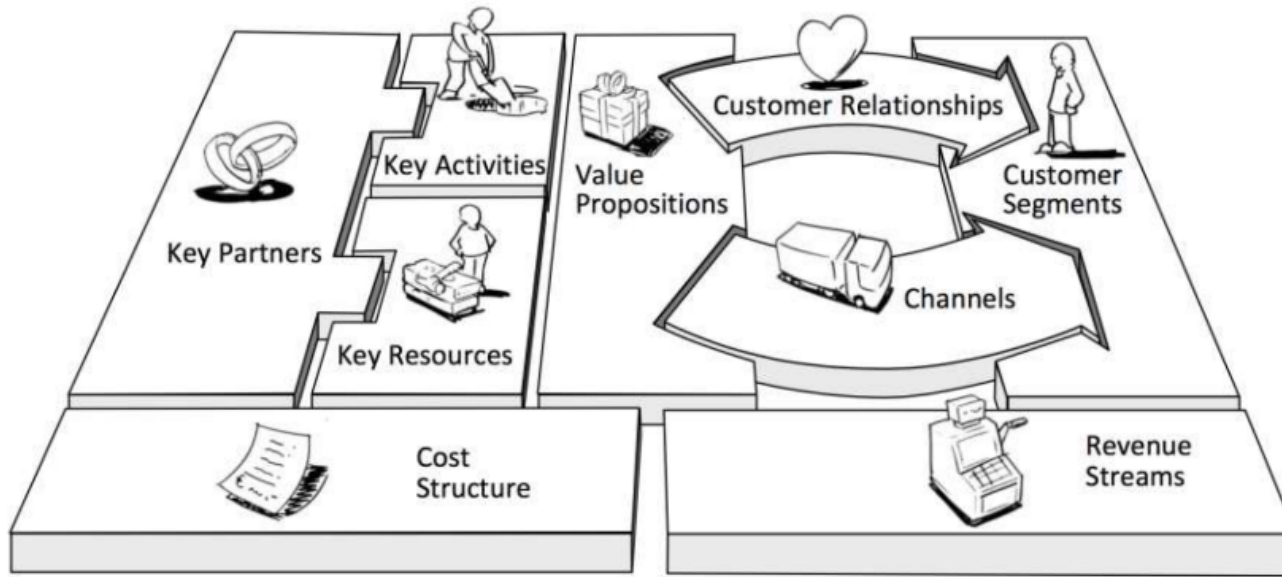
Business Model Canvas Explained

<https://www.youtube.com/watch?v=QoAOzMTLP5s>

You Tube

Business model Illegal Migration

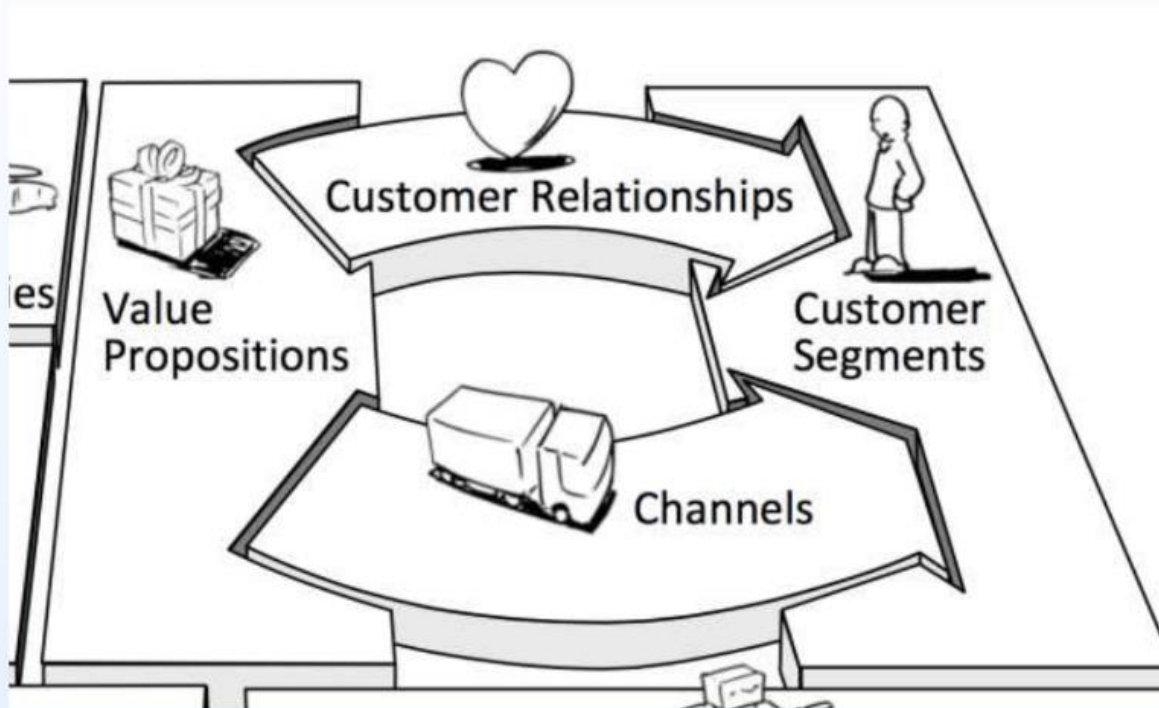
In general



1. Organised Trafficking of Humane Beings is a multinational business of geographically separated but connected networks.
2. Using the business model approach offers new insights in the working of criminal organisations involved in THB
3. Finding and following profits, partners and payments will provide more information into the working of criminal organisations and who is controlling it, will provide a tool to eliminate the motive behind the crime.
4. Connecting information on profits, partners and payments from different member states will contribute to a more complete insight into the network(s) involved.

Business model Illegal Migration

Customer side



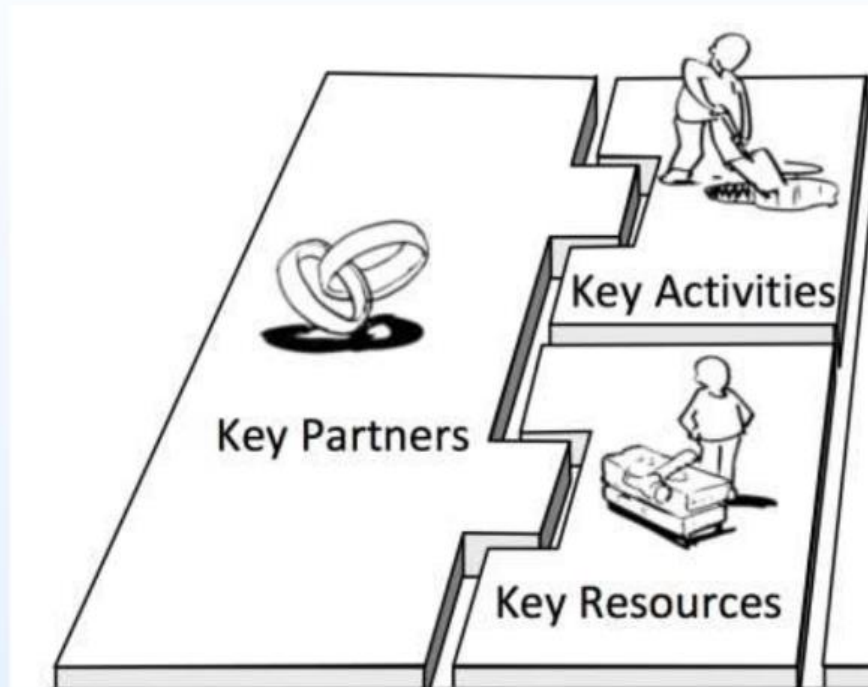
5. Social media are a key instrument for criminal groups to build relations with potential customers and convince migrants that the journey is worth it.

6. Facilitators provide their services using local contact persons. Contact persons are often from the same ethnic or linguistic background as the migrants.

7. Criminal organisations try to benefit from economies of scope and use their expertise and network not only to smuggle people but also for THB.

Business model Illegal Migration

Production side



8. The key activity of facilitators is managing and coordinating the resources and their partners

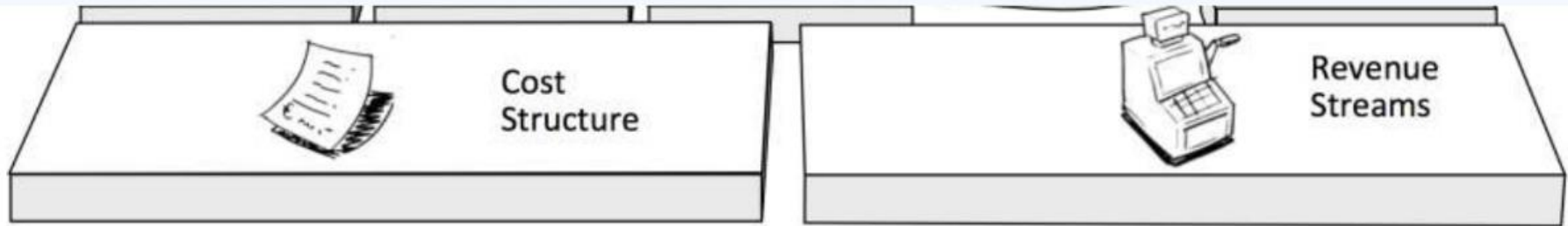
9. The business of THB requires professional services like legal and financial advice. Knowledge of law systems, taking advantage of bottlenecks and vulnerabilities in legal processes in society. Differentiating between countries to obtain the least resistance

10. False or falsified documents are a key resource

11. Apprehending drivers and other partners barely disrupts the business model of facilitated illegal migration. For every driver there are ten others

Business model Illegal Migration

Finances



12. Relatives in home or destination countries generally finance the migrant's journey. Exactly how, is unclear

13. Most payments are still made in cash. Sometimes payments are done using the formal banking system, but more often new payment methods (like cryptocurrencies), money transfers, or an informal banking system like Hawala is used.

Cooperation

International

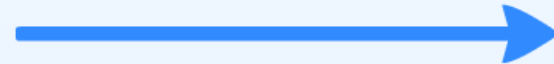
- **Requests for judicial assistance**

- Development: in 2018 publication of a world handbook for requests of judicial assistance in cases of THB

- **Parallel investigations**

- Determine the most efficient and favourable way and place of prosecuting.
 - If necessary, divide the case in a criminal and financial part.

- **Joint Investigation Teams (JITS's)**



- **Liaison officers**

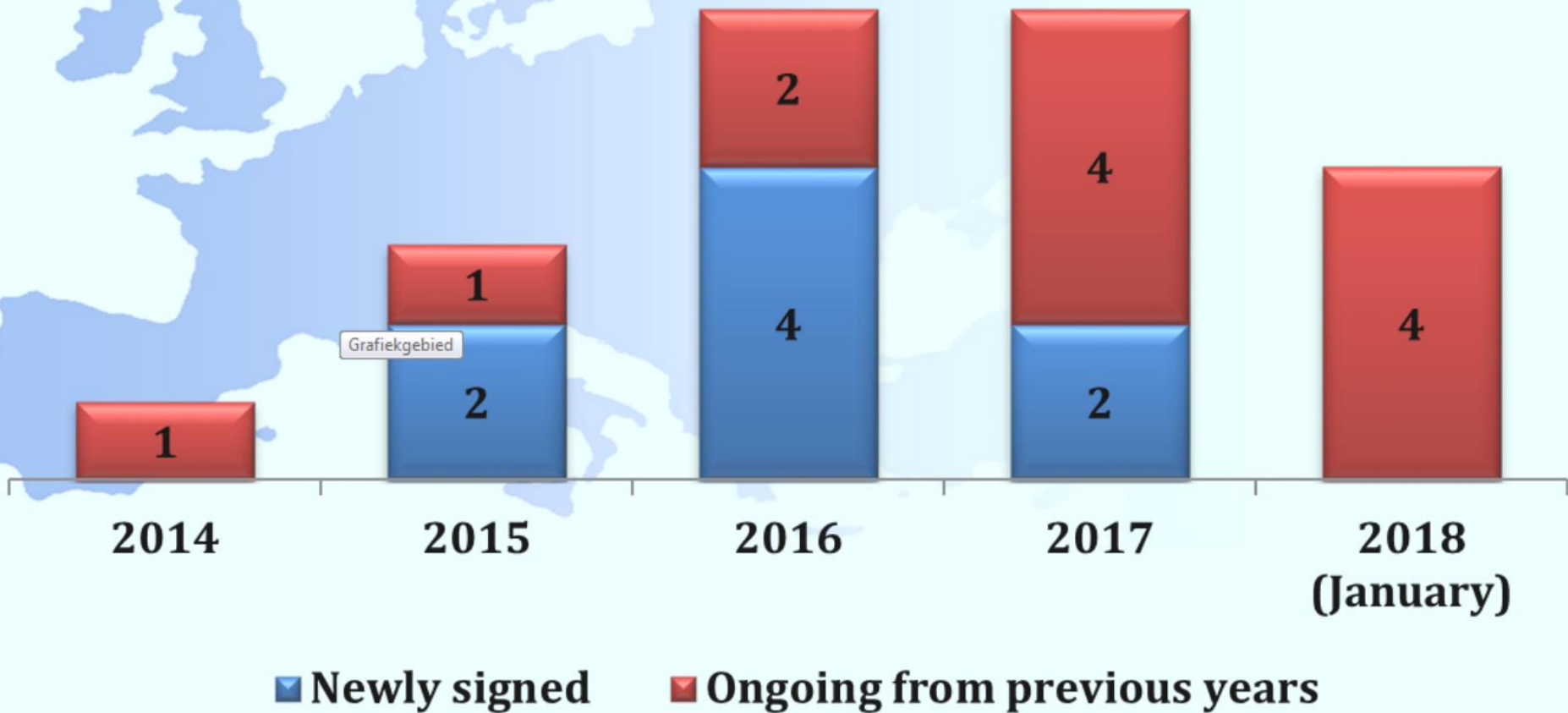
- **Non-operational cooperation**

- Hungary
 - Romania
 - Bulgaria

- **Cooperation through EMPACT projects**

- **Police-police cooperation**

JITs supported on THB with NL involvement



JIT on THB with NL participation						Calendar years JIT was ongoing					
Operation	<u>Eurojust</u> Case	Countries	Crime type	Signing Date	Ending Date	2013	2014	2015	2016	2017	2018
<u>Apus/Galaton</u>	1265/NMNL-2012	NL, BE, HU	4a	17/12/2013	16/12/2015						
<u>Wimber</u>	0064/NMNL-2015	NL, HU	4a	06/03/2015	06/03/2016						
<u>Phlox</u>	1162/NMNL-2015	NL, BG	4a	12/06/2015	12/06/2016						
<u>Palma</u>	1155/NMNL-2015	NL, BG	4a	27/01/2016	29/07/2017						
<u>Bongo</u>	1260/NMRO-2016	RO, NL	4a	08/07/2016	08/04/2017						
<u>13 Oceans</u>	1472/NMNL-2015	NL, AT	4b, 4c	26/01/2016	22/01/2018						
<u>13 Leerdam</u>	2122/NMBG-2015	BG, BE, NL	4a	09/03/2016	11/03/2018						
<u>Antares</u>	1665/NMNL-2017	NL, HU	4a	19/07/2017	18/07/2018						
<u>Poker</u>	1391/NMNL-2017	NL, RO	4a	11/09/2017	10/09/2018						

Examples of cooperating with private partners

Illegal hotel prostitution and THB

- Signals of Human Trafficking in hotels
- Cooperation with the police, Public Prosecutor Service and the Dutch Trade Association for hotel and Catering Industry.
- From 2011 several trainings are provided for employees of hotels to recognize signals of THB and illegal hotel prostitution
- Operation: three actresses are recruited and act as prostitutes in three different hotels. During three days they are giving off signals of THB and illegal hotel prostitution to the employees of the hotels.
- The personnel did not react



Participants of the study
have to give
signals of human trafficking to hotel personnel
Result?
The hotel or human trafficking is not recognized



- Valuable sectors
- Large amount of workers and low amount of paid requests
- Actively detecting the money flow of Human Trafficking

Banks and THB

Cooperation with Dutch banks

Illegal hotel prostitution and THB

- Signals of Human Trafficking in hotels
- Cooperation with the police, Public Prosecutor Service and the **Dutch Trade Association for Hotel and Catering Industry**.
- From 2011 several trainings are provided for employees of hotels to recognize signals of THB and illegal hotel prostitution.

- Operation: three actresses are recruited and act as prostitutes in three different hotels. During three days they are giving off signals of THB and illegal hotel prostitution to the employees of the hotels.
- The personnel did not react



- Distribution of the video
- Public outrage
- Hotels quickly implemented better training for their personnel

Result?

The amount of human trafficking in hotels decreased



- Distribution of the video
- Public outrage
- Hotels quickly implemented better training for their personnel

Result?

The amount of human trafficking in hotels decreased

Banks and THB

Cooperation with Dutch banks

Actively detecting the money flow of Human Trafficking

- Wages paid and immediate withdrawal
- Large amount of workers and low amount of paid wages
- Vulnerable sectors



Case Example

Cause of the investigation



Intensive cooperation

JIT (Joint Investigation Team)

- Start 29-01-2016
- Netherlands: THB
- Bulgaria: Money laundering (suspect and his mother)
- Free flow of operational information
- Financial support from Eurojust
- Joint 'action week'
- Arrest of suspect in The Netherlands
- Searching i.a. the villa, the apartment of the mother
- Confiscation of evidence
- 19 interrogations/hearings
- Duration of 1.5 years

Capital of the suspect

- Villa in Bulgaria
- 3x BMW
- Motorcycle
- VW Golf
- Audi A6
- Fiat Punto

- Payments from victim 1,2,3
- Ground is registered to suspect's mother
- Suspect is building the villa and is living in the villa
- Payments from victim 1&3
- Car is registered to suspect's mother
- Mother doesn't have a drivers license

Confiscating the villa and cars

Dutch Law

Extended confiscation

- 2 requirements
 - Awareness of illegal origin
 - Regress frustration
- 1 requirement for the execution phase
 - The object has to have been obtained through a crime, directly or indirectly

In practise

- Extended confiscation was not directly possible
- Solution
 - Prosecuting the mother in Bulgaria for money laundering
 - Prove that the mother knew the criminal origin of the money with which she bought the villa and cars
 - Confiscating the villa from the mother

Modus Operandi

- Start in Holland/Belgium
- Start when the victims are 18
- Had to hand over all their earnings
- Transported in minibuses
- Friends and acquaintances acted as facilitators
- Threats and violence
- Monitoring the earnings of the victims through their phones
- Monitoring the victims activities



Illegally obtained profit

Victim 1	€ 524 129
	2004: € 9 737
	2005: € 232 500
	2006: € 173 392
	2007: € 111 000
Victim 2	€ 130 675
	2005: € 2 625
	2008: € 78 050
	2007: € 52 000
Victim 3	€ 316 585
	2007: € 81 659
	2008: € 103 990
	2009: € 90 650
	2010: € 40 286

Case E

Cause of the investigation

Victim 1

Reported the suspect in Belgium

Period of exploitation:

05-11-2003 - 20-03-2009

Victim 2

Reported the suspect in Holland

Period of exploitation:

2005 - 04-07-2007

Victim 3

Reported the suspect in Holland

Period of exploitation:

12-03-2007 - 13-09-2010

Other Victims

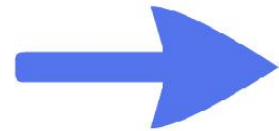
Multiple other victims gave statements in Bulgaria

Capital of the suspect

- Villa in Bulgaria
- 3x BMW
- Motorcycle
- VW Golf
- Audi A6
- Fiat Punto



- Payments from victim 1,2,3
- Ground is registered to suspect's mother
- Suspect is building the villa and is living in the villa



- Payments from victim 1&3
- Car is registered to suspect's mother
- Mother doesn't have a drivers license

Modus Operandi

- Start in Holland/Belgium
- Start when the victims are 18
- Had to hand over all their earnings
- Transported in minibuses

- Friends and acquaintances acted as facilitators
- Threats and violence
- Monitoring the earnings of the victims through their phones
- Monitoring the victims activities

Intensive cooperation

JIT (Joint Investigation Team)



- **Start 29-01-2016**
 - Netherlands: THB
 - Bulgaria: Money laundering (suspect and his mother)
- **Free flow of operational information**
- **Financial support from Eurojust**
- **Joint 'action week'**
 - Arrest of suspect in The Netherlands
 - Searching i.a. the villa, the apartment of the mother
 - Confiscation of evidence
 - 19 interrogations/hearings
- **Duration of 1,5 years**

Confiscating the villa and cars

Dutch Law

Extended confiscation

- **2 requirements**
 - Awareness of illegal origin
 - Regress frustration
- **1 requirement for the execution fase**
 - The object has to have been obtained through a crime, directly or indirectly

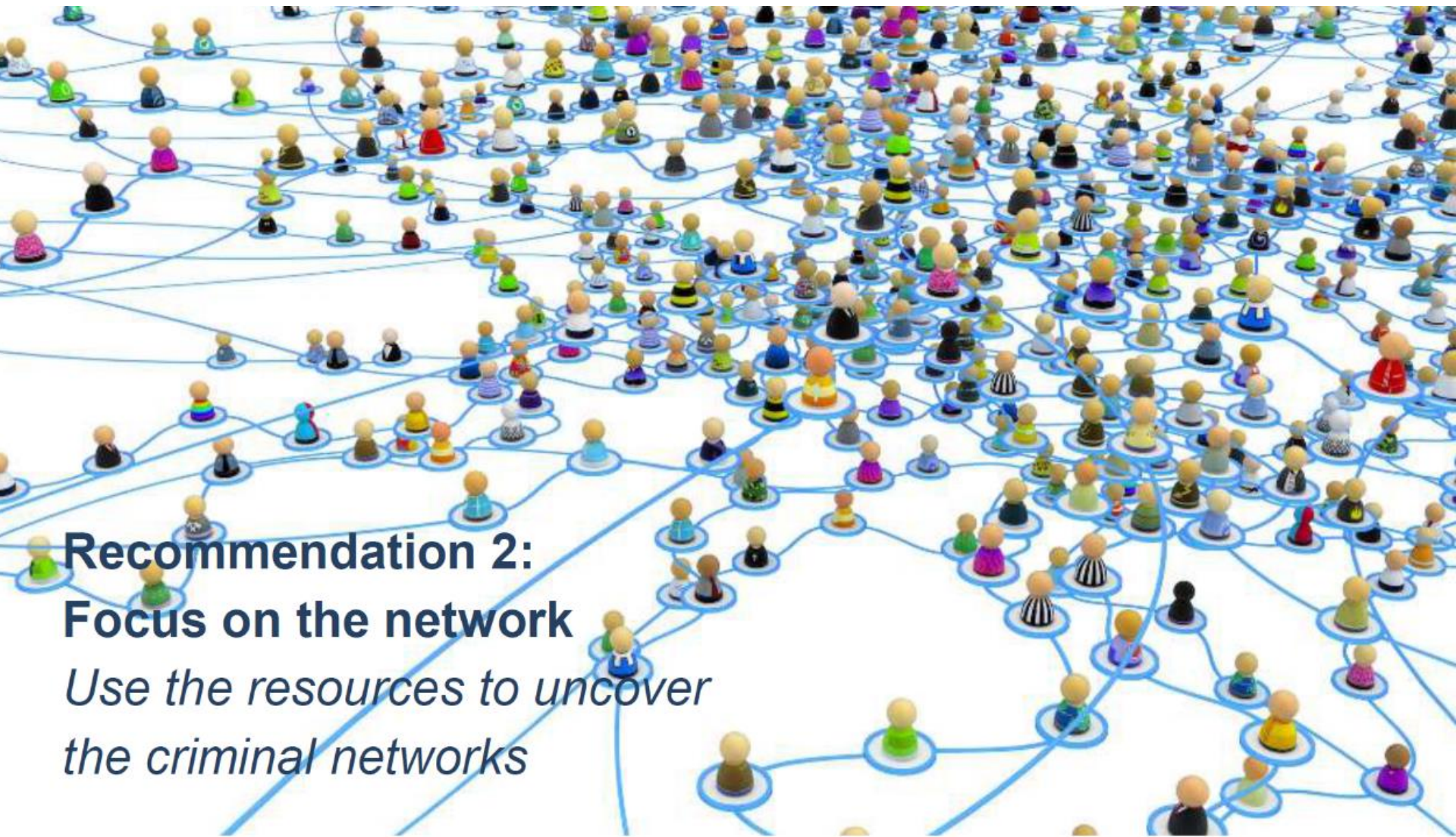
In practise

- Extended confiscation was not directly possible
- Solution
 - Prosecuting the mother in Bulgaria for money laundering
 - Prove that the mother knew the criminal origin of the money with which she bought the villa and cars
 - Confiscating the villa from the mother



**Recommendation 1:
Apply the FATF
Operational Framework on
Financial Investigation**

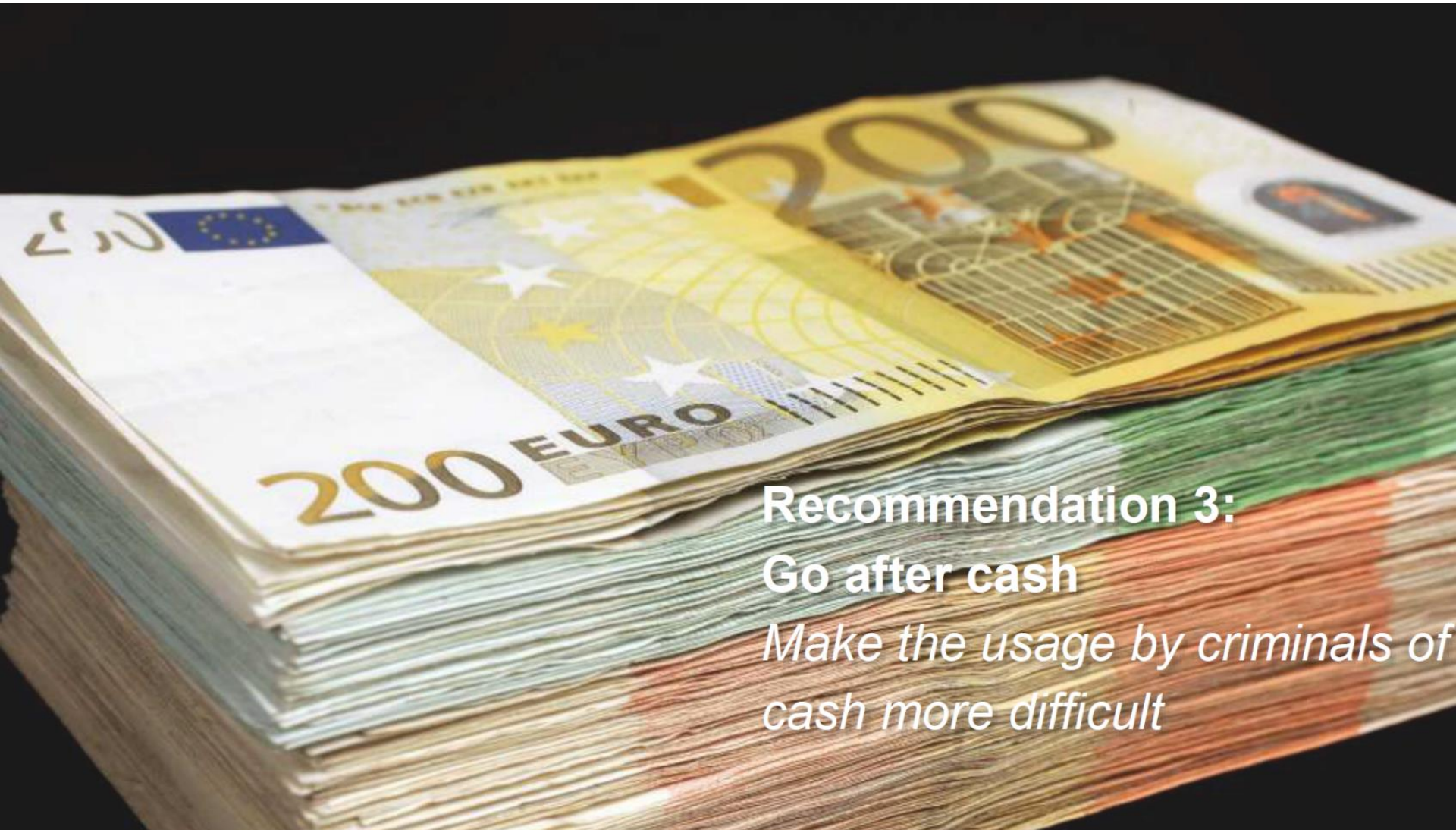
*Implement FATF guidance
on financial investigations in
member states operations
and share information using
Europol.*



Recommendation 2:

Focus on the network

*Use the resources to uncover
the criminal networks*



Recommendation 3:

Go after cash

Make the usage by criminals of cash more difficult

Recommendation 4:

Regulate informal banking services

Regulate informal financial services to increase control and transparency in order to obstruct and follow criminal processes





**Recommendation 5: Link up
with investigations into illegal
substances**

*Authorities involved in fighting
facilitated illegal migration
should work together with
criminal investigations into
illegal substances.*

Recommendation 6: Investigate and disrupt marketing via Social Media

Investigate, analyse and disrupt the marketing of illegal migration services in social media

facebook

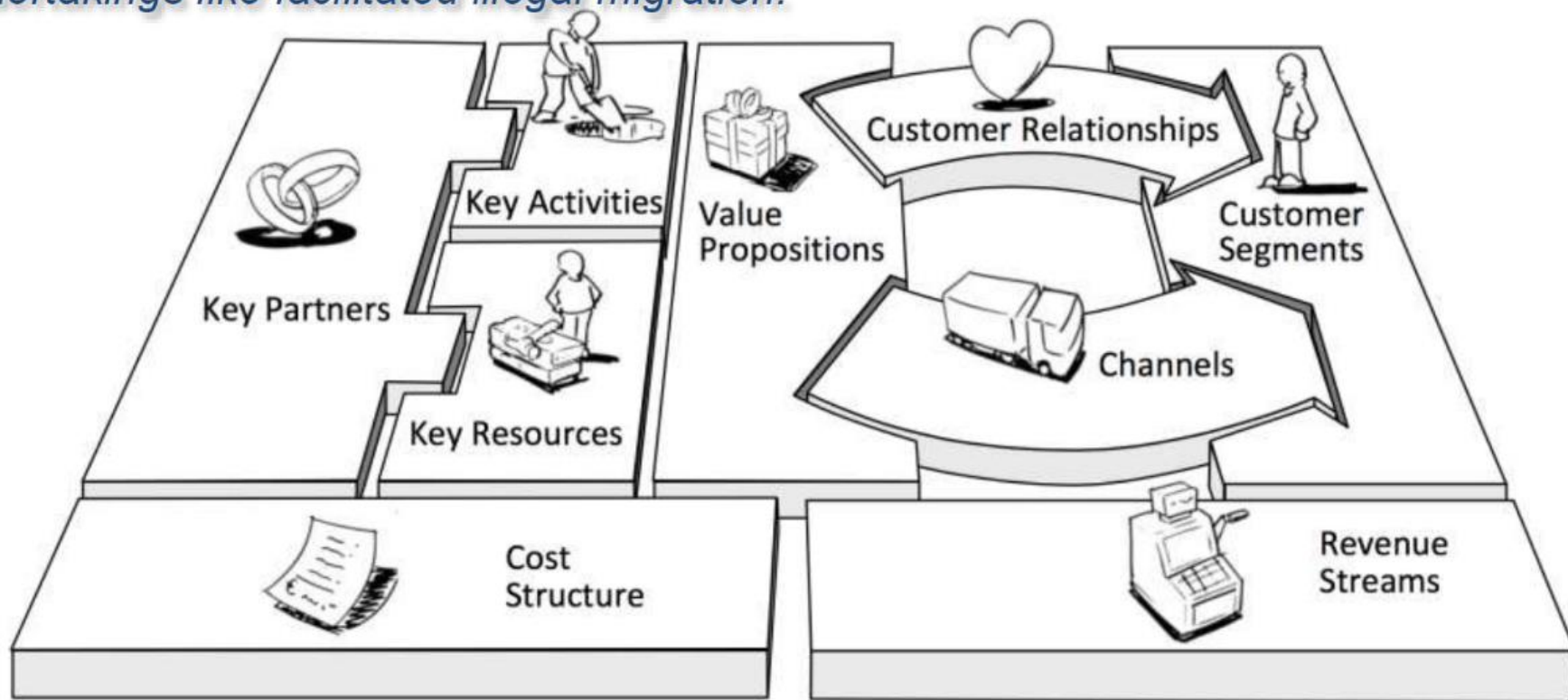
A man wearing a light-colored cap and a dark jacket is working in an orange grove. He is looking down at a blue plastic crate filled with ripe oranges. The background is filled with green leaves and several unripe, green oranges hanging from the trees. The scene is brightly lit, suggesting a sunny day.

**Recommendation 7:
Re-Marketing strategy**

Disseminate a counter narrative to the marketing efforts of facilitators of illegal migration so potential migrants can make a well-informed decision based on more realistic insights in cost, risks and potential benefits of migrations and possibly decide not to travel.

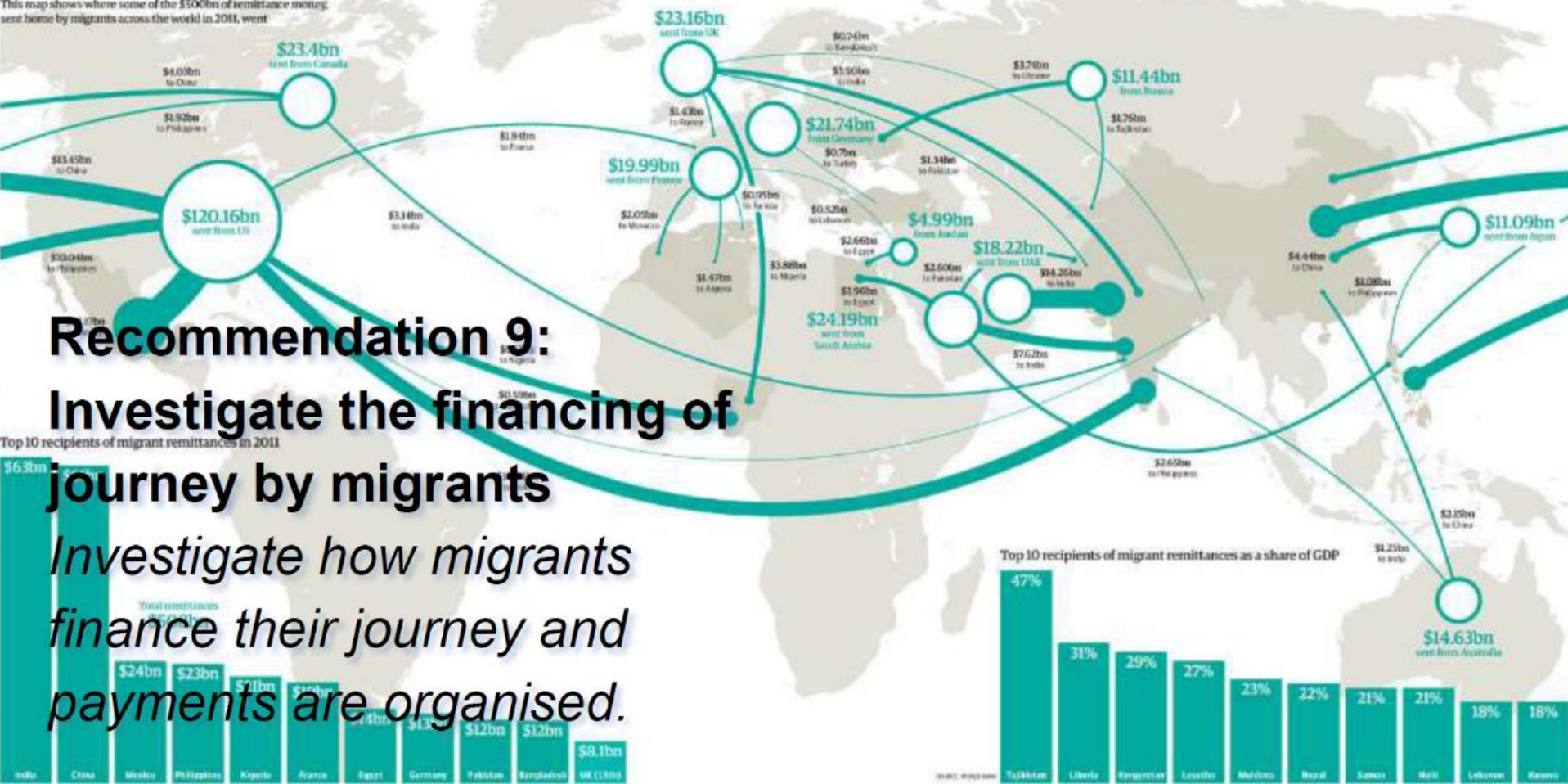
Recommendation 8: Use the Business Model Canvas as a tool for analysis

Use the Business Model Canvas as a standard tool for analysis to dissect criminal undertakings like facilitated illegal migration.



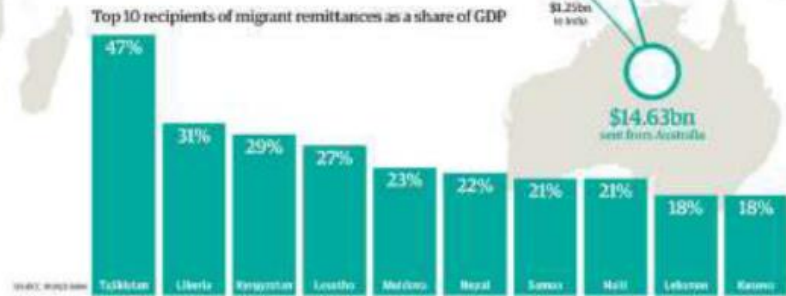
Where the money goes

This map shows where some of the \$500bn of remittance money sent home by migrants across the world in 2011, went



Recommendation 9: Investigate the financing of journey by migrants

Investigate how migrants finance their journey and payments are organised.





Recommendation 10: Further research into the criminal professional financial service providers

Investigate how organisations involved in illegal migration obtain the necessary financial services, who offers those services and what these services generally entail.

Thank you for your attention and do you have any Questions?

