

Chapter 2

Case analyses

In this chapter, Myria analyses two court cases involving human trafficking to which it had access as a civil party. This analysis provides an overview of how an investigation is initiated and conducted in the field. This chapter also paints a picture of the phenomenon of human trafficking in terms of the main forms of exploitation. This year, special attention is given to a vast Latin American case of sexual exploitation, in line with the focus.

The analysis is based on the official records of these cases and focuses on the criminal system and the victim's perspective. Firstly, the summary reports, in which the investigators summarise the case, are examined critically and in depth. The initial police reports have also been scrutinised, revealing the basis on which the case was actually initiated and whether any victims were intercepted and detected. In addition, the file contains the official records of hearings of victims, suspects and witnesses; the information reports; the folders containing the transcripts of phone taps; the observation reports and, finally, the reports of letters rogatory. Studying specific cases is a cornerstone of policy evaluation. It provides a better understanding of the implementation of the investigation and prosecution policy in the field, as well as the thorny issues that accompany it.

These types of results are an essential source of information for the focus of Myria's annual evaluation report and an indispensable basis for formulating recommendations.

1. Sexual exploitation: Latin American case in Charleroi

Introduction

In this case investigated in Charleroi, dozens of Latin American victims and several Romanian victims were sexually exploited in 2018 and 2019 in private locations in La Louvière and Lodelinsart by two interconnected Latin American criminal networks with multiple ramifications. Clients were contacted via the 'Quartier-Rouge' and 'Cyberotica' websites. Some of the victims stated that they were registered as masseuses, but worked on the basis of 'happy endings' (see section 1.3.1. below: Profiles of sex workers: victims of smuggling). The defendants in both networks were convicted of human smuggling and exploitation of prostitution. Two of the main defendants in the second network were also prosecuted and convicted of human trafficking. Several defendants were convicted of selling drugs³⁹⁸.

To make the text easier to read, first names are used instead of initials, as well as diagrams.

³⁹⁸ Mons, 5 October 2022, 4th ch.; Hainaut Crim. Court, Charleroi division, 27 October 2021, 6th ch. See Myria, *Annual report 2023 - Trafficking and smuggling of human beings. A chain of responsibilities*, pp. 102-103; *Annual report 2022 - Trafficking and smuggling of human beings. Bound by debt*, pp. 71-72 and Myria's website (case law).

1.1. Criminal system

According to the public prosecutor's office, this investigation included numerous victims and suspects, some of whom could not be located. In addition, the case involved extensive networks, both in Belgium and in other countries.

1.1.1. Criminal networks

The link between the two networks was an old factory site in Lodelinsart that had been converted into a large block of flats. This was the main base for dozens of female sex workers (SW), who carried out their activities in flats with private rooms. The owner of the building complex, the French defendant Michel, was the main protagonist and acted as an intermediary with all the main defendants. The caretaker of the building, the defendant Ali, acted both as an intermediary with the main defendants and as a supplier of cocaine. In the past, he had run another café with Gilberto, the partner of Dulce, the main defendant in the first network.

The defendant Michel rented the flats to the main defendants in the second network, Mae and Fausto, as well as to the main defendant Dulce and her partner Gilberto, who also owned several flats in the building. He also rented out private rooms to SW, including several Romanian women and a few Belgians, who had to pay him high rents based on weekly rates and could work for themselves. He also brought back Latin American SW from his trips to Portugal. He himself had a large flat where he organised sex parties in collaboration with the second network. According to numerous statements and publications on social networks, this owner was protected by corrupt police officers who were clients themselves (see section 1.1.4. below: Police corruption).

The owner, Michel, is registered in the police database for 'exploitation of prostitution, money laundering, assault and battery and offences relating to social documents'. He owns several companies, including abroad, which have been the subject of a financial investigation (see section 1.2.4. below: Financial investigation).

	First network	Second network	Co-operation Not a defendant	Smuggling/ trafficking
Dulce	Leader Main defendant			Smuggling
Gilberto	Partner of the leader Main defendant			Smuggling
Sophie	Belgian <i>telefonista</i> Case opened			Smuggling
Michel	Owner Lodelinsart Police corruption	Owner Lodelinsart Police corruption		Smuggling
Mae		Main defendant Coordination		Trafficking - smuggling
Fausto		Assistant partner Main defendant		Trafficking - smuggling
Ali	Contact with the first network	Caretaker Lodelinsart Drug supplier		Smuggling
Valentin		Driver Recruiter Chaperone		Smuggling
Jean			Drug dealer Charleroi with caretaker Ali Hotel Charleroi Pimp Brothel project with the main defendants and the driver Valentin	
Agostinho			Pimp Schaerbeek Collaboration Driver Valentin	
Telma			Schaerbeek Partner Agostinho <i>telefonista</i>	

a. First network

The first prostitution ring was managed by the main Brazilian defendant, Dulce. She set up and ran the network, defined the roles of its members and gave instructions on how to receive the SW when they arrived at the airport, how to allocate them to the various prostitution sites and how to manage the phone. She received half the income of the women who worked for her and determined the working conditions (hours, rates and locations). According to the statements made by the Belgian phone operator (*telefonista* in Spanish) Sophie, a good day's prostitution could earn Dulce EUR 8,000.

A second defendant, Gilberto, a Belgian of Syrian origin and partner of the main defendant Dulce, helped her to write the adverts, publish them on the 'Quartier-Rouge' website and buy all the equipment needed for prostitution. He also collected the money generated by prostitution and arranged the rental of a flat. He had several businesses, particularly in the construction sector.

Three other defendants, one of Belgian nationality and two of Peruvian nationality (mother and daughter) acted as phone operators³⁹⁹. They answered clients' calls and made appointments. They were paid EUR 5 or EUR 10 per customer. During the search of the Belgian phone operator's home, notebooks containing references to financial transactions relating to prostitution were found and seized. The phone operators had been recruited while working as cleaners in the café of co-defendant Gilberto.

One of the phone operators explained how her job worked at her hearing:

"The client makes contact by phone and is directed to an address, and the prostitute is notified by WhatsApp. When the client arrives, the prostitute says how long the service will last and what time the client will leave... I mainly communicate with her on WhatsApp to keep her up to date with the girls' accounts."

Two other defendants were drivers. One was the son of the main defendant Dulce (a Brazilian) and the other a Belgian. They picked up the SW when they arrived in Belgium at Charleroi or Brussels airport, and took them to the prostitution sites or transported them from one prostitution site to another.

One Belgian defendant was a professional photographer who took erotic photos of the SW for online adverts, at the request of the main defendant, in return for payment.

Another Belgian defendant owned flats for prostitution in La Louvière and had made an abnormal profit. As an intermediary, he had put the photographer in contact with the main defendant, Dulce. He benefited from free sex, which the SW were pressured into by Dulce.

Creation of the first network

The statements of the main defendant, Dulce, and her partner, Gilberto, paint an interesting picture of how these networks arose spontaneously and developed gradually on the basis of a flat hierarchical structure, with couples at the centre and the woman playing a central role. According to police information, Dulce and Gilberto had been managing a prostitution network with Brazilian SW from the Spanish city of Valencia from a private home in La Louvière since February 2015. In February 2016, a local police officer ran a check on Gilberto in this house in La Louvière, in the presence of three Brazilian SW.

According to the defendants' statements, this first network was created in early 2016, when Dulce was still working as a sex worker in a Brussels champagne bar. It was then that she met Gilberto and that they came up with the idea of creating their own network. They then tried unsuccessfully to take over a champagne bar in Kortrijk in 2018.

During his hearing concerning the launch of their network, Gilberto stated the following:

"In February/March 2016, when things were getting a bit more serious between us, she told me she wanted to stop working as a prostitute, because she loved me and she wanted to provide for her children who had stayed in Brazil by sending them money. So she came up with the idea of getting prostitutes to work for her."

The main defendant, Dulce, explained the context during her hearing:

"Initially, at the beginning of 2016, I was prostituting myself and working for myself. Then other girls joined me to work. These girls came from contacts I'd made in Spain when I was selling luxury underwear."

³⁹⁹ See Part 1, Chapter 2, point 2: Organisation of exploitation.

At that point, they were all working independently. I started managing the phones for the internet ads, and the girls would give me EUR 10 for each client who came up. That only lasted a week. After that, the girls paid me 50% of their earnings. I continued to work as a phone operator. I also worked from time to time as a prostitute."

When an SW left, she looked for a replacement:

"In general, when a girl left, I asked her if she knew another girl who would be interested in working for me. I've had girls come back with me from Spain to work for me in Belgium. Most of the girls I found on the WhatsApp group for girls working in prostitution. In fact, every girl who comes to work knows other girls who are interested in prostitution, and that's how the network of contacts is created. I had three or four girls maximum with me on the plane from Spain. There were also girls from the East who worked for me, but I didn't go looking for them, they came of their own accord. For example, in Lodelinsart, there were three Romanian girls working for me when you came here in June last year. They had been there for about a week. I don't know their identities, but they were interviewed by your services. They also shared 50% of their earnings with me."

Dulce often had to travel abroad and was looking for a phone operator and someone she could trust to look after her finances. Gilberto explained how he became her accountant:

"So she found someone, a Brazilian woman whose identity I don't know, to answer the phone and dispatch the clients, but she continued to keep a record of the earnings herself. To help her out, I sometimes collected the money myself from the prostitutes to send it to Dulce in Brazil via Moneygram or Western Union. It was then that Dulce started sending me a daily statement of the prostitutes' earnings, a sort of diary by first name... There were prostitutes of all nationalities (Arabs, Latinos, Europeans, etc.). I don't know the details, all I knew was that Dulce received calls from prostitutes asking for a place to work."

b. Second network

The two main defendants who were prosecuted and convicted of human trafficking are part of the second network. They are a couple consisting of a Belgian woman (Mae) of Brazilian origin and a Brazilian man (Fausto). Text messages show that they had been running a prostitution ring since at least 2017. Most of the ramifications stem from this second network in particular, with the co-defendants starting to set up or support local prostitution initiatives.

The main defendants mainly operated their network from the Lodelinsart block of flats, on the basis of a 50/50 split with the SW. According to Mae's statements, she earned between EUR 5,000 and 8,000 a month from prostitution. She published sex adverts online, acted as a phone operator and collected the money from the girls. Under cover of false promises, they recruited their victims via social networks and abroad, even in Ukraine, and in some cases brought them to Belgium or provided them with transport. In Belgium, the victims were closely monitored and were not even allowed to leave the building without permission. In addition, the main defendants owned several companies abroad which were the subject of a financial investigation (see points 1.1.2. and 1.2.4.: Companies, Financial investigation). Fausto often travelled between Brazil, Ukraine, Portugal, Spain and Belgium for this purpose.

Ali is another Moroccan defendant who acted as a caretaker and security guard at night in Lodelinsart. He took clients to the rooms, often in groups for sex parties, and sold cocaine to them and to the SW (see below point 1.1.1: Criminal networks: ramifications and point 1.1.3: Narcotics). He was monitored the SW in an aggressive manner (see section 1.3.3. below: Elements of human trafficking). In the police database, he is registered for illegal residence, drugs offences, criminal association, theft and assault, among other things.

Another defendant, Valentin, acted as a driver and recruiter for the network. He played on the feelings of the young adult SW and acted as their chaperone (see section 1.1.1 below: Criminal networks: ramifications).

c. Ramifications

This case involves several ramifications throughout Belgium, which could not be further investigated following the investigation conducted in Charleroi. The victims' statements often refer to other private places where they engaged in sexual activity thanks to the support or contacts of the main defendants or their accomplices. The range of these ramifications and the possibility of moving around complicate the investigation, but also respond to the demand for mobility in prostitution, which is particularly characteristic of Latin American SW. Sex dating sites offer many additional options in this respect.

The network analysis of these ramifications is vital to dismantling the whole criminal system, so that SW are not moved to other places where no investigation has been initiated. In practice, this illustrates the flexibility of the criminal system of a multi-cell prostitution carousel.

Based on the victims' statements, Myria developed a network analysis and provided an outline of the Latin American prostitution system.

Paolina, the Brazilian victim of human trafficking, stated the following regarding the building in Lodelinsart:

"There was often a rotation among the girls who came or left the building every Monday or Tuesday."

The defendants made statements about this. The Moroccan caretaker Ali described this mobility and the prostitution carousel in the building in Lodelinsart during his hearing:

"There were Brazilian and Romanian girls. But there were a lot of Brazilians. There were about 15 or 20 girls. Michel explained that the girls were rotated, they changed nearly every week. Michel showed me the 'Quartier-Rouge' website."

Statements SW victims	Leader Mae-Fausto	Owner Michel	Caretaker Ali	Driver Valentin
Fia SW	Drogenbos			
Fia SW	Daughter of Fausto Holiday home La Louvière Brussels:			
Paolina Trafficking victim	friend of the leader Transported on demand			
Paolina Trafficking victim	Brussels			
Brazilian masseuse Trafficking victim	Etterbeek Management	Owner Etterbeek		
Paolina Trafficking victim			Hotel Charleroi Dealer Jean	
Lara Trafficking victim			Dealer Jean Attempted take-over Lodelinsart	
Lara Trafficking victim	Brothel project Drug dealer Jean		Drug dealer Jean Brothel project	Brothel project Drug dealer Jean
Lara-Luisa Trafficking victim			Collaboration Antwerp	
Lara-Luisa Trafficking victim			Collaboration Schaerbeek Couple Agostinho and Telma	

Ramifications of the main defendants Mae and Fausto in Brussels and La Louvière

On the basis of numerous victim statements and further findings, it appears that the main defendants in the second network also had brothels in Drogenbos, Etterbeek, Brussels (private premises) and La Louvière. The police found lease contracts in the possession of the main defendants for a holiday home in La Louvière. During a police interview, a link was made with a Brazilian woman who was under investigation for exploiting the prostitution of two Brazilian SW.

The Brazilian SW Fia stated during her hearing, when seeing a photo of the main defendant Mae, that she had also worked for Mae's daughter:

"I met her two years ago in a house in La Louvière. I worked from 27 December 2018 to 4 January 2019 as a prostitute for Mae's husband's daughter, who is called X., and her friend. Then I went to Drogenbos to work for Mae for about 12 to 15 days, still as a prostitute. Everything is written in the notebook that you found in my suitcase."

Paolina, the Brazilian trafficking victim, stated that she worked in two places of prostitution in Brussels:

"Afterwards, I went to Brussels to also find work there in prostitution. I worked day and night for a week. It was also a building that operated like the one in Lodelinsart. In Brussels, I had to share my earnings with a woman called Y. She was a friend of Fausto. I went to Brussels in a taxi driven by someone Fausto knew... There was also a house in Brussels that they owned. Prostitution took place there. I personally worked in that house. I received a client there."

In addition, a Brazilian victim of human smuggling and exploitation of prostitution (see hereafter point 1.3.1.: Profiles of sex workers: masseuses who are victims of human smuggling) stated that she had also worked in a flat in Etterbeek, which Michel owned and which was managed by the main defendant Mae.

Ramifications of the caretaker Ali and of the pimp and drug dealer Jean

The drug dealer Jean was an important client of the second network and a close friend of Ali, the caretaker and cocaine supplier, and of Michel, the owner of the block of flats in Lodelinsart. He also knew the main defendants, Mae and Fausto, and had set up his own network. According to Lara, a 19-year-old trafficking victim, there were concrete plans to open a brothel with Mae and Fausto, the driver and recruiter Valentin and another drug dealer. The caretaker Ali stated during his hearing that he had opposed Jean's attempt "to get the girls from the whole building in Lodelinsart, because he wanted all the girls to work for him." (see hereafter 1.1.3.: Drugs)

The trafficking victim Paolina (see hereafter point 1.3.1.: Profiles of female sex workers: victims of human trafficking) revealed during her statement that one of the older SW, Z., had set up a network herself with Jean:

"Z. brought girls over from Brazil, Spain and Rome in Italy. She brought the girls clients. She got on well with Jean and often brought him girls... Jean used to go to a hotel in the Charleroi region. There were also girls working as prostitutes there. It was Z. who sent girls to this hotel and Jean's clients."

Partnerships of the driver and recruiter Valentin

The driver and recruiter Valentin had set up his own parallel partnership through his transport activities. He would go to fetch the SW from the airports and take them to the different places of prostitution in Lodelinsart, La Louvière, Schaerbeek and Antwerp for different networks. He promised to take the two trafficking victims to a brothel in Antwerp after their sexual services in Schaerbeek and Lodelinsart.

The two Brazilian trafficking victims, aged 19 and 27, had come to Belgium as friends and felt they had been tricked by the main defendants upon arrival when they learned that working conditions did not correspond to what had been agreed. They then contacted Valentin, who took them to another workplace in Schaerbeek, where they were allowed to provide sexual services for 50% pay, instead of having to pay a high weekly rent. They preferred this option because they had no money and preferred the security this offered.

Later, they found themselves in Lodelinsart, where they were arrested on an administrative basis during the search (see point 1.3.2.: Detection).

They stated that when they arrived at the Schaerbeek flat, two young women were working. At her hearing, Lara, the 19-year-old victim, described the contact with the Brazilian pimp Agostinho and his explanations:

"We visited this flat. There was a man of a certain age there. Agostinho (the pimp) and Valentin (the driver) told us that we should talk to this person if we needed anything. Agostinho reassured us, because the clients were businessmen or politicians and the living conditions were acceptable. He told us that we mustn't walk about in the corridors so as not to bother the other residents in the building. And that we mustn't let the clients ring at other doors."

The other victim, Luisa, aged 27, stated that his wife Telma worked as a phone operator and had warned them about the police:

"It was Agostinho's wife who took the calls from clients and who sent them to us. She called us via WhatsApp and would say, for instance: "A client will arrive in five minutes". However, I think that my WhatsApp conversations were deleted, because we were instructed not to open the door to people who weren't sent to us by Telma. In this case, it was probably the police and we had to delete our conversations. One day, someone rang our bell for a long time, so Telma told us to delete the conversations, because she thought it was the police. You're asking me if I met Telma. My answer is yes: she was short, a bit chubby, tanned, of Brazilian nationality."

The pimp subtly took money from them, as did the driver and recruiter Valentin, who acted as their chaperone. Lara, the 19-year-old victim, explained how this happened:

"You're asking me how much money I earned while I remained with Agostinho. I can't tell you how much I earned because Agostinho offered to look after the money I earned. I gave it to him. I know I earned about EUR 375 over three days. I should point out that this money was my share after dividing it (50/50). I explained to Valentin that I gave the money I earned to Agostinho. He told me I was crazy, as he would steal it from me. He then offered to look after my money."

The day Luisa (victim's partner) came back from Liège, I gave the EUR 375 to Valentin and Luisa gave him EUR 700. This was the money left from Brazil. We never got this money back."

1.1.2. Companies: link with the construction sector and the cleaning sector

This case file includes evidence of the activities of Brazilian networks through construction and cleaning companies which, in the past, had played a major role in criminal organisations involved in human trafficking for the purposes of labour exploitation. Reports from the Financial Intelligence Processing Unit (CTIF-CFI) have focused on the set-ups of Brazilian criminal organisations based on money laundering, human trafficking and human smuggling⁴⁰⁰. The question arises as to the extent to which, in this case, there may be a gradual conversion of part of the Brazilian subsidiary to sexual exploitation.

The two main defendants (and protagonists) in the second network, convicted of trafficking, owned suspicious national and foreign companies in the construction sector that were the subject of ongoing international investigations. CTIF-CFI had issued a money laundering alert concerning these companies.

On 10 February 2020, CTIF-CFI issued this warning against a company of the defendant Mae, active in the construction and cleaning sector. The company had never published annual accounts and the bank account showed atypical transactions that did not correspond to its activities. For example, transfers of EUR 90,000 were recorded to a company in Togo and from another company in Switzerland. Deposits of EUR 90,000 were also made into the Portuguese bank accounts of several individuals, including herself. CTIF-CFI indicated that she was known to the courts for trafficking for the purposes of exploitation of prostitution and that she was still the authorised agent for the company's bank account, although she was no longer the manager.

According to CTIF-CFI, in light of this information, it can be assumed that the company's bank account was used to launder money of illicit origin.

⁴⁰⁰ Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 15-16; see CTIF-CFI's 2020 activity report (p. 5 and p. 23). This publication is available on [CTIF-CFI's website](https://www.ctif-cfi.be/).

When questioned by the Belgian judicial authorities, the Portuguese judicial authorities replied that Mae had other construction companies but no turnover in that country. The Belgian judicial authorities sent letters rogatory to Brazil and Portugal via the CARIN network (see section 1.2.4 below: Financial and international investigation) to find out more about movements in the suspects' assets and financial holdings. According to the Belgian investigation, there could be financial links between the acts for which they were suspected and the countries questioned. This analysis is based on the banking investigation carried out in Belgium, which identified suspicious transfers of funds received and sent by the main defendants, Fausto and Michel, to Brazil via the Western Union and Moneytrans transfer systems. They were also sending money from Portugal to themselves in Brazil via Moneytrans.

It should be noted that the main Brazilian defendant, Fausto, had already been convicted in 2014 as a provider of undeclared labour, for false imprisonment, forgery and assault and battery. He received a four-year prison sentence, half of which was suspended. According to the judgment, one of his workers, who was undeclared and not being paid, had complained. Fausto then took him away by force with some Romanians and beat him up. In 2016, he was again convicted of offences under social criminal law relating to the employment of foreign workers.

In addition, the Brazilian co-defendant Valentin from the second network had recruited young adult women in Brazil with the false promise of a job in a cleaning company he was going to set up. Luisa, a 27-year-old victim of trafficking, said about this:

"He told me he was going to open a cleaning company. I could never have imagined that he was actually going to put me in a prostitution network. I fully trusted this person. I simply thought that he wanted to help me. He told me he was going to send me a letter of invitation, a document that would get me through immigration."

1.1.3. Drugs

The caretaker Ali was convicted of drug-related offences, as well as the main defendants Mae and Fausto from the second network and Michel, the owner of the block of flats in Lodelinsart. This played an important role in the case, because the drugs were used to maximise the profits of the criminal system. During the search at the home of Sophie, the Belgian phone operator, notebooks containing references of financial transactions related to the sale of drugs were found and seized.

The caretaker Ali played a key role as the cocaine supplier for the clients and SW. He received a commission per client.

According to the victim Luisa's statement, he would bring drug-using clients to the SW at night and encourage them to take drugs. The drugs trade was his main source of income:

"Ali taught us how to make rails of coke. The clients really liked that... He supplied the prostitutes and the clients with cocaine. He brought clients to the prostitutes, mostly during the night, and mainly cocaine-users. He woke up the girls in question and they were obliged to take care of the clients he brought over (sexual services and preparing rails of coke)... He forced me to serve the client, because the whole time the client was with me, it was time the client spent taking drugs. He brought over clients at all hours, right until early morning."

The caretaker Ali also brought clients together for sex parties organised inside the building at Lodelinsart. The victim Luisa provided more details on this subject. She said that this led to discussions about the rates for the sex work, because the SW earned less, while this situation was more lucrative for Ali, because it encouraged the consumption and sale of cocaine:

"Sometimes, he brought over several clients at a time and girls took part in orgies that included the consumption of cocaine. Ali received EUR 5 per client brought over... However, Ali sometimes brought over five clients in one go for an hour. He even brought over eight clients in one go. At that point, we went up to flat 15, because it was bigger. There were three of us looking after the clients that time. Every client paid, but Ali wanted to organise preferential rates, because the clients were taking drugs supplied by Ali. As a result, we were in dispute with Ali over these rates."

Jean, a drug dealer and good friend of Ali, who worked with him in their drug trafficking operation, was one of the main clients of these sex parties. Jean also had close ties with the other defendants and had set up his own prostitution network (see point 1.1.1. above: Criminal networks: Ramifications). Paolina, a victim of human trafficking, described her experience with him:

"Fausto (main defendant of the second network) said that Jean was an influential person in drug trafficking in the region of Charleroi. I would like to point out that Jean got cross with me one time, although he didn't hit me, but on this occasion, he showed me the weapon he was carrying, it was a submachine gun. You're showing me a photo of an Uzi-type weapon on the internet, it's a submachine gun. I confirm that this weapon looks like the weapon that Jean was carrying when he showed it to me."

The same victim, Paolina, also said how frightened she was of the main defendant, Fausto, since his subtle attempts of intimidation after an SW died of an overdose:

"I got scared because Fausto told me that a girl who was working for him had died because she'd taken too many drugs. The story was confused. However, Fabio didn't tell me what they had done with her body. He told me this story when I changed flat and I found myself alone."

1.1.4. Police corruption⁴⁰¹

The analysis of the messages posted on social media show that the defendants were informed by corrupt members of the police that there was going to be a raid.

A WhatsApp message dated Sunday 13 January 2019 between Michel, the owner of the building in Lodelinsart, and the main defendant Fausto proves that they were informed of the searches in the two buildings where prostitution took place in La Louvière and Lodelinsart.

Sophie, the phone operator, had indeed revealed the existence of the network to the police following a traffic offence under the influence of drugs on the evening of Saturday 12 January, for which she was arrested (see below point 1.2.1.: Start of the investigation).

This message from Michel revealed that a member of a police force had informed the network about Sophie's arrest and that she had provided a lot of information during her hearing:

"I've a friend in the police who has just called me. A certain 'Sophie' was arrested last night with a man while driving, and there were drugs in the car. The girl had five phones⁴⁰² on her with the names of the girls and their geolocation (LL for La Louvière and CH for Lodelinsart). She told them everything: the location of my flat and the location in Lodelinsart. My police friend told me that "it's a big case, not because of the girls, but because of the drugs". Sophie's Belgian and 20 years old. She had just delivered drugs to the flat in La Louvière. They're going search the two flats in Charleroi and La Louvière. If I find out the date, I'll let you know. Let me know if you have any questions."

Note that Sophie was heard in the morning of 13 January, the same day the defendants were informed by an internal source at the police, who was on duty on the Sunday.

A day later, on Monday 14 January 2019, the owner Michel sent a message via Viber saying that his contact at the police had given him information on the main defendants of the first network. He told them to keep a low profile, because the flats were under surveillance... He added that Dulce should not come back to Belgium because she would be arrested upon arrival at the airport.

When the police showed these messages to Michel, he answered that this police officer was a client and that he had informed him.

During the hearing of the driver/recruiter Valentin, the police officers pressed the issue and asked him if Michel knew any influential people, to which he replied as follows:

⁴⁰¹ In this case, no one was prosecuted for corruption. Nor were these acts mentioned in the judgment. Myria does not know if a parallel investigation was initiated on this subject.

⁴⁰² In reality, there were seven phones (see point 1.2.1.: Start of the investigation).

"Yes, once Mr. Michel told me about an older police inspector who was involved in prostitution. There were even police officers who came over as clients. I saw marked police vehicles, two or three times within six months, parked near the building, in the street. One police officer went up and the other one stayed in the vehicle, while his colleague did his business. These police officers were in uniform and armed."

Paolina, the trafficking victim, stated that Michel organised sex parties in his flat, in which police officers who protected him took part:

"Michel often held private parties in his flat and invited people to these parties. Gangbang parties. There were girls who always worked at these parties. I never went to any of them. I know that Michel knew important people. I know because there were often luxury cars like Ferraris parked in the car park. The people who came to these parties were elegant, high-society figures. You're asking me if there were police officers who went to Lodelinsart. I think so. I never saw any police officers in uniform. But I can tell you that Mae and Fausto (main defendants of the second network) were proud to say that Michel was 'protected' by the police. One day, I asked Michel if I risked getting into trouble if I got checked by the police, because I had money (transport for the network). He answered that I may indeed get checked by the police, but he assured me that I wouldn't have any problems."

Lara, the 19-year-old victim, stated that she had had to make deposits for the main defendant Fausto and sign a document upon the request of the corrupt police officer:

"I also had to make deposits in my name for Fausto, two or three times for an amount of EUR 2,000 to EUR 3,000... Later, I had to sign a paper with Luisa (victim), at Mae's request, containing our contact details and our identity. Mae told us that this was at the request of a policeman who was a friend of Michel's. You're asking me if we had instructions in case of a possible police check. No, we had no particular instructions. Other than Mae had told us that we mustn't give the address in Lodelinsart under any circumstances in case of a police check, or talk about her."

The other victim, Luisa, explained during her hearing why she had to sign this document:

"Mae told us that it was for Michel, in case of a police check. Michel paid the police to protect the building, that's what Mae explained to us."

1.2. Investigation

The case consists of two parallel investigations that were merged on 14 January 2020, which led to the discovery of two prostitution networks.

Both investigations were opened for the exploitation of prostitution. In the investigation into the first network, the magistrate opted for the charge of human smuggling, while the charge of human trafficking was retained for the investigation into the second network. In both cases, the victims were being sexually exploited. With regard to the second network, the evidence of trafficking was explicit, based on the statements of the victims and social media searches.

1.2.1. Start of the investigation

The investigations were launched in parallel in Lodelinsart and La Louvière during the same period, from December 2018 to January 2019.

a. First network

The local police in Charleroi sent an initial police report concerning acts of exploitation of prostitution to Charleroi's public prosecutor's office on 13 January 2019. It all started with the findings made during a roadside alcohol test on the evening of Saturday 12 January 2019 at 22:40 (see point 1.1.4. above: Police corruption). When the police officers approached the car in which Sophie, the Belgian phone operator, was travelling, they immediately noticed a strong smell of marijuana. A drug detection dog was brought in and, during the check on Sophie and the passengers, seven smartphones were found on her, in addition to the cannabis. Sophie spontaneously explained that they were being used in the context of prostitution. She was then placed under administrative arrest, taken away and detained in a police cell. During a search of her home, which she authorised, four notebooks containing information on financial transactions were seized.

That same evening, the police contacted the magistrate on duty, who ordered the hearing of the suspect. During this hearing, she explained that she worked as a phone operator for Brazilian and Spanish prostitutes for the main defendant Dulce (see above point 1.1.1.: Criminal networks).

In doing so, she also mentioned the other phone operators and the places of prostitution in Lodelinsart and La Louvière, and explained the role of the main defendant and her partner Gilberto. It should be noted that these defendants were warned on the same day by an internal police source.

b. Second network

A few weeks earlier, on 10 December 2018, the police had received information which marked the beginning of the investigation into the second network. The initial police report only referred to acts related to the exploitation of Brazilian SW for prostitution, and more specifically to the role of the owner Michel and his sex parties:

"According to police information, a certain Michel, the owner of the building in Lodelinsart, has been renting his property to a Brazilian prostitution network and transsexuals (sic) for more than two years. The building, which has more than 50 flats, is constantly home to some 60 Brazilian prostitutes, who place their adverts on the 'Quartier Rouge' website. The rent is EUR 200 per week per prostitute and is paid in cash. In addition to this direct rental business, the suspect offers his own apartment for rent for afternoon or evening sex parties for between EUR 200 and EUR 400 for four hours. During these sex parties, three prostitutes welcome the clients. The number of clients can be as many as 10. Well-known people from the media, as well as lawyers and police officers, are said to be clients here."

On the basis of an advert for sexual services published on 'Quartier-Rouge' a few months later, on 2 June 2019, an initial police report was drawn up for human trafficking and exploitation of prostitution. Based on police information, it was possible to draw up a concrete picture of the prostitution network in which the Brazilian SW were exploited – including the role of the phone operators – and the role played by the main defendant Mae. The police had informed the public prosecutor on 31 May 2019 that another investigation was already underway concerning this building and for which an investigative judge had been appointed.

Subsequently, this magistrate of the investigative judge ordered that the corresponding initial police report, dated 2 June 2019, be filed against the main defendant Mae.

1.2.2. Criminal investigation

The evidence is based on the confessions of several defendants, victims' statements, phone tapping, observations, analysis of adverts for sexual services, examination of smartphones and laptops, examination of social media and analysis of seized material, such as notebooks containing financial transactions.

On 4 June 2019, searches were carried out as part of operation 'Brasil' in buildings in La Louvière and Lodelinsart, as ordered by the investigative judge.

1.2.3. Social media analysis

The social media investigation played an important role in identifying the places of prostitution and the defendants based on surveillance photos. It was possible to initiate the investigation into human trafficking against the second network thanks to the analysis of an advert for sexual services. This was also used during the hearing of the defendants, in order to obtain a picture of the entire network. The analysis of messages posted on social media also provided objective proof that the defendants had been informed by an internal police source. The analysis of WhatsApp messages proved the dominant role of the main defendant Mae in coordinating the work, decision-making, distribution of income and recruitment of new prostitutes.

As objective evidence, the messages published on social media supported the victims' statements and demonstrated the situation of dependency and exploitation in which they found themselves. A police report analysing a WhatsApp message showed how far this went:

"Mae has authority over Lara, ordering her, for instance, to make food, or in which apartment she should be."

In their closing speech, the public prosecutor referred to messages from the young trafficking victim, Lara, which proved the defendants' control over the prostitutes: *"We can't go out because of the boss"* and *"The owner is going to hit me..."*. These messages were retained as evidence in the judgment handed down by the court.

Another striking example is the WhatsApp message in which the caretaker Ali reminds the victim Luisa to smile at the clients. The victim apologised, saying that she was tired and that she had worked all day, so that is why she was not smiling. She had already received the following WhatsApp message from Lara, the 19-year-old trafficking victim: *"I'm afraid of Ali's clients"*.

In a message concerning these young victims, sent by the main defendant Mae to the driver/recruiter Valentin who served as their chaperone, it said: *"The girls are under his responsibility when they are inside the building"*. And: *"She informs Valentin about Lara and Luisa going out at night, because she thinks that this should be of interest insofar as they are under his responsibility"*.

The main defendant Mae also asked Valentin *"to bring her transsexuals (sic). Valentin answered that he had brought a transsexual to La Louvière"*. Paolina, a trafficking victim, also mentioned a Brazilian trans person who had gone to Italy for sex work.

The hearings revealed that the WhatsApp Gym group, aimed at Brazilian SW, played a key role in recruiting and sending foreign SW to places of prostitution in Belgium. The trans Brazilian smuggling victim stated the following:

"There's a group on WhatsApp called Gym where lots of people share information, mainly about accommodation. This group is particular to the Brazilian community and several subjects are discussed in this group. They talk about beauty, accommodation, contacts and also prostitution. You can get information on where to go to in Belgium. Actually, a little while ago, a friend called A. told me that there was work for me in prostitution in Belgium and invited me to join the Gym group. I arrived in Charleroi from Denmark by plane... based on the group's recommendation."

As for the Brazilian SW Emilia, she explained during her hearing that she found herself in Lodelinsart through this WhatsApp group, where the main defendant, Mae, was identified as being the key person who ran the establishment:

"Through a WhatsApp group called Gym. It's a group where girls give addresses where we can rent rooms. I saw this address in the group and though positive comments on the region. I rang the phone number given in the group. The number was Michel's, but he pointed out that he didn't manage the rentals. It was necessary to call Mae."

The main defendant, Mae, explained during her hearing that she herself had used this WhatsApp group to contact people who were offering to work as phone operators or who were renting rooms. In the building in Lodelinsart, the prostitutes had to use the Lodelinsart WhatsApp group to let the main defendants know when they were starting and finishing work.

1.2.4. Financial and international investigation

According to the court, the owner Michel made an abnormal profit of EUR 285,750 thanks to the rental of rooms in Lodelinsart in 2017, 2018 and 2019. In total, he received a rental income of EUR 979,000 for this period. The owners of the rooms in La Louvière made an abnormal cumulative profit of EUR 46,850 from the rentals.

The police questioned the defendants about how the proceeds of prostitution were invested in money laundering operations. On this occasion, Gilberto, the partner of the main defendant of the first network, Dulce, stated that Michel had transported the cash to Portugal to invest in his Portuguese furniture company. In addition, Michel had invested in the construction of a beautiful house in Portugal (Leiria) where they sometimes stayed.

Michel had several companies in Belgium and abroad, notably in Portugal and France. Checks with the Crossroads Bank for Enterprises also revealed that he owned several Belgian companies, including a property management company. Furthermore, in the context of the fraudulent bankruptcy of a motorhome rental company, it turned out that Michel was pulling the strings behind the scenes through a straw man. The investigation also revealed that he was operating a 'letterbox' company in France whose address was located on a plot of land with a container.

The Portuguese courts confirmed the existence of single-member companies in Portugal in the names of Michel and Mae. They also had bank accounts in Portugal, as did Fausto. The police thus discovered that Michel had made numerous transfers to Spain, Italy, Romania, France, the Netherlands, Austria and Ireland.

The police used the CARIN network⁴⁰³ for everything concerning Portugal and Brazil to gather information on Michel, Mae and Fausto. This revealed the link with construction companies with no turnover, for which a money laundering report was issued by CTIF-CFI (see point 1.1.2. above: Companies). They submitted the following request through the Central Office for Seizure and Confiscation (Organe central pour la saisie et la confiscation – OCSC)⁴⁰⁴ which is the Belgian point of contact:

"All useful information concerning real estate or personal property, accounts, securities accounts, passbooks, safe deposit boxes, various assets of any kind of which Mr. Michel is or was the holder, this suspect very often travelled to Lisbon... Phone taps of his mobile phone reveal that he flew to Lisbon every week... He landed in Lisbon and went to meetings with a person in charge of financial investments or other banking operations whose offices are located in the municipality of Leiria (...). The suspect was also contacted by a Portuguese bank about signing contracts to open a bank account (...). Mr. Michel seems to be very close to the couple Mae and Fausto; they travelled to Ukraine together and lived in the same building that was home to two prostitution networks (...). The above assistance is necessary to obtain evidence for the investigation of the case involving Mae, Fausto and Michel, and in particular to trace the proceeds of the alleged criminal activity with a view to their future seizure and confiscation."

1.3. Analysis of the victims

According to the police, the places of prostitution in Lodelinsart and La Louvière were inhabited and occupied by Brazilian, Romanian, Portuguese, Spanish, Colombian, Venezuelan and Italian SW.

However, it was only possible to find and identify a few of the victims owing to the particularly mobile prostitution carousel system. The majority of statements were from SW who had been placed in administrative detention during the searches over the same period, at the beginning of June 2019.

1.3.1. Profiles of the female sex workers

Myria based its analysis of the victims on the categorisation of the charges of the judgment and examined and elaborated the criteria. In addition to nationality and residence status, the possible relevant criteria are: the payment system (see below), self-management of adverts for sexual services, direct access to clients – for which knowledge of a national language is important – and the possibility of contacts between the SW. These criteria also played a role in the degree of agency they had.

In the charges contained in the judgment, the public prosecutor had determined which SW were, in his opinion, victims of human trafficking and/or human smuggling and/or exploitation of prostitution⁴⁰⁵. At the same time, several SW in the case file were not included in the list of victims. On this basis, the SW can be categorised into four types of profiles, presented below, taking into account overlaps. In practice, this categorisation may be independent of the actual referral of presumed victims of trafficking to specialised reception centres. In this case, most of the victims of trafficking and one victim of smuggling were admitted a specialised reception centre.

403 CARIN is the acronym for the 'Camden Asset Recovery Inter-Agency Network'. This informal regional network, created in 2004, brings together the authorities responsible for asset recovery. It aims, on an inter-institutional basis, to increase the effectiveness of the measures taken by the members of the network to deprive criminals of their illegal proceeds. The network is made up of investigation and law enforcement officers, mainly from Europe, but also from North America. It is a network of people from 54 jurisdictions and nine international organisations. It is linked to similar networks in Southern Africa, Latin America, Asia-Pacific, East Africa and West Africa: <https://www.carin.network/>; [carin_leaflet.pdf](#); Myria, *Annual report 2019 – Trafficking and smuggling of human beings, Empowering victims*, pp. 71-72.

404 For further details on the role of the OCSC in the CARIN network: CECLR, *Annual report 2011 – Trafficking and smuggling of human beings, The money that matters*, pp. 42.

405 The court also confirmed this in the judgment.

According to the declarations of the SW, there were several payment systems between them and the defendants. First, there was the system offering the least agency, where the SW had to give half of their income to the main defendant. Then there were systems where the SW had to pay a very high weekly rent to the main defendant (allowing more room for agency) or a lower rent to the owner (the system that offered the most agency). Apparently, there were also sometimes combinations of several systems. According to some statements, they could switch from one system to another, probably depending on the added value they provided, their willingness to comply and the main defendant's satisfaction with them.

In case of a police check, the SW had received the order to state that they were working independently (see below point 1.3.3.: Elements of human trafficking), which certainly had an impact. It is therefore necessary to take a critical look at the statements. The notebooks of earnings that the SW were forced to keep for the main defendants, so that they could control the distribution of income, constitute a major objective element. These notebooks showed a 50-50 system, contrary to certain statements.

The SW were generally grouped in twos or threes in a flat where they were normally subject to the same regime. At the same time, the rent for a similar flat could vary between EUR 250 and 600 per week, which led – deliberately or not – to tensions between the SW.

SW victims	First network Smuggling	Second network Trafficking - smuggling	Owner Michel	Non-victim	Exploitation of prostitution	Smuggling	Trafficking	Status
Lara		x					x	x (CP)
Luisa		x					x	x (CP)
Paolina		x					x	x (CP)
Joana		x					x	(x)
Trans person Liège - La Louvière	x					x		x
Isabel	x					x		
Sister of the main defendant Dulce	x					x		
Two Brazilian masseuses		x				x		
Trans person Liège - Lodelinsart		x				x		
Ana (Romanian)	x				x			
Two Romanian victims with Ana	x			x				
Nine Romanian victims			x	x				
Three Belgian victims			x	x				
Trio of Brazilian women			x	x				
Trio from Brazil - Bolivia domiciled in Spain-Belgium: Brazilian SW Emilia		x		x				
Duo of Brazilian women: Spanish residence documents (SW Fia - cf. Ramifications) and another of Portuguese nationality		x		x				

a. Female sex workers who were not considered victims

Three Belgian SW, 11 Romanians and eight South Americans were not considered victims by the public prosecutor's office. Therefore, they do not appear in the judgment. Several of them were able to work independently and on their own account by paying a weekly rent to the flat owners. Others refused to make a statement or did not make a relevant statement.

Belgian female sex workers

Two Belgian SW, who were heard as witnesses, were sharing a flat and paying the owner Michel a weekly rent of EUR 250, or sometimes only EUR 200. They worked independently and set their own working hours. They placed their advertisements for sexual services on 'Quartier-Rouge' and had direct contact with their clients. Sex work earned them around EUR 1,000 per week. One of them had previously managed a champagne bar in Sint-Truiden and was saving up to open her own wellness centre.

A third Belgian SW was heard as a suspect but was not prosecuted. She stayed for free in the large flat belonging to the owner Michel and was his girlfriend. She looked after the flat in his absence and organised sex parties under the influence of cocaine in the same flat. As a result, she also had a good relationship with the caretaker Ali and the main defendants Mae and Fausto. She was especially known to the police for human trafficking for the purposes of forced criminality, theft and illegal residence.

Romanian female sex workers

The Romanian SW did not consider themselves to be victims. Several of them worked with Michel, the owner, others with Dulce, the main defendant of the first network. Some of them organised their own adverts for sexual services and their contacts with clients, while others worked with the phone operator of the first network. According to some of the protagonists, they earned up to EUR 250 a day. One of them had thrown away her mobile phone's SIM card during the police raid, thus preventing any verification of her messages and contacts. One of the Romanian SW had come to Lodelinsart thanks to her contacts in Sint-Truiden, where she had worked in a champagne bar. She had also previously engaged in sex work in Spain, Germany and Italy.

According to the main defendant of the first network, Dulce, her Romanian SW worked on a 50-50 basis. However, the two Romanian SW who stayed in the same flat as the Romanian victim of exploitation of prostitution (see below: Victim of exploitation of prostitution) stated that they paid the owner EUR 250 every week. Unlike her exploited colleague who had earned nothing, one of them stated that she earned EUR 300 per day. They had come to Belgium from Spain and had met through sex work. They worked with the phone operator, who earned EUR 10 per client. They refused to make any further statements.

Two other Romanian SW did not want to admit that they were sex workers, even though an impressive number of contraceptives and a notebook recording the income from sexual services were found in their homes.

South American female sex workers

These SW do not consider themselves as victims and often claim to work independently, which is doubtful in most cases.

Three young Brazilian women in their 20s, who were friends and shared a flat, stated that they had paid Michel a weekly rent of EUR 250, but in reality, a notebook with records of income from sexual services found in their flat indicated a 50-50 split. They met up in Lodelinsart thanks to contacts on 'Quartier-Rouge'. They spoke a little French and claimed to organise their own adverts for sexual services on 'Quartier-Rouge' and to have direct contact with clients without the intervention of a phone operator. Their daily income from sex work was around EUR 200. Wanting to finance their studies and help their families, they had come to Belgium for three months by plane via Paris to work in the sex trade. The identity documents of one of them were apparently at the home of a supposed boyfriend in Brussels, whose phone number she did not have. Several phones were also found on them, which was perhaps an indication of control and a relationship of dependency with another pimp.

They only recognised the owner, Michel, who would come to collect the rent.

One of the three girls talked about mobility within the system and had already booked two nights for two Brazilian SW with whom she had become friends:

"I changed flats every week. I've been all round Belgium. We swapped the phone numbers of people who rented flats with other girls. I also rented out flats online. I had a lot of contacts through the 'Quartier-Rouge' website. After my first trip, I had learnt to speak a bit of French. Since prostitution is forbidden in France and much less in Belgium, I continued to come to Belgium. I could go and work in Portugal, but I wouldn't earn enough money... The two booking receipts for the X. hotel: that's for two friends who are arriving tomorrow. I made the bookings for them, to help them, without making any money out of it. They're also coming to work as prostitutes."

Another trio, composed of two Brazilian women in their 30s, including Emilia and a 42-year-old Bolivian woman, were domiciled in Spain or Belgium (Brussels to be exact). They stated that they had to pay a weekly rent of EUR 400 to the main defendant Mae. A notebook listing the earnings from the sexual services was also found at their accommodation, without them being able to provide an explanation. Emilia had not appreciated having to pay a much higher rent than the other SW. This meant that, in addition to giving up more than half of their income, they had to pay weekly rent to the main defendant Mae. They had already worked together in the sex work community in Brussels and had come into contact with the defendants through the WhatsApp group Gym. The owner was the contact person, but he told them that he was not the manager and referred them to the main defendant Mae, unlike the previous trio. However, their income from sexual services was very high, as one of them explained:

"If they are all clients that are here for an hour, I earn EUR 500 or EUR 600 a day, and if the clients are here for half an hour, that's about EUR 300 a day."

Two Brazilian women in their 40s composed another duo: Another duo was made up of young Brazilian women in their forties: Fia, who had Spanish residence documents, and another SW, who had since acquired Portuguese nationality. Fia, who wanted to return to Spain as soon as possible, had managed to switch from the 50-50 payment system to the one involving an income, but with the payment of rent.

She had willingly handed over her identity documents to the owner, Michel. She stated that the book found in her suitcase was indeed used as a means of checking the takings for the main defendant, Mae. She explained, based on her notebook, that she had already worked for Mae and her family on a 50-50 basis in Lodelinsart and, before that, in Drogenbos and La Louvière (see point 1.1.1. above: Criminal networks: ramifications). Subsequently, she was authorised to work on her own account and pay a weekly rent of EUR 400 to Mae. She put her adverts for sexual services online herself and clients could call her directly. Her Portuguese-Brazilian flatmate initially paid Michel EUR 260 per week, but was forced to switch to another system and pay Mae EUR 350 per week.

b. Victim of exploitation of prostitution

In the charges referred to in the judgment, the 28-year-old Romanian victim Ana was only classified as a victim of exploitation of prostitution. She made relevant statements about Dulce. As the prosecution only concerned human smuggling and exploitation of prostitution, she could not be considered a victim of human trafficking. The victim stated that she paid Dulce EUR 300 in rent every week. According to Dulce, her Romanian SW worked on a 50-50 basis. It was possible to combine this with rent. In reality, this victim had hardly any clients.

She had already engaged in sex work in Spain and had been active in Lodelinsart for two weeks. Her Romanian colleagues, whom she had known for five years, had told her that she could earn more money in Belgium. They had given her Dulce's phone number. After contacting her, they made arrangements and Dulce took care of her accommodation and workplace. In her statement, she explained the system involving the phone operator and referred to Dulce as her boss. She stated that she would not return to Belgium because she had not earned enough money. For several days, she had no clients and this had cost her money.

Her colleagues had come with her from Spain and were placed under administrative arrest along with her during the search of 4 June 2019 in the same flat in Lodelinsart. Unlike her, they had earned money but had not made any relevant statements even though they worked under the same system.

Although the police explained the concept of human trafficking and victim status to them, they did not consider themselves as victims. The Romanian victim Ana wanted to return to Romania as soon as possible, where her family knew nothing about her sex work.

c. Victims of human smuggling and exploitation of prostitution

In the charges referred to in the judgment, six SW were considered by the public prosecutor as victims of human smuggling and exploitation of prostitution, but not as victims of human trafficking. These six people, which included two trans people, therefore fell into these two combined categories. The two networks shared the victims equally. The sister of the main defendant Dulce was also one of the victims. She had worked as a sex worker for several weeks during her stay in Belgium on the advice of her sister.

The court ruled that there was evidence of human smuggling, because the exploitation of the prostitution of the victims had contributed to their stay in Belgium. This allowed them to earn a living and find a roof over their heads.⁴⁰⁶

Most of the victims had left Brazil for Europe in order to earn a lot of money through sex work. Several of them had worked in other European countries before working in Belgium, having been directed to other places of prostitution by contacts.

These victims did indeed earn a lot of money, part of which they had to hand over. It is not clear whether their statements were always completely truthful or whether they were pressured. Several victims, including those mentioned below, have similarly and independently stated that they paid the main defendants EUR 500 in weekly rent, in addition to registration fees of EUR 100 for the website and EUR 10 per client for the phone operator. This applies to both the first and second networks. The main defendant, Mae, stated that she rented out the flats belonging to Michel and that she sublet them to SW for EUR 400 a week. A notebook containing records of income from sexual services was found in the homes of some of the victims. In addition, the Brazilian Isabel stated that she had worked on a 50-50 basis with the main defendant Dulce, but that she had earned EUR 300 to 400 a day and that she had worked independently for a period of time in the Netherlands. She had worked in Spain before arriving in Belgium.

The victims made detailed statements about the defendants and how the system worked. One of the smuggling victims, a trans person, was briefly assisted by a centre specialising in the reception of trafficking victims after being put in touch with a member of staff during a hearing (see point 1.3.4. below: Victim status). However, this was another case in Liège, in which they were considered a victim of trafficking and referred to the specialised centre. They could no longer be heard in the Charleroi case because they had disappeared.

Below is the story of the second trans person and two other Brazilian victims of smuggling registered as masseuses.

Trans person, smuggling victim of the first network

A 32-year-old trans person with no experience in sex work in Brazil, came to Europe to earn money for their family. They had engaged in sex work in Belgium, Italy and Denmark. They were held in administrative detention during the searches in La Louvière, but did not consider themselves a victim and had no interest in victim status. They received an order to leave the territory (OLT) (see below point 1.3.2.:Detection).

They travelled from Brazil to Italy by plane. In Italy, they stayed for a month and worked as a sex worker on their own account in several cities, but work was scarce. They then flew to Denmark, where they worked as a sex worker for a month and a half before ending up in Belgium via the Gym WhatsApp group. A Colombian sex worker they met in Italy put them in touch with this WhatsApp group, which directed them to a phone operator in Liège. The latter was a rival pimp in the Charleroi case. After several days, the main defendant of the first network, Dulce, called them and convinced them to come and work for her.

They were mobile both in Belgium and internationally, as stated in the police report of their hearing:

"They confirmed having worked in both La Louvière and Lodelinsart, with intervals during which they travelled back to Brazil or Italy. They added that it wasn't the first time they had come to Belgium."

⁴⁰⁶ Mons, 5 October 2022, 4th ch.; Hainaut Crim. Court, Charleroi division, 27 October 2021, 6th ch. See Myria, *Annual report 2023 – Trafficking and smuggling of human beings. A chain of responsibilities*, pp. 102-103; *Annual report 2022 – Trafficking and smuggling of human beings. Bound by debt*, pp. 68-69 and Myria's website (case law).

They earned a lot from prostitution, but their income was variable. Sometimes, they could earn EUR 500 a day, and sometimes nothing. They received a maximum of four clients a day.

They sent a lot of money back to their homeland through money transfer agencies:

"I send money to my family in Brazil. I also put money on my bank accounts and pay off my credit card bills. I use Ria, Moneygram and Western Union to send money. I send as much as I can while keeping a bit of money to live here."

Two Brazilian masseuses, victims of the second network

During the search in Lodelinsart, two Brazilian SW aged 29 and 34 were arrested together in a shared flat. They earned a lot from prostitution, with a net weekly average of around EUR 1,200 after deduction of all costs due to the main defendant, Mae. They claimed to be licensed masseuses, who also offered a 'happy ending' for EUR 150. One of them stated that they were participating in a programme together, without further explanation or questions on the subject.

The victim, aged 29, had sometimes worked as an SW in Brazil and travelled to Paris by plane. There she met another Brazilian SW who put her in touch with the main defendant Mae. Besides a tip on 'Quartier-Rouge', she obtained the necessary information on the various prostitution websites from her: *"She told me about a prostitution website and she told me how it worked. The websites in question are 'Escort69', 'Vivastreet' and 'Doucement'."*

She complained about the way she was treated during her arrest (see below point 1.3.2.: Detection). Nevertheless, she gave additional information about the brothel in Etterbeek belonging to the main defendant Mae, where she had also worked (see point 1.1.1.: Criminal networks: ramifications).

d. Victims of human trafficking, human smuggling and exploitation of prostitution

Four SW were considered by the public prosecutor and subsequently by the court to be victims of human trafficking, human smuggling and exploitation of prostitution. They were exclusively victims of the second network. They all considered themselves to be victims of trafficking and most of them were supported by a specialised reception centre within the framework of the status. Three of them filed a civil suit.

In their statements, they explained how they had been recruited, transferred and given accommodation in Belgium to work as prostitutes. They were subject to strict control and had to hand over a large part of their earnings to the main defendants. These statements were also supported by objective evidence extracted from messages posted on social media.

The friends who were staying together in the same flat (Luisa and Lara) were recruited in Brazil with false promises made by the driver Valentin, who also manipulated them and then presented himself as their chaperone (see points 1.1.1., 1.1.3. and 1.3.3.: Criminal networks: ramifications, drugs and evidence of human trafficking). They needed money to pay for their studies and provide for their families. Their statements provided important evidence of human trafficking.

The victims Paolina and Joana (see below point 1.3.4.: Victim status) lived in Spain, where they had incurred heavy personal and family debts. Intermediaries had put them in touch with the main defendant Mae. They were married and lived with a Spaniard who had no knowledge of their sex work. The victim Paolina did not want to work as a sex worker in Spain because she lived there and was given the choice between France and Belgium, which is evidence of international mobility:

"I spoke to someone I knew in Spain who told me where to go in Belgium. As I live in Spain, I didn't want to be seen there so I decided to come to Belgium to work as a prostitute... She told me that she had already worked in Belgium. She also spoke to me about France, but I preferred to come here ."

They claimed to have worked on the basis of a 'win-win' situation where they were supposed to hand over half of their earnings, but in reality they had to hand over most of them, if not the entire amount. Lara and Luisa stated that they earned between EUR 60 and 120 gross per day, but that they had been swindled.

The victim Paolina explained what she had left of this gross income in the end:

"I stayed about 20 days in Lodelinsart where I earned around EUR 7,000. Of these EUR 7,000, I gave half to Mae, i.e. EUR 3,500. From the remaining amount, I spent about EUR 1,000 on various articles sold by Mae and on food. I was also robbed. I therefore left Lodelinsart with approximately EUR 1,200... When I left Lodelinsart after my second visit, I hadn't earned as much money as the first time. I wanted to go home and rest. I had earned about EUR 5,000 half of which I gave to Fausto and Mae. After all the expenses, I had little more than EUR 1,500. I sent a bit of money to my family. I then went back to Spain again."

Lara, aged 19, explained the purpose of the notebooks in the control system:

"Mae noted down when the girls came in and out of the rooms. There was also another notebook where Luisa (trafficking victim) noted down the clients of all the girls for which Mae got half. It's Mae who asked Luisa to do that, she called it accounting."

1.3.2. Detection

The majority of victims were detected during searches conducted at the start of June 2019 in Lodelinsart and in La Louvière. Many presumed victims could not be found, because it was a prostitution carousel with a very mobile group of SW. One of these victims had already been intercepted in a brothel in Liège within the framework of another human trafficking court case (see below point 1.3.4.: Victim status: trans person). The day before the search on 4 June 2019, the investigative judge had ordered the administrative detention of all the foreign SW found and the temporary seizure of relevant objects, such as smartphones, for further investigation.

During the search carried out at 06:15, the foreign SW were arrested and taken to the police station. Depending on the situation, some were handcuffed, others not. They were placed in police custody and held temporarily until the investigative judge ordered their release for questioning, most often as victims.

Most of the SW had to spend hours – sometimes up to 20 hours – in a cell after their release by the investigative judge prior to their hearing, which was not likely to inspire trust in them. This even led to tensions. One SW, subsequently recognised in the judgment as a victim of human trafficking and exploitation of prostitution (see above point 1.3.1.: Profiles of sex workers: trafficking), had complained about this in the official report:

"I'm not happy at all about the way in which I was treated, because I'm a victim. I'm aware how difficult your job is, but I think that you should show us more respect. I wasn't beaten during my arrest and I wasn't mistreated by your services. I can't tell you whether I was insulted as I don't understand the language. I waited far too long to go to the toilet and I was only given one meal."

During her hearing, she nevertheless made some relevant statements. These hearings were based on the same type of questions concerning their arrival in Belgium: travel documents, making contact for accommodation and the place of prostitution, agreements with the defendants, rates for sexual services and working conditions, making contact with 'Quartier-Rouge' and clients, number of clients per day, takings and possible collection and distribution of the money, contacts with other prostitutes, work in other prostitution venues in Belgium, recent trips and photographic recognition of the suspects with explanations of their role.

At the end of each hearing, the police explained that victims of trafficking were subjected to false promises, substandard payments and broken agreements, coercion, threats of violence or confiscation of identity or travel documents, and asked them if this corresponded to their situation. Most replied that they did not consider themselves victims.

1.3.3. Elements of human trafficking

One of the Brazilian SW who was heard, a trans person, did not show any interest in victim status, but was considered a victim of smuggling by the public prosecutor and then by the court. In their statement, they refer to the way in which the vice squad of the local police in Charleroi searched them, which can be considered good practice (see focus).

"As a transsexual (sic), you asked me if I preferred to be searched by a man or a woman. I therefore indicated that I would prefer a woman to carry out the search, which is what happened."

Cases have been opened for illegal residence against certain Latin American SW because they were working illegally as SW. For instance, a Brazilian SW was transferred to the detention centre in Bruges. She was heard as a victim, but refused to recognise herself in this capacity. The judgment does not mention her, nor does it recognise her as a victim.

In its decision, the Immigration Office (IO) said:

"The interested party was not in possession of a valid passport at the time of her arrest. The interested party was heard on 4 June 2019 by the Charleroi police area and stated that she had no family or underage children in Belgium, nor any medical problems. She also added that she was in Belgium to earn money through prostitution. The interested party mentions her willingness to work in Belgium. The intention or willingness to work not substantiated by the issue of a work permit does not exclude a temporary return to the country of origin or residence abroad in order to obtain the required authorisations. The interested party does not have the required work permit and therefore cannot carry out any gainful activity. Moreover, this element does not confer the right of residence. There is a risk of absconding."

Not all the SW were victims. Sometimes, they could work independently by paying a weekly rent to the flat owners (see above point 1.3.1.: Profiles of the female sex workers: not considered as victims). The majority of victims handed over half of their income and sometimes had to pay an extra weekly rental fee, as well as the subscription to the 'Quartier-Rouge' website. If a client turned down the services of the SW – for instance, because she did not appeal to them – Mae nevertheless invoiced the SW half the rate. The sexual services were priced at EUR 75 for 15 minutes, EUR 100 for 30 minutes and EUR 150 for an hour. For threesomes, the SW only received a quarter. The victim Luisa gave more details on how this was organised:

"You're asking me what I mean by working together. Well, we took care of the client together. Fausto told us that if we worked together, it would be to our benefit, because two girls instead of one attracted more clients. However, when it came to splitting the earnings, we had to share with Fausto and the rest between the two of us. For instance, if we earned EUR 100, we had to give Fausto EUR 50, and the remaining EUR 50 was split between Lara and myself."

During a police check, these victims had to state that were working on their own account. The victim Luisa from the second network stated the following about this:

"You're asking me if I received instructions concerning the police. If the police questioned me, I had to say that I was working on my own account. Because this way, I wouldn't get into trouble."

Some victims were pressured into having free sexual relations with owners of the buildings used for prostitution. For instance, the owner of the brothel in La Louvière regularly had free sexual relations with the SW when they were staying there. The main defendant Mae pressured Luisa to have sexual relations with the owner of the building in Lodelinesart. Any refusal resulted in a penalty (see statements of Luisa and Joana).

a. Control and lack of freedom of movement

The SW had to be available between 09:00 and midnight – and even until 02:00 or 03:00 at the weekend – for clients who called. Their freedom of movement was limited and they were forced to be continuously available. Several victims stated that they were not free to set their own rates and they had to answer to Mae via WhatsApp messages in the Lodelinsart group. The WhatsApp messages revealed that the young women were not allowed to have a rest in the afternoon or go to bed too early in the evening.

The Belgian phone operator Sophie explained that if a girl was not working properly, Dulce (main defendant of the first network) had to be informed. She did not allow the SW to turn down clients. Dulce would go and talk to them and pressure them; she would get angry quickly.

The main defendant Mae stated the following regarding her competitor in the first network:

"I think that Dulce makes girls work and I know that she doesn't allow them to go out, because once, one of them asked me for some medication, because she had been ill all night. She told me that Dulce didn't want her to go out."

This was confirmed by the victim in question. This control and lack of freedom of movement happened in both networks. Video surveillance systems were found in both the flats in La Louvière and those in Lodelinsart during the searches. Officially, they were supposed to protect the SW, but in reality, they were there to check whether they were trying to cheat on the rates for the sexual services charged to the clients, in order to reduce the sum handed over to the defendants.

Sophie herself stated the following about the first network:

"Ali (the caretaker) was responsible for ensuring the safety of the prostitutes, but also had to ensure they weren't lying if the client stayed longer, because Dulce would lose money. That actually happened and that's why Michel set up this system."

During her hearing, the victim Luis aformally confirmed that they were being watched and also explained what the main co-defendant Fausto had told them:

"When we met, Fausto told us there were cameras everywhere in the building, and that we had to be careful about everything, because he watched everything so that we didn't steal from him..."

The statements of the trafficking victims Lara and Luisa confirm that they were not free to go where they pleased.

The WhatsApp messages revealed that they had to ask Mae for permission to leave the building and to keep her informed in real time of where they were going. Both stated that they had to work seven days a week and that they had to pay a EUR 50 fine for a day off, so sometimes they sneaked out at night:

"We were obliged to do what they told us to do. During our interview, we didn't receive much information and we learnt from day to day, as we went along. It was also agreed that if we wanted to go out, we each had to pay EUR 50, otherwise, he would take our belongings and throw them in the street, because the room had to be profitable... When we were at Mae's, Lara and I sometimes sneaked out so as not to pay. We ran away for the night. When we returned, Mae told us this couldn't continue. We waited until Mae was asleep to escape through the window at the back, thus avoiding Ali."

b. Violence

The caretaker Ali was aggressive towards the SW. At night, he forced them, with the authorisation of the main defendant Mae, to receive clients who used drugs. The young trafficking victims had sent a WhatsApp message about this, which was analysed by the police:

"Lara and Luisa clearly had a problem with Ali, because Lara complained to Mae, telling her about abuses."

Lara gave evidence about the attack on her friend and SW colleague:

"You're asking me what happened if we didn't want to. Ali got cross. He was very aggressive with us, he even grabbed Luisa and pinned her to the wall, because she refused to do what he demanded."

According to the other victim, Luisa, Ali was the righthand man of the main defendant, Mae, and the owner, Michel. Mae ignored Ali's aggressive behaviour:

"You're asking me about Ali's role, he was kind of like the building's security guard. He frightened me, because he was aggressive with the girls and with me too. He actually hit a friend of X. (SW). When I didn't want to serve a client because I was tired, he forced me to take care of them by adopting a threatening and aggressive attitude towards me, although he didn't actually make any threats. He sold drugs to his clients and also to the girls... He never hit me, because I shut up as soon as he became threatening and aggressive towards me. He was only aggressive towards me in front of Lara and/or clients. He could also behave like that in front of other people, especially Mae and Valentin, but no-one ever said anything to him about it."

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The main defendant Mae had also threatened a victim and her family, and had attempted to take their identity documents away from them on the pretext that she needed them for a document.

c. Manipulation

The driver Valentin had recruited several SW in Brazil, then he had pretended to be their chaperone and gained the trust of the victims in order to abuse them later. In doing so, he manipulated them and sometimes stimulated feelings of love in them.

The young victim Luisa was the apple of his eye and she realised that he had manipulated her:

"You're asking me what I think of him. I felt a certain attraction and tenderness towards him. He seemed to be interested in me and to have a special feeling about me. I'm horrified to realise that Valentin was manipulating me. I trusted him, but everything was calculated in the end. You're asking me if I had sex with Valentin, and the answer is yes, he didn't pay me. When I talked about what I was doing, he would put me in my place, he told me it was my job. The fact that I had sex with other men didn't bother him. For him, it was work, my work. He sent me pieces of music, advice, messages with little hearts... In fact, now I realise that Valentin controlled our lives. Moreover, when Lara and I left Mae's house to go for a walk, Mae would contact Valentin so that he could try to convince us to go back."

The main defendant, Fausto, had persuaded his own nieces to work as prostitutes to pay for their family's house in Brazil after their father died. They felt protected by the same chaperone, Valentin. The victim Luisa explained that he had betrayed their trust when they had wanted to escape:

"Mae didn't like us to be in contact with the other girls in the building. I only knew the other girls who worked in Mae's flat, i.e. Fausto's two nieces... They were very young, aged 18 and 20... One day, Clara (niece) had decided to escape and she had asked Valentin to come and get her, but he never came and he betrayed her. Valentin informed Fausto about her intention to escape and asked him to come and get her.

I don't know if she was punished... I know that Clara was very tired, because Fausto asked her to do more and more, and it was really exhausting, physically. When Clara confided in me and told me that she wanted to run away again, she made me promise not to tell anyone, not even Valentin... I went to find him and asked him why he had reported Clara to Fausto, he told me that he worked as a driver, and that if he had helped Fausto's nieces, he would have had problems with him."

1.3.4. Victim status (and victim statements)

The statements reveal that five Brazilian SW considered themselves to be victims, particularly the four who fell under the category of human trafficking in the judgment.

Three of them, as well as a victim of human smuggling, were certainly supported by a specialised reception centre within the framework of the status of victim of human trafficking.

Some victims did not consider themselves as such at the beginning. However, they made sufficiently detailed statements and were then awarded this status.

This was the case of the Brazilian victim Paolina, who did not want her family and friends to find out that the money she had earned was the result of sex work. She was then heard again in the presence of an employee from a reception centre specialising in human trafficking, who accompanied her. She filed a civil suit.

The other two victims of trafficking, Lara and Luisa, who had made detailed incriminating statements, also benefited from victim status and filed a civil suit. Lara had expressed doubts during her first hearing because she was not sufficiently informed about the reception system:

"You're telling me that the Belgian state recognises victims of human trafficking and human smuggling and that there are services to help and protect these victims. My answer is that I don't know, because I don't know how the support services work."

However, this issue was subsequently clarified, as a new hearing took place in the presence of a member of staff from a specialised reception centre who had accompanied her.

Finally, the story of the fourth and fifth victims is discussed below. Joana came forward herself, while the fifth victim was detected through another trafficking case. The latter is the trans person who was supported as a victim of human smuggling but who disappeared.

a. Joana, a Brazilian victim of trafficking

This 38-year-old Brazilian SW voluntarily went to the local police station in Charleroi to make a statement about the acts of which she had been a victim. It should be noted that she was accompanied by a 60-year-old Brazilian woman, Catia, originally from Brussels, who was registered in the police databases for acts of human trafficking and who had put her in contact with the main defendant Mae from the second network. Catia herself was not heard. The victim Joana did not file a civil suit during the proceedings.

Joana was officially resident in Spain and had been married to a Spaniard since 2009. She had accumulated EUR 3,000 in debts in Spain and was looking for a way to recover the money. Catia knew Mae well and had contacted her to organise her accommodation and her place of prostitution in Charleroi.

In Lodelinsart, she worked for eight days and earned EUR 300, half of which had to be paid to Mae. She had noticed that there were a lot of SW, but had no contact with them, which Mae did not want either. She did not work there for long, because she had a problem with Mae and her identity documents were subsequently stolen:

"I didn't work much because I had a problem with Mae. She wanted me to have sex with Michel. I didn't want to because she wanted me to do it for free. Because of that, I wasn't sent any more clients and didn't work again. In the end, I spent the little money I had earned. After that, my documents disappeared. They stole my Spanish identity card, my social security card, my Spanish driving licence and a bank card. There was also about EUR 200. I suspect Mae or Michel of having stolen from me, because my room was always locked and I never left the building."

Moreover, she also had bad experiences with regard to working conditions, being woken up at 09:00 by the caretaker Ali to start her day of sex work. He did not hesitate to resort to violence:

"The caretaker of the building sometimes came to wake us up so that we could start working. He's a very scary man, I saw him hit a girl, but I don't know why... There was only one time, very early in the morning, when the caretaker came knocking on my door and told me that I had to work. I told him I was sleeping and he replied that I was there to work. This caretaker was accompanied by five other guys. I was scared, but they didn't hurt me. In any case, we didn't have time to go out, because the aim was to get through as many clients as possible."

When she left, Mae threatened her and her family so that she would not go to the police:

"Mae threatened me, she told me not to file a complaint about the theft of my wallet. She told me that I could lose a lot. That's why I'm afraid, she has my identity documents, she has my address. That's why at first I didn't want to file a complaint. As I had nowhere to go, I waited four days before contacting Catia. I was afraid to stay. When Catia arrived, I told Mae that I was leaving. She wasn't happy, she told me that she had a lot to lose, but that my family and I had even more to lose. She said, 'go straight home and don't go to the police'."

At the request of the police, Joana stated that she considered herself to be a victim of human trafficking. It can be assumed that she had not received any advice from a reception centre specialising in human trafficking and therefore did not integrate the status of victim, as she was not heard again and no longer appears in the file. She had also remained in contact with the people who had exploited her, through Catia, which was contrary to the conditions of the status.

b. Trans victim

This 27-year-old Brazilian victim was heard on 3 March 2019 in the context of a human trafficking case in Liège, in which they had been placed under administrative arrest during a search of a Liège brothel targeted by the criminal investigation. Analysis of their smartphone revealed that they were in frequent phone contact with Fausto, the main defendant of the second network. The victim told the local police in Liège that they had worked for a few days in Lodelinsart for the second network, but that they had had to leave because there was no room for them in the following days. Prior to that, they had been active in Schaerbeek, Antwerp and Leopoldsborg, according to their statement. In the judgment of the Charleroi case, they were considered a victim of human smuggling.

Initially, they had made false statements. They had claimed to be working as a hairdresser. They also refused to consider themselves a victim. At the suggestion of the Liège police, they agreed to speak with a member of staff from a specialised reception centre for victims of human trafficking, which is an example of good practice. When the staff member arrived, the hearing was suspended and she was able to talk to them for an hour and a half. At the end of this conversation, they agreed to be supported by the centre within the framework of victim status.

"Following my meeting with Sūrya, I would like to modify the statement I made to you. I would actually like to be supported by this non-profit organisation given the fact that I feel I'm a victim of someone who is abusing my situation and forces me to work as a prostitute. First of all, I would like to stress that what was said about the Italian who brought me to Europe is true. Secondly, to escape Italy and the prostitution network over there, I found help in Belgium in the Belgian prostitution scene... I would like to insist on the fact that I'm afraid to return to Brazil, because if I go back to my country, I'm scared of reprisals against me and my family through Facebook or in some other way from this Italian who also has Brazilian origins."

The victim then explained that they had been recruited by a loverboy, and forced into prostitution in a context of debt bondage. In fact, they had met an Italian of Brazilian origin during the carnival in Brazil, with whom they had begun a relationship.

He had then invited them to Italy, had paid for their flight and signed an undertaking to cover the costs of obtaining a visa. When they arrived in Italy, he forced them to pay him back by prostituting themselves. They then worked as a prostitute in Italy for three months and paid back EUR 2,000. Thanks to contacts in the Italian prostitution scene, they were able to escape to Charleroi, but then unwittingly found themselves in another prostitution network. They also stated to the police in Liège that they had been exploited in the prostitution scene in Charleroi. It later turned out that the second network in Lodelinsart had recuperated them.

Following this conversation, they were admitted to the specialised centre as a victim of human trafficking as part of the Liège case. They then stated that they had been sexually exploited in Charleroi. However, they wanted to be able to reflect on their situation while they were with the non-profit organisation before a more comprehensive hearing with the police. Two days later, the victim disappeared from the specialised reception centre, which therefore stopped supporting them. This prevented the Charleroi police from hearing their testimony on possible elements of human trafficking in the context of the Charleroi case.

Lastly, it should be noted that the police reports concerning this trans person systematically refer to then in the masculine form. There is therefore still much to be done in terms of raising the authorities' awareness of the issue of trans people in the context of human trafficking and human smuggling.

1.4. Conclusions

This case illustrates the (inter)national mobility of Latin American SW in the context of prostitution carousels that make a lot of money. To prevent the displacement of criminal activities and the exploitation of SW, it is necessary to dismantle the entire criminal network, otherwise it may even become stronger as it learns from its mistakes and adapts by developing new counter-strategies.⁴⁰⁷ It is therefore necessary to develop a network analysis of the network's ramifications.

⁴⁰⁷ S. Janssens and J. Leman, *Human Trafficking and Migrant smuggling in South East Europe and Russia: Criminal Entrepreneurship and Traditional Culture*, Palgrave Macmillan, 2015; S. Janssens and J. Leman (2008), "The Albanian and post-Soviet business of trafficking women for prostitution, Structural developments and financial modus operandi", in *European Journal of Criminology*, vol. 5, no. 4, pp. 433-451.

The investigation showed that the main defendants invested the proceeds of prostitution in foreign companies. To remedy this, international financial collaboration is needed. The CARIN network is a useful tool for this purpose and was also used in this case, which can be considered good practice.

This case contains various types of profiles of SW and victims that may be useful in drawing up an overview of Latin American SW and their respective characteristics. With regard to the approach to victims, it is necessary to treat Latin American SW who have been placed in administrative detention correctly, including trans people, in order to gain their trust. One of the victims in administrative detention was put in contact with a member of staff at a specialised reception centre during their hearing – which was a laborious process – representing good practice. This member of staff managed to gain the victim's trust and get them to accept support. Even if this particular victim disappeared, such an approach is still worthwhile and should be encouraged.

2. Labour exploitation: construction sector case (Hasselt)

Introduction

This is a case of human trafficking for the purpose of labour exploitation involving six victims on a construction site in Malmedy, between April and October 2020. One of them was put in mortal danger. The two defendants were convicted in absentia of human trafficking⁴⁰⁸ and social security fraud. The investigation stemmed from a case of attempted murder that was opened following a shot fired by one of the defendants and was subsequently separated from this case. Three Bulgarian victims and Myria filed a civil suit.

2.1. Structure of the network

The two defendants originate from Turkey and have Belgian nationality.

It was established that the defendants deliberately set up and executed fraudulent schemes for years, circumventing the law to obtain a financial benefit. The companies were subcontracted on legal construction sites, such as the construction of the Malmedy mosque, where they employed workers between 30 April and 8 October 2020.

The defendants were already known to the Belgian authorities for criminal acts. One of them was known for producing illicit drugs, and several cases had been opened against him for false imprisonment and arms smuggling.

The two defendants had previously managed several construction companies that had gone bankrupt. Some of them had been the subject of investigations for money laundering. Police reports had also been drawn up against one of the defendants as early as 2013 for failure to file a Dimona declaration⁴⁰⁹.

One victim was acting as a straw man without his knowledge. The defendants led him to believe that he was signing documents relating to his employment, when in reality they were documents relating to a fraudulent scheme. Later, the victim stated that he had never heard of the company in question. Any repeated refusal to sign documents resulted in the use of serious forms of violence. The company was bankrupt and was the subject of an information report in connection with a money laundering operation. Three victims signed employment contracts in the name of this company. They were not informed of the bankruptcy a week later and continued to work thinking that they were officially employed under a written employment contract.

Furthermore, the defendants tried to involve the victims in setting up their fraudulent schemes. One victim was told that by setting up a company, it was possible to take out a loan of EUR 3,000 in Belgium, to then go bankrupt and flee to Bulgaria with the money.

408 Limburg Crim. Court, Hasselt division, 17 July 2023, 17th ch. (by default): see later in this report, this part, Chapter 3, point 2.3.1.

409 Dimona (immediate declaration of employment) is an electronic message by which the employer communicates all incoming and outgoing employees to the NSSO.

2.2. Investigation

The labour exploitation case stems largely from the attempted murder case, in combination with subsequent hearings conducted by the National Social Security Office (NSSO).

2.2.1. Start of the investigation

On 7 October 2020, a construction site in Malmedy was the scene of a shooting of a Bulgarian worker by one of the defendants. A criminal investigation was immediately opened under the direction of the investigative judge of Verviers.⁴¹⁰ Initially, the investigation focused on the circumstances of the shooting, but the two victims also clearly indicated that there was a context of human trafficking. The Liège public prosecutor's office therefore decided to open an investigation into human trafficking on 8 October. A week later, it referred the case to the Hasselt labour prosecutor's office, suggesting that it open a case for human trafficking. At the same time, the NSSO had received, during the same period, reports by e-mail from two separate victims stating that they may have been exploited in the framework of human trafficking.

The NSSO was instructed by the labour prosecutor's office to conduct an investigation into human trafficking. On 13 January 2021, the labour prosecutor's office asked the investigative judge for access to the investigation into attempted murder. On 21 January 2021, the NSSO received copies of the police reports within the framework of the investigation into the shooting, through the investigative judge. A week later, the NSSO drew up a summary report for human trafficking and social security fraud against the two defendants. In addition, the Social Legislation Inspectorate drew up an additional report for wage offences.

2.2.2. Digital investigation

During the analysis of a defendant's mobile phone, dozens of photos of identity cards and bank cards of presumed foreign workers were discovered, confirming the recruitment of the victims. The photos had been taken when the workers arrived in Belgium. The labour prosecutor asked the relevant police department to search the photo files of the defendants' mobile phones for the precise moment when the photos of the identity cards and bank cards had been taken.

The workers were brought to Belgium, in exchange for payment, in a minibus driven by a Romanian driver, who held their Bulgarian identity documents. The driver was already known to the Belgian authorities for criminal association and human trafficking. Recruitment was carried out using posters and Facebook adverts promising a wage of EUR 11 per hour and free accommodation.

An open source search enabled the Facebook profile of this Romanian driver to be found. The photos on his profile were compared with those on the identity cards in the defendant's mobile phone, which enabled him to be identified. His profile photo was then used to have his identity confirmed by the victims. In addition, a financial transaction between the defendant and the driver was established thanks to a Western Union document.

On 23 June 2021, as part of the investigation, the NSSO inspection service suggested to the labour prosecutor's office that they search the defendant's phone for images that could illustrate acts of violence against the victim. The victim in question had been exploited as a straw man and obtained the status of victim of human trafficking. During his statements, the man had mentioned having seen one of the defendants record him with his mobile phone. The request to recover this video can be considered a good practice.

The labour prosecutor asked the competent police department to search for the video in question in the photo files of the defendants' mobile phones. However, when the phones were analysed, it proved technically impossible to view all 112,420 photo files. The police also did not have access to data from instant messaging applications such as WhatsApp, which could have been received or sent by phone. This is partly why the video of the torture of a victim could not be found.

⁴¹⁰ This investigation resulted in a conviction for attempted murder by Verviers Criminal Court on 4 August 2021. The Liège Court of Appeal also found the acts to be proven on 23 June 2022.

2.2.3. Financial analysis

As of 13 September 2017, the Financial Intelligence Processing Unit (CTIF-CFI) reported the suspicious activities of construction company X, which played a key role in the fraudulent scheme, on the basis of serious indications of the laundering of money from human trafficking. It subsequently emerged that one of the victims was acting as a straw man for the company that had taken over the activities of company X. The latter then found itself in a critical situation, which led to its bankruptcy in 2020.

On 9 June 2022, the labour prosecutor's office asked the land registry for a statement of all the real estate assets of one of the defendants. It transpired that the latter no longer had any real estate in his name in Belgium and that he had moved to Turkey in the meantime. This address was known to the Belgian judicial services. The second defendant was also in Turkey. Neither of them could be heard.

2.3. Analysis of the victims

Six Bulgarian workers were considered victims of human trafficking. Several statements suggested that dozens of foreign workers were employed by the company.

The analysis of the defendant's mobile phone identified 54 workers: 20 of Bulgarian origin, 10 of Ukrainian origin, four of Belgian origin, three of Romanian origin, one of Italian origin and one whose origin could not be traced. Bank card transactions also revealed the existence of 15 other people.

One victim stated that he was housed with seven or eight other Bulgarian or Moldovan workers. No Moldovan was heard during the investigation.

2.3.1. Elements of human trafficking

Several fraudulent tactics were used to swindle the labourers. The workers signed their employment contracts, drafted in Dutch, in good faith, even though they did not have a good command of the language. After the company went bankrupt, they continued to work, assuming that their employment was legal.

Another fraudulent tactic involved one of the victims, who thought he was working as an employee of the company, but was in fact operating as a bogus self-employed worker. Months later, he was informed by post of the social security contributions he owed. The total amounted to EUR 750. Myria has already recommended in the past that the social security debts of victims of human trafficking be cancelled.⁴¹¹

a. Violence

As for verbal abuse, the site workers were insulted when something went wrong or when the work was too slow.

Furthermore, serious physical violence was also used. This violence was intended to exert coercion on the victims. One of the defendants was already known to the judicial services for assault and battery. He is alleged to have threatened a victim acting as a straw man for two and a half months, before abducting and holding him captive for four days. The victim was tortured to force him to sign a document on the bankruptcy of the company.

During the shooting on 7 October 2020, a second worker was the victim of serious violence. He was shot at for challenging the defendants after they withheld his wages and those of several other workers. He was left with a physical disability.

The two victims of physical violence were granted the status of victims of human trafficking.

b. Employment

The workers were employed in conditions contrary to human dignity. Their working days and weeks were particularly long: at least six days a week, sometimes including Sundays, and at least 10 hours a day. Unbeknown to the six workers, they were working illegally, with no Dimona declaration or declaration to the NSSO regarding the wages owed to them.

The wages were well below the minimum wage and were paid irregularly and in part. There were no written documents regarding working hours or payments. Sometimes, small sums were given in cash. However, one victim claimed to have received money via his account number, which is also apparent from the banking information of one of the defendants.

⁴¹¹ Myria, *Annual report 2023 – Trafficking and smuggling of human beings, A chain of responsibilities*, p. 180, recommendation 9.

The fact that not all the workers were promised the same wages had created divisions among them. They were asked not to talk about it.

The calculation based on the minimum hourly wages revealed that a total sum of EUR 81,177.59 in social security contributions had been evaded and that the defendants still owed the six victims wage amounts ranging from EUR 7,223.13 to EUR 14,729.

When the workers finally protested, the defendants threatened to repatriate them to Bulgaria and withhold their entire salaries.

Their situation was all the more vulnerable as they had no official social status and could not benefit from any social protection. For instance, one victim stated that when he had a bad cold, he did not consult a doctor because he did not have health insurance.

c. Accommodation

The two defendants were responsible for organising accommodation for their workers. This created a high level of dependence among the victims. Two locations were provided to house the workers. The victims recognised both addresses thanks to a photo taken on Google Street View. These houses were in a terrible state.

Initially, the workers did not have to pay anything for their accommodation, then only for their water and electricity consumption. Finally, one of the defendants demanded between EUR 350 and EUR 750 in rent per month. This sum was deducted from their wages, which were only paid in part.

2.3.2. Victim statement

Based on all the statements made by the victims, it was possible to draw up a picture of how the defendants treated the workers and the precarious conditions in which the latter found themselves.

In the first e-mail sent to the NSSO reporting indicators of trafficking, the victim stated that he had come to Belgium to pay for his daughter's studies. He was not paid for his work here and did not have health insurance, even though he was asthmatic and need medical care. The victim returned to Bulgaria without having been paid.

The victim, who had been abused as a straw man, testified to the threats and violence he had suffered. He had received death threats against his wife and son. He was also held captive for four days, guarded by an aggressive dog. He was threatened with having his fingers cut off and was beaten until he bled. According to his statement, this scene was filmed by one of the defendants to keep the other workers in line. The victim fled and hid in the forest for two days, before returning to the defendants' home as he had nowhere to stay and no food.

The victim of the murder attempt stated that the gun had not gone off when the defendant had raised the weapon to his temple and pulled the trigger. He then reloaded and fired twice at the victim's leg. Two bones were broken, requiring surgery.

One victim was not heard. The man had already returned to Bulgaria for medical reasons. No letters rogatory were issued for his hearing.

2.3.3. Victim status

Three victims filed civil suits. Two of them were granted the status of victim of human trafficking. These were the two victims who testified to the physical violence committed against them. After the shooting, they were immediately referred to the specialised reception centres for victims of human trafficking by the Liège public prosecutor's office. One was referred to Sürya, the others to PAG-ASA.

The third victim, who had filed a civil suit, did not have the status of victim of human trafficking.⁴¹² However, the man had received a court summons at his home and had called on the same lawyer as one of the victims who had entered the procedure for victims of trafficking.

⁴¹² The case does not contain any other information about this.