

Chapter 2: Case studies

In this chapter, Myria analyses the court records of human trafficking and smuggling cases, in which it instituted civil proceedings and therefore has a complete view. This provides a precise image of how an investigation is actually initiated and conducted in the field. Furthermore, this chapter provides an illustration of the phenomenon of trafficking and smuggling in human beings for each form of exploitation.

The analysis is based on cases' reports and takes a detailed look at the criminal system and the victim's point of view. We shall first examine in depth and take a critical look at the summarised reports: the investigators' summary of the case. A great deal of attention is also paid to the initial reports, which indicate on what basis the case was actually opened and whether the victims were intercepted and detected at this point. The case also includes the statements from the hearings of the victims, suspects and witnesses, the informative reports, the files including the transcripts of phone taps, observation reports and, finally, the reports from the letters rogatory.

The study of concrete cases is a cornerstone of the policy assessment. It provides a better understanding of the implementation of the investigation and prosecution policy in the field as well as any tricky points associated with it. Once assembled, these observations are an important source of information for the annual report's focus and an essential basis for the formulation of recommendations.

Myria bases itself primarily on these case studies to determine the good practices and negative experiences of the different players in the field. These are listed in the chapter *Best practices and experiences*. The various texts in the case studies that are relevant to this chapter are accompanied by a footnote.

1. Trafficking in human beings

1.1. Sexual exploitation

1.1.1. Hungarian Roma network in Ghent

In this case of trafficking in human beings based in Ghent, relating to acts in 2013 and 2014, Hungarian Roma women, including a child, were sexually exploited by a Hungarian Roma network. Among the recruitment methods used was the loverboy technique, presented in this focus²⁶⁰.

The case was rapidly dealt with²⁶¹ and tried by Ghent Criminal Court on 21 August 2014²⁶². None of the victims instituted civil proceedings. Besides the charge of human trafficking, the defendants were also charged with criminal organisation and money laundering. The court also ordered the confiscation of EUR 405,980. The Hungarian authorities transferred the sums of the confiscated proceeds to the Belgian authorities²⁶³.

a) Criminal network

The well-organised prostitution network, which also used violence, was comprised of two Hungarian Roma families who forced young Roma women to prostitute themselves. The victims were sexually exploited in Belgium, the Netherlands, Switzerland, Austria and the United Kingdom.

²⁶⁰ Part 1, Chapter 2.

²⁶¹ Trafficking and smuggling in human beings, Annual Report 2010, *Combating social fraud to prevent trafficking in human beings*, p. 133.

²⁶² Part 2, Chapter 4; Ghent Crim. Court, 21 August 2014, 19th ch.

²⁶³ Human Trafficking, Annual Report 2013, *Building bridges*, pp. 44-56.

Three of the defendants acted as ‘bottom girls’²⁶⁴ in the criminal system²⁶⁵. As intermediaries, they collected the money from the victims of prostitution and didn’t hesitate to use violence when the victims didn’t make enough money. Furthermore, they sought places for the victims in windows in the Midi area and looked after their upkeep.

One of the main defendants was also a drug dealer and supplied drugs to some of the co-defendants, customers of prostitution and victims.

b) *Opening the case*

In 2012, the local police in Ghent was already conducting an initial investigation into several persons of Hungarian origin suspected of trafficking in human beings. After carrying out checks, the local police in Ghent noticed a significant increase in prostitution networks involving young Hungarian girls around the Midi area in Ghent, between January 2012 and March 2013. This increase was corroborated by the official figures of the “service providers” in the various prostitution windows. In 2009, four Hungarians were known to be working there but in 2012, the figure rose to 141, peaking at 283 in 2013. It appeared that the victims were of Roma origin in a highly precarious situation.

At the end of March 2013, the police in Ghent received a letter rogatory request from the police in Amsterdam concerning one of the Hungarian Roma victims of prostitution, who was under the yoke of one of the Hungarian pimps, also known to the Dutch police. In April 2014, the public prosecutor’s office in Ghent decided to open an integrated investigation with members of the local police and the federal police. This time, the investigation wasn’t based on the victims’ statements, because they were too frightened to speak as long as their pimp wasn’t behind bars. At this stage of the investigation, the victims denied

the acts of violence committed against them. During the inquiry, the prostitution network was inventoried and the aforementioned “plukteam” (financial confiscation team)²⁶⁶ identified the criminal money flows.

c) *Investigation*

In July 2013, an investigating judge was appointed: this was the start of the collection of as much objective evidence as possible against the perpetrators on the basis of special police techniques such as phone tapping, extensive observations and financial investigations²⁶⁷. It was important for the victims because it relieved them from the pressure of the burden of proof. Hence, it was no longer necessary for the investigating judge to consent to confrontations between the victims and perpetrators either. The lawyers of the latter increasingly demanded these confrontations as the investigation progressed. However, these types of confrontations are often very traumatic for the victims of sexual exploitation²⁶⁸.

The phone taps provided objective evidence of violence towards the victims. In some conversations, orders were even given to monitor certain girls, to hit them and threaten them²⁶⁹. It also transpired, on the basis of an extensive cyber investigation and phone taps that the perpetrators used Facebook to select their victims based on their photos and to communicate with them.

Investigators carried out simultaneous searches and arrests in different countries. In Belgium, 32 forged passports were found

²⁶⁴ See part 1, Chapter 2, Victims of loverboys, point 3.2 and note 196.

²⁶⁵ Human Trafficking, Annual Report 2013, *Building bridges*, p. 16.

²⁶⁶ Human Trafficking, Annual Report 2013, *Building bridges*, pp. 44-56. The term “plukteam” comes from the Dutch word “kaalplukken” which literally means to ‘fleece’ criminals financially. The term is based on the legislation of the same name which deals with seizures and confiscations of criminal proceeds. The plukteam is responsible for the inventory of criminal patrimonies with a view to a subsequent seizure. (Source: inforevue 2009 no. 3 of the federal police: www.polfed-fedpol.be/pub/inforevue/inforevue3_09/PLUKTEAM_IR03FR.PDF).

²⁶⁷ *Ibid.*, pp. 57-63.

²⁶⁸ *Ibid.*, p. 58.

²⁶⁹ *Ibid.*, pp. 57-63.

during a search. A search carried out in Hungary provided evidence proving that young girls were also recruited in the United Kingdom for prostitution.

The perpetrators' arrest removed part of the pressure they exercised over their victims. They were therefore able to be heard. The majority of the victims had already returned to their family environment in Hungary upon their request, thus reducing to a large extent the risk of threats. Upon the judge's request, the police used a list of standard questions for a targeted and structured hearing of the victims. The following aspects were dealt with: recruitment, employment, accommodation, the presentation of a photo album, general questions about previous history.

International cooperation

Europol provided important information, in particular concerning the fact that different perpetrators were also known for acts of human trafficking in other EU member countries.

Within Europol and Eurojust, Belgium, the Netherlands and Hungary signed an agreement end 2013 aimed at creating a *Joint Investigation Team (JIT)*²⁷⁰. At the beginning of 2014, an investigation was also launched in the United Kingdom against the same Hungarian network.

In the ECE agreement, the victims' interests were taken into account in the objectives. Besides gathering evidence of involvement in acts of human trafficking and money laundering and the confiscation of criminal resources, the ECE also pursued the following objectives:

- to get active prostitutes out of forced prostitution;
- to take away illegally-acquired benefits from suspects through legal action;

- to ensure that the victims are compensated and/or benefit from financial compensation;
- to prevent women becoming victims of human trafficking again.

Financial investigation

The investigators managed to identify the movable and immovable property of the Hungarian perpetrators and rapidly and efficiently seize these proceeds from criminal activity thanks to the ECE agreement²⁷¹. The defendants earned EUR 198,240 a month thanks to their activities in prostitution. One of the main defendants even made a personal profit of EUR 94,500 at the expense of six victims of prostitution. These figures were the absolute minimum based on the calculation of resources acquired through crime. The court used these figures as grounds for its decision to confiscate a total amount of EUR 405,980.

The investigators analysed the financial modus operandi of the prostitution network on the basis of the information acquired through the phone taps, observations and money transfers. The bottom girls checked how much the victims "made" based on the number of condoms used. They handed over the cash earnings to cash smugglers who took the funds to Hungary where they were mainly placed in real estate. The perpetrators also made international money transfers to Hungary in the victims' names through regular money transfer agencies.

One of the victims explained during her statement how she had to transfer money to Hungary through an agency for the defendant: "I did it in my name but he wasn't always the beneficiary, sometimes it was his sister, or another family member or an acquaintance of his. However, he clearly received these amounts... He hit me very hard in the evening because, according to him, I had lied, I hadn't sent the money to him at home for his return journey".

²⁷⁰ *Ibid.*, p. 63.

²⁷¹ *Ibid.*, p. 52.

d) *Victims*

The victims were young Hungarian girls of Roma origin. All of them were in a very precarious situation: single mothers, girls who had been in orphanages or care homes until they were 18 years old, etc.

The victims were recruited by making them believe they could earn a fortune in Belgium. Some of the girls fell into the loverboy trap²⁷² or were psychologically forced to take drugs (speed or cocaine) to “improve” their services and overcome the pain and disgust. This also led them to sell drugs to clients and take it with them. Other victims were made to believe they had to reimburse massive debts for the job that was found for them, their transportation, their accommodation and their upkeep.

The perpetrators drummed into the victims that they could never tell anyone who they worked for. They had to say they were independent, had no pimp or intermediary, they weren’t under any constraints, and that they couldn’t reveal the identity of the organisation’s members. They couldn’t say anything about how they arrived in Ghent either.

The various statements revealed that even after the perpetrators were arrested, the victims were still subject to pressure or threats to ensure they would remain silent. The obligation to keep quiet even came from prison.

Victim statements

Anonymous evidence from one of the victims illustrates the extreme violence of the defendants. This is what emerges from this quote, copied word for word from her statement: “During this period, X hit me every two to three days for different reasons. Sometimes because of my behaviour, sometimes based on gossip. By “hit” I mean that he stood on my head, that he kicked me

with his shoes, struck me in the stomach or on my thigh. He often said that he was hurting me because I had lied to him and that he wouldn’t put up with it. I sometimes had to take tranquilizers because my situation seemed hopeless, but he forced me to continue working all the same. Once, he hit me so hard that my tooth broke. Sometimes, the injuries were visible but I didn’t dare go to the doctor for fear of reprisals. I didn’t dare to think of going to the police to file a complaint because X assured me that he had friends everywhere and that if I sent him to jail, he would come and kill me and my family as soon as he got out”.

Regarding another incident, she stated: “He hit me several times with a piece of wood that looked like a table leg, then he wound a belt around my wrist and pulled me to the bathroom where a bath of ice cold water was waiting for me. X told me to plunge my head in the water, otherwise he would push me in himself. He knew that I panicked under water, that’s why he held my head under the water”.

Child victims

One of the victims was a 17-year-old minor, who prostituted herself for one night in Ghent. She used a fake identity card belonging to an adult. She offered her services, showed her photos on a social network and received a positive reaction. It was only when she arrived in Belgium that the main defendant discovered that the young girl was a minor. He nevertheless put her to work so that she could earn money and pay him back for her travel costs. But the fact that she was a minor was indeed the reason why she was sent back to Hungary the next day. The main defendant was frightened of the police’s reaction if they discovered that a minor was active in prostitution. Through phone taps, the police nevertheless managed to later determine the identity and true age of the victim²⁷³.

²⁷² Part 1, Chapter 2.

²⁷³ Human Trafficking, Annual Report 2013, *Building bridges*, pp. 57-63.

Victim status

The court recognised 40 victims of human trafficking on the basis of the results of phone taps. Almost half of the victims were never found. The majority of the victims submitted empty statements when they were intercepted by the police. Initially, the victims had little trust in the police with whom they first came into contact²⁷⁴.

Two victims asked for and obtained victim status, but the majority of victims showed no interest in it²⁷⁵. They refused it because they didn't consider themselves to be victims. They were too worried or wanted to go home as quickly as possible. For some victims, collaborating with the law posed no problem and they were even relieved to be able to make a statement. However, they did express the wish to temporarily continue their activities in prostitution independently.

Seventeen victims were heard at a later date in Hungary. Some victims were heard again after their statements in Belgium and made relevant statements as soon as their fear had gone. Several victims returned on the basis of the RAVOT project²⁷⁶, specially set up in Ghent for maximum reintegration of the victims of human trafficking in Hungary. Thanks to this project, the safety of the victims and their families was ensured. However, in the beginning, the programme did lead to secondary victimisation²⁷⁷ in Hungary, but this was later resolved²⁷⁸.

Several victims had already been detected and previously registered as victims of human trafficking in other countries, which raises the

issue of European victim status. A victim was noticed for the first time working in prostitution in Alkmaar (Netherlands) in 2011, followed by Ghent in January 2014, and then seemed to have disappeared. A young, intellectually-impaired 18-year-old woman was extracted from a brothel as a victim by the police in Lancashire (United Kingdom) in May 2013. In August 2013, she was again active in prostitution in Ghent. She was easy prey and allowed herself to be emotionally manipulated by the perpetrators. She had lost both her parents when she was a child, had grown up in an orphanage and thought of one of the defendants as her mother. She wasn't interested in victim status.

Another young girl, who well and truly integrated the status of victim and benefited from the support of a Hungarian support worker²⁷⁹ at Payoke, the specialised reception centre for victims, already presented herself as a victim of human trafficking in Stuttgart (Germany). When her income from prostitution was taken from her, she went to the police in Stuttgart as a victim of human trafficking. She then returned to Hungary, and ended up at a reception centre where she was recruited by one of the defendants of the present case to supposedly come and work as a cleaner in Belgium. Once here, she was told that she wasn't going to work as a cleaner but as a prostitute. She also added that could no longer return to Hungary and was forced to give in because she first had to earn enough to pay for her journey back. There were eight to ten other young girls in the bar where she had to work. They were all drug addicts. The victim saw them snorting white powder and there were syringes lying around.

1.1.2. Nigerian network in Brussels

In this case of human trafficking and smuggling in Brussels, which dates back to a period between 2007 and 2011, young Nigerian girls, including several minors, were fraudulently brought here and sexually exploited by a Nigerian prostitution network.

²⁷⁴ This part, Chapter 3, point 1.2.

²⁷⁵ *Ibid.*

²⁷⁶ Referral of and Assistance for Victims of Human Trafficking.

²⁷⁷ Secondary victimisation refers to the fact that the victims become victim of the same offence for a second time owing to the fact that they find themselves faced with negative social reactions, (unwilling) civil servants and authorities that can't or don't want to help them, as well as lengthy legal proceedings which are exhausting, bureaucratic and costly.

²⁷⁸ This part, Chapter 3, point 1.3.

²⁷⁹ *Ibid.*, point 1.2.

The victims could be ordered²⁸⁰ in Nigeria and Turkey and were exchanged to work in prostitution in Spain, Norway and Belgium.

The young girls were brought to Belgium to work in prostitution. They had to pay EUR 55,000²⁸¹ for the journey and reimburse this debt by prostituting themselves. One of the victims was in Belgium under the yoke of a loverboy²⁸². According to her identity card, she was 14 years old but was probably actually 19 at the time of the offence.

This case was tried by Brussels Criminal Court on 24 February 2012²⁸³, and then by the Court of Appeal on 31 October 2012²⁸⁴. Several victims instituted civil proceedings²⁸⁵.

a) Criminal network

The court established that the acts of human trafficking were carried out within an organised network. The main Nigerian defendant sexually exploited the victims through Nigerian *madams* who worked for him.

Nigerian “madams”

These *madams* characterise the Nigerian prostitution networks. They put the victims to work, supervise them, collect their money and manage their debts. They take advantage of voodoo rituals to keep the girls under their yoke. At the same time, they act as

²⁸⁰ A “madam” ordered a victim in Nigeria, paid for from Europe, and the victim’s arrival was guaranteed by a voodoo ritual performed by a voodoo priest. The collaboration took place through contacts in the transit country, who had to be paid, which sometimes caused financial conflicts. The phone taps revealed that a young girl who had been “ordered” was stuck in Turkey because the contact person in this country hadn’t yet received the payment necessary to ensure the continued transportation of the young girl.

²⁸¹ One of the victims had to pay EUR 55,000. For the other victims, the amount varied but was at least EUR 25,000.

²⁸² Part 1, Chapter 2.

²⁸³ Brussels Crim. Court, 24 February 2012, 46th ch. (available at www.myria.be)

²⁸⁴ Brussels, 31 October 2012, 13th ch.

²⁸⁵ Trafficking and Smuggling in Human Beings, Annual Report 2012, *Building trust*, pp. 69-70.

psychological support for the victims who consider them as a mother or sister. They have legal residence permits, which they sometimes obtain through a sham marriage, and often know the prostitution system from the inside with the hope of being free of it themselves one day.

Legal residence permits

Phone taps reveal that one of the *madams* had obtained a legal residence permit through a sham marriage. During a phone conversation with the main defendant, she said: “The white man who arranged my residence permit through a sham marriage called me”.

During another phone conversation, it was question of looking for a solution to legalise the stay of another *madam*: “X will try to give Y a Belgian residence permit. She will try to do it by pretending she is ill. We know a Belgian doctor who has already provided the necessary documents in return for a substantial sum of money. The doctor has to clearly state in writing what illness Y is suffering from, such as psychiatric problems. It is one way of speeding up the procedure for Y’s residence permit”.

The main defendant also gave one of the *madams* a piece of advice concerning her request for asylum: “You have to say that they want to mutilate your genitalia in Nigeria and that’s why you fled”.

Corruption and contacts in embassies

The main defendant was in contact with various people to organise the trafficking of human beings in Nigeria, with each person having their own speciality. He would make use of their criminal services to obtain forged identity papers.

He was in contact with a corrupted member of staff at the embassy to obtain a Schengen visa or sort out other business. The main defendant was therefore able to obtain the necessary visa, for instance, at the Italian embassy in Nigeria thanks to a contact person. Furthermore, the sister of an accomplice

worked in the Nigerian embassy in Abuja and he was easily able to obtain a visa this way. And an employee at the Nigerian embassy in Greece ensured that Nigerians who were about to be deported were released, in exchange for a bribe.

He could also count on accomplices within airline companies and among immigration staff at the airport, thus allowing him to organise a *guaranteed* safe passage for people to cross the border illegally²⁸⁶. He also corrupted members of parliament who offered him political protection.

Smuggling itineraries

In general, several victims travelled together and regularly changed guide across Africa and Europe, before arriving in Belgium. The trip sometimes lasted months through the desert or on small dangerous boats at sea with the intention of reaching one of the most well-known transit points, the Italian island of Lampedusa. Sometimes, the young girls already had to prostitute themselves on their way to Italy.

Other *guaranteed* transportations were also organised, bringing Nigerian victims of prostitution by plane from Lagos (Nigeria) to Italy. Their contact person at the embassy had arranged a group trip under the pretence of a training course in Italy. This allowed 19 Nigerian girls to legally leave Nigeria with a visa.

Exchange programmes

The main defendant also had accomplices in Spain, Turkey, Italy, Morocco and Denmark, and his sister even served as a *madam* in Canada. These contacts all entered perfectly into the context of international exchange programmes in the Nigerian networks. For instance, a Nigerian *madam* in Belgium had victims in Norway, Sweden and Spain under her authority. There was also an exchange

programme where, for instance, a Nigerian *madam* in Spain sent a young girl to go and work in for her Belgium, owing to a lack of work in Spain, but under the supervision of a Nigerian *madam* living in Belgium.

b) Opening the investigation

This investigation was the result of another investigation concerning a Nigerian network, which began in 2009. During a hearing in September 2010, one of the main defendants in the old case had had an informal conversation with the investigators. She informed them of the prostitution activities of another Nigerian woman and a man who smuggled young girls into Belgium via Libya, to make them work in the red-light district in Brussels. She refused to make an official statement, but she did give the exact address where the acts took place.

On the basis of this information, the police checked its own records. They revealed that on 24 October 2008, during a police check in this building, two young girls had been seen in the window and had fled towards the cellar.

The initial report said: "Owing to the amount of work resulting from the Y case and peripheral cases, we didn't directly pursue the investigations based on the information she gave us"²⁸⁷.

The investigation was initiated several months later.

c) Investigation

At the beginning of 2010, the investigating judge ordered several investigative procedures, including a phone tap. This revealed the network's international contacts, its smuggling methods and how the international exchange programme worked. Girls who didn't perform well enough were moved to another region. The phone taps also played an important role in the detection of

²⁸⁶ See this chapter below, point 2.1.1., point 2.3.2. and point 2.4.1.

²⁸⁷ Trafficking and smuggling in human beings, Annual Report 2008, *Enlisting people and resources to combat the phenomenon*, p. 112.

victims: “It would appear that X is currently busy with the final preparations for the transport of a girl from Nigeria to Belgium. The girl in question seems to have travelled to Abuja in the meantime, while waiting for her transfer to Belgium. The payment for the transport seems to have been made and the girl will travel alone with full knowledge of the facts, with identity papers belonging to someone staying in Europe. (...) We can deduce from the phone taps that it is possible that the girl in question will arrive at Schiphol in Belgium during or after the weekend of 4 and 5 June 2011, and X will go and fetch her personally from Schiphol”.

In the tapped phone conversations, there was also mention of the so-called *Black Western Union* and the four apartment blocks that the main defendant had had built in Benin City (Nigeria) thanks to the income from prostitution. *Black Western Union* is a financing system known by this nickname in Nigerian circles, which has absolutely nothing to do with the famous Western Union. It is the African version of the Pakistani *hawala* system, where the profits end up in phone shops and grocery shops in Nigeria through alternative remittance systems. A *hawala* type system can be considered as an alternative banking system to transfer money from one country to another without leaving any trace of the transaction. The system works in perfect anonymity²⁸⁸.

d) Victims

Victim status

In this case, it was possible to trace 20 young African girls who were victims through phone taps. Six of them were detected and guided towards victim status²⁸⁹. In one of the tapped phone conversations, the main defendant said he had already fraudulently brought 16 victims to Belgium.

Profile of the Nigerian victim

The majority of victims were offered a job as a prostitute in Nigeria, with the promise of a good income. The main defendant organised a selection procedure, during which he interviewed and selected the victims by phone in Nigeria. The phone taps also revealed that some girls could be ordered in advance.

When they arrived in Belgium, the young girls' identity papers were taken from them and given to the *madam*, who placed the girls in prostitution or sold them for EUR 5,000. The victims were told the same story every time: in order to be set free, they had to pay back their journey. In general, they accepted without any form of resistance.

The Nigerian networks don't hesitate to use any form of violence against the victims or their families. For instance, the parents of one of the *madams* threatened the parents of two minors because they didn't want to reimburse their supposed debts. A young girl, who first worked as a prostitute in Spain before coming to Belgium, was forced to abandon her 10-month-old baby in Spain. The phone taps clearly revealed why: “If the mother does anything stupid, her baby will be killed”.

²⁸⁸ Trafficking and smuggling in human beings, Annual Report 2011, *The money that matters*, p. 23.

²⁸⁹ This part, Chapter 3, point 1.2. and Human Trafficking, Annual Report 2013, *Building bridges*, pp. 30-35.

Abuse of voodoo rituals

In Nigeria, someone had to act as guarantor for a young girl. This guarantee was put into practice by one or more voodoo priests. Abuse of the voodoo ritual is a typically Nigerian means of pressure²⁹⁰. Many young Nigerians swear an oath before leaving for the West, during which they state that they or their family will pay their *madam* for the travel costs and debts. This oath goes hand in hand with several rituals. The fingernails, blood and hair of the young woman are carefully preserved in a packet. This packet is kept by the criminal network. If the woman doesn't satisfy one or more of her obligations, *juju* or voodoo is used against her. According to popular belief, someone whose fingernails, blood and hair are preserved in a packet can be made ill or mad, and even die. This way, the *madams* raise the girls' fears and create a link that can't be broken without consequences. In order to save themselves and their family, many of the victims remain in prostitution to reimburse their debts.

The statements of one Nigerian victim in this case revealed the significant impact of the voodoo ritual and how it can be easily abused to exert pressure: "After two days, X took me to this place too and told me to work for her as a prostitute. I refused, but after a week I had to do it because X had stuffed my food with voodoo, cut a strand of my hair and taken a bit of menstrual blood from my pants... she subjected me to a voodoo ritual".

Child victims

Several victims were detected and obtained the status of victim of human trafficking. Three of them were probably minors, even if the court wasn't able to determine their exact age. It was almost certain that two young girls were minors, but a doubt remained concerning their exact age.

One of the victims was probably 15 years old when the acts took place in 2007. During a police check, she was first taken to the centre for illegal immigrants in Bruges, but she was then transferred, as an unaccompanied minor, to Juna, the centre for unaccompanied foreign minors in Aalst. She stayed there until she reached adulthood, in 2010. She then went to live with her boyfriend. While she was at Juna, the defendants contacted her several times, having got her mobile phone number from her mother, to ask her to escape the reception centre, which she refused to do. Later on, when she was living with her boyfriend, they continued to harass her so that she would continue to reimburse her debts.

Another victim was probably 14 years old when the acts took place. She instituted civil proceedings and was represented by a guardian during the trial in first instance. In Nigeria, she was offered schooling in Europe. She had to go to a so-called immigration office in Lagos where she gave her fingerprints and photos were taken of her in order to make a false passport. She wasn't to tell her mother of her departure for Europe under any circumstances. She took the plane for Spain, passing through Italy and France. She stayed six months in Spain and there she was forced to prostitute herself by means of a voodoo ritual. She was then transferred to Brussels because there wasn't enough prostitution work in Spain.

1.1.3. Modelling agency case in Antwerp

The acts in this case, which took place in Antwerp, date back to 2010 and 2011 and involved a Russian/Latvian criminal organisation that sexually exploited mostly young Latvian girls.

²⁹⁰ Human Trafficking, Annual Report 2013, *Building Bridges*, pp. 14-15 and 26.

This case was tried on 3 December 2012 by Antwerp Criminal Court²⁹¹ and on 12 September 2013 by the Antwerp Court of Appeal²⁹². Twelve defendants were prosecuted for human trafficking, several of whom were sentenced. Two defendants also appeared in court for distributing child pornography images (but not within the context of the charge of human trafficking). Only one of them was sentenced for these offences²⁹³.

One of the defendants passed herself off as a victim during the trial and instituted civil proceedings against three other defendants²⁹⁴. She was first ordered to prostitute herself by the main defendant, but she rapidly began to work freely in prostitution and in the exploitation of prostitution. She recruited school friends in Latvia and made them believe they would have a job fruit-picking or cleaning, but in reality, they were immediately forced to prostitute themselves. The defendant kept half of their earnings, which she then handed over to two co-defendants. She also enticed two young women who had fled, into an apartment, where they were beaten and threatened with a gun. She gave the impression of being very dominant and of putting pressure on the young women by threatening to inform one of the other defendants. Seeing as the defendant was sentenced as a perpetrator and accomplice with the co-defendants, against whom she had instituted civil proceedings, the court considered her civil proceedings as unfounded²⁹⁵.

²⁹¹ Antwerp Criminal Court, 3 December 2012, ch 4C . (available at www.myria.be).

²⁹² Antwerp Criminal Court, 12 September 2013, 14th ch.

²⁹³ Trafficking and Smuggling in Human Beings, Annual Report 2012, *Building trust*, p. 69.

²⁹⁴ *Ibid.*, pp. 20-21.

²⁹⁵ *Ibid.*

a) *Opening the case*

In April 2011, the local police²⁹⁶ received an anonymous complaint regarding acts of human trafficking in modelling agencies, concerning websites and victims. Five months later, the PAG-ASA centre specialising in the reception of victims, received an anonymous complaint concerning the same modelling agencies. The complaint was accompanied by printouts of adverts posted on the internet which, according to the person who submitted the complaint, lured minors. The complainant also referred to ill-treatment such as cigarette burns, abuse and the detention of a six-month pregnant woman. The complainant asked for the victims to be taken into care. The complaint was sent to the police. The investigation (information phase) began the same day.

b) *Investigation*

On the basis of this data, the police was able to quickly localise the acts and conduct an investigation of the neighbourhood. The initial observations showed signs of exploitation of prostitution and already alerted the police to one of the future defendants. A judicial investigation was initiated so that investigative means, such as phone taps, could be organised and implemented.

It emerged that young Latvian girls had been recruited as escort girls in the Netherlands and Belgium through a website for sexual relations. They were promised a net income of EUR 4,000 to 6,000 for two days work a week. This website is a Latvian variant of Facebook, where the surfer clicks on a friend request and gets a positive reaction. The victims were offered on the internet through erotic dating sites and escort agencies. One of the defendants had taken naked photos of an underage Latvian girl and used them for an advert on the website. He was then prosecuted for distributing child pornography.

²⁹⁶ This part, Chapter 3, point 1.1.

A European arrest warrant was issued against a German/Russian national, who was extradited from Germany to Belgium. This accomplice ran a website and provided one of the defendants with several young girls, which allowed the police to find victims from Latvia, Belarus and Ukraine during a search. The website operator had told this defendant that he had an intermediary in every country who sought out and recruited young girls for him, whom he then placed in clubs.

c) Victims

The majority of victims were young 18-year-old girls. They were exposed to serious acts of violence and were offered on the internet through erotic dating sites and escort agencies.

It was mainly Latvian girls who were lured to the Netherlands to prostitute themselves. Some of them were informed in advance, others not. They were threatened and beaten and had to hand over at least half of their income. The majority of these young girls were young adults who had only just turned 18 or 19. One of the victims was unwittingly infected by HIV by a client. The victims were obliged to carry out any sexual act that was asked of them. They were scared of their exploiters, who actively took advantage of this fear. The defendants also had Belgian women working for them in prostitution through escort agencies, but they didn't use violence on them. They also received the money that they had been promised. These young Belgian girls weren't exploited and weren't considered as victims of human trafficking.

One pregnant Latvian woman told the police: "We were threatened and beaten, S. (the main defendant) showed us a gun (a pistol) and a knife, which he threw on the table. He also showed straps which he used to tie people up, he wound one around his hand, pulled it taut and said that it was used to tie around the necks of people who don't want to talk. S. also took our money. He hit all three of us. I was pregnant and I tried to protect my stomach".

One of the young Belgian girls gave evidence concerning the exploitation of the young Latvian girls: "The Latvian girls weren't allowed to talk and had to be available all the time. He (the main defendant) knew very well that it was more difficult to control a Belgian girl than a Latvian girl. According to him, he had nothing but problems with the Belgian girls".

Victim status

The victims were from EU countries (Latvia, Hungary, Romania and the Netherlands) and neighbouring countries (Belarus, Ukraine). They didn't opt for victim status²⁹⁷. When they were intercepted, they received an order to leave the territory with no mention of the status of victim of human trafficking. In the beginning, owing to their fear, the victims stated that they were well treated and that they could keep half of their income. It was only much later that the judge contacted the reception centres specialising in victims of human trafficking, when the victims had returned to their country of origin.

Child victims

One of the minors had been brought from Latvia to the Netherlands, to supposedly work as a nanny. As soon as she arrived, they obliged her to prostitute herself. She was regularly taken to Belgian clients. She had just turned 16 when she arrived in the Netherlands.

One of the Belgian Victims raised the alarm on the situation: "I'm 18 years old and my friend 17, she's foreign and doesn't speak our language. I'm of Belgian origin. A few weeks ago, we met a man over the internet... He offered us a job as private escorts in the centre of Antwerp. After we met him, we began work immediately as escort girls. At the moment, there are still several girls... We want to stop as soon as possible but we can't stop or leave just like that. He threatens us in all sorts of ways, he blackmails us with photos

²⁹⁷ This part, Chapter 3, point 1.2.

of us naked or in underwear. My friend and I are scared. Here's the address where this is happening: ...We're begging you to come and help us".

A young Dutch girl was recruited and made to work for Dutch and Belgian clients when she was just 17 years old. In the Netherlands, the Youth Care Service issued a missing person's notice for her in April 2010.

1.1.4. Romanian Roma network in Liège

In this case concerning acts which took place in Liège in 2010, a young 21-year-old Romanian woman was sexually exploited by a group of Roma perpetrators²⁹⁸.

This case was tried by Liège Criminal Court on 27 March 2013²⁹⁹, and then by the Court of Appeal on 4 November 2013³⁰⁰. The victim didn't file a civil suit.

a) Opening the case

The local police was notified of a young girl crying in the street, whom they intercepted. The young Romanian girl had escaped from a hotel where she was forced to prostitute herself. She had no identity papers on her.

The victim made a statement directly to the police. This served as a basis to begin the case and was supported during the investigation by the objective evidence given by a hotel receptionist, CCTV images, the victim's mobile phone and the defendants' contradictory statements.

b) Victim's statement

In Romania, the victim was offered a job in a bar or in a restaurant. She arrived in Belgium by car in February 2010. Her identity papers were taken away from her. On the way, she was raped a first time in a car park in Austria.

²⁹⁸ Trafficking and Smuggling in Human Beings, Annual Report 2012, *Building trust*, p. 68.

²⁹⁹ Liège Crim. Court, 27 March 2013, 8th ch. (available at www.myria.be).

³⁰⁰ Liège, 4 November 2013, 18th ch.

In Belgium, she was sold for EUR 1,000 to the head of a Roma criminal organisation to work as a prostitute. She refused and was raped and beaten several times. She was given a choice: either she prostituted herself, or she reimbursed her EUR 1,000 debt on the spot. She was put to work in a hotel in Brussels and was given a mobile phone so that she could be contacted. She was also forced to have sex with one of the members of the gang.

c) Victim status

The victim obtained the status of victim of human trafficking and required psychological help. On 12 May 2010, she returned to Romania on a voluntary basis. Sürya, the centre specialising in the reception of victims of human trafficking, found her a lawyer but all contact with the victim was lost in Romania.

1.2. Labour exploitation

1.2.1. Riding school in Turnhout

The acts relating to this case in Turnhout date back to 2007 and 2008, and involve a Brazilian victim who was exploited in a riding school. The defendants were a Belgian businessman and his British wife, a lawyer, who managed a set-up together including off-shore companies among other things. The company that ran the riding school went bankrupt in the meantime. The immovable property linked to the riding school is still in the hands of a real estate company belonging to the defendants.

This case was finally tried³⁰¹ on 19 November 2012 by Turnhout Criminal Court and on 23 April 2014 by Antwerp Court of Appeal³⁰². The court acquitted the two defendants, although they were later sentenced by the Court of Appeal for human trafficking³⁰³.

³⁰¹ Trafficking and Smuggling in Human Beings, Annual Report 2008, *Enlisting people and resources to combat the phenomenon*, p. 112.

³⁰² Antwerp, 23 April 2014, 14th ch. (available at www.myria.be).

³⁰³ Human Trafficking, Annual Report 2013, *Building bridges*, p. 113.

a) Opening the case

The investigation was initiated in February 2008 on the basis of a victim statement given to the federal police in Turnhout. The investigation was conducted by the public prosecutor's office in Turnhout. An investigating judge wasn't appointed.

In December 2007, the local police, the Social Legislation Inspectorate and the services of the Ministry of the Flemish Community already inspected the riding school in question, but didn't observe any evidence of human trafficking at the time. Nevertheless, a Brazilian family was illegally employed there. The family was intercepted, then repatriated on the orders of the Immigration Office (IO).

b) Investigation

In April 2008, the local and federal police, as well as the Social Inspectorate and the Social Legislation Inspectorate carried out a new multidisciplinary inspection in different riding schools, including that of the defendants. Several false identity cards were found, including a Brazilian identity card with a photo of the Brazilian victim who had already given statements to the police. The investigators also found another identity card, which had already been used six times by Brazilian workers without papers.

Furthermore, witnesses were heard, who confirmed that the victim was paid very little, or not at all, and that her passport had been taken away from her.

The financial investigation revealed that the exploitation of the victim had benefited the defendants. Their patrimonial benefit was estimated at EUR 20,112.

c) Victim's statement

The Brazilian victim had been living in Belgium since 2005. She arrived in Belgium from Brazil with a tourist visa to work for friends as a home help. After a year and a half, she ended her contract for unknown reasons and found a job as a groom at the riding school where she was subsequently exploited.

In the beginning, she earned EUR 800 a month for six days work a week, and 10-hour days. She had to muck out the stalls and take care of the horses. She was housed and fed at the riding school, which meant she was available at all times. She was only paid her full salary the first month. After that, the defendant only paid her in part, amounting to EUR 200 to 275 a month. The defendant justified this to the victim by claiming that he had to use what was left of her salary to regularise her residency situation. She subsequently had to give him her passport so that he could get everything in order. Since she was badly paid, she wanted to leave. When she wanted to recuperate her passport, the defendants refused. Thanks to a customer at the riding school, the victim was able to leave her job and go to PAG-ASA.

d) Victim status

The victim was informed of the possibility of acquiring victim status within the framework of the application of the period of reflection³⁰⁴.

The victim went to PAG-ASA, the specialised reception centre for victims of human trafficking, on 25 January 2008. After interviewing her, they received her as a victim. PAG-ASA directly contacted the Immigration Office (IO). In turn, the IO issued an order to leave the territory within 45 days, corresponding to the period of reflection, so that the victim had enough time to reflect and decide whether or not to make a statement.

On 12 February 2008, PAG-ASA informed the federal police in Turnhout, upon the victim's request, that a potential victim of human trafficking had come to them. The police took the victim's statement with the help of an interpreter. They gave the reference judge the necessary explanation over the phone and received the authorisation to grant the victim the status of victim of human trafficking.

³⁰⁴ This part, Chapter 3, point 1.2.

1.2.2. Case concerning the construction industry

The acts concerning this case in Charleroi took place between 2008 and 2010, and involved several Chinese workers who were exploited in the construction industry³⁰⁵. They had to renovate Chinese restaurants and adjacent properties. The main Chinese defendant and his daughter were sentenced for trafficking of human beings but also for smuggling of human beings.

This case was tried by Charleroi Criminal Court³⁰⁶. What is interesting here is that the court stressed the fact that even though the wages of certain workers weren't bad, their work conditions certainly were. It emerged from the case that they had to work and live on site in poor conditions in order to lay claim to this salary. The three civil parties received EUR 250, 1,000 and 5,000 respectively as material and non-material damages³⁰⁷.

a) Opening the case

Between 2008 and 2010, many inspections were carried out in close succession in the beginning by the police and the inspection services, spread over different regions including Ostend, Ghent and Tournai. During one of these inspections in Ostend, the police noted that one of the interested parties had already appeared during a negative inspection in Charleroi. They got in touch with the federal police in Charleroi and learnt that a judicial investigation against this person was in progress. The labour prosecutor in Charleroi asked for the Ostend file to be transferred and to centralise all the relevant files concerning the interested party in Charleroi. He then asked the police and inspection services to carry out extra multidisciplinary inspections on other building sites of the companies of the interested party, who was to become the main defendant in this case.

³⁰⁵ This part, Chapter 1, point 2.4.

³⁰⁶ Charleroi Crim. Court, 7 June 2013, 7th ch. (final). This decision is available at www.myria.be.

³⁰⁷ Human Trafficking, Annual Report 2013, *Building bridges*, p. 115.

b) Investigation

It emerged from the Social Inspectorate's reports that the main defendant had a man of straw at the head of his construction company. Together they had set up a construction firm. This man of straw of Belgian nationality also had the necessary papers to have access to the contracting profession.

The main defendant recruited clients in Chinese circles through advertisements published in a well-known Chinese newspaper. Afterwards, his clients expressed their extreme discontent concerning the services provided. The main defendant used poor quality Chinese materials which he imported and which didn't meet EU standards. Some subcontractors even refused to use them during the works.

According to the evidence collected during the financial investigation, it also emerged that the main defendant was cheating by establishing false invoices and investing his criminal proceeds in real estate in Italy.

c) Victims

During checks made by the police and inspection services, 15 Chinese victims were intercepted, the majority of whom were here illegally. Some of the victims had fake Spanish or Italian residence permits. One of the victims had a fake passport which, according to their statement, had been issued by the Chinese embassy in Milan.

Some of the victims put a great deal of trust in the main defendant. They came from the same region in China and spoke the same dialect. The main defendant took advantage of this and managed to manipulate them and keep a grip on them³⁰⁸.

All the victims' wages were undeclared and paid in cash. Their living and work conditions were inhuman. They lived on the building site in precarious conditions. There wasn't a bathroom or heating, even in winter. The

³⁰⁸ This part, Chapter 2, point 1.2.

building site didn't meet any of the compulsory safety standards. They weren't provided with any basic safety equipment, such safety shoes or protective clothing.

Victim statement

Several of the victims had to work to reimburse their debts³⁰⁹. At the end of their journey, a person who was accompanying them dropped them off at the building site, where they received orders to perform all the tasks they were given.

One of the victims stated that they had to pay EUR 18,000 for their journey. This amount was borrowed in full beforehand from moneylenders at a 10 % interest rate. They sent the money they earned to their family in China to reimburse the moneylenders. They had flown from China to France and had had their passport confiscated when they arrived. They were then transported from France to Belgium and ended up at a building site. They were offered board and lodging and started to work two days later. They had no idea for whom they were working. They did their work and were paid accordingly. Over a period of six months, they worked on three different building sites. They weren't able to give a name or say where they worked. They had been working on the last building site for a month for EUR 2 an hour. They worked twelve hours a day, seven days a week. They felt they had been completely hoodwinked because in China, they were told it was possible to earn EUR 10 an hour in Europe. They weren't interested in the status of victim of human trafficking, even after having received the brochure for victims and explanations translated by a Chinese interpreter. The victim received an order to leave the territory and was taken to the station.

Victim status

The majority of victims made relevant statements, but some of them refused to accept the status of victim of human

³⁰⁹ Human Trafficking, Annual Report 2013, *Building bridges*, p. 30.

trafficking because they still had blind faith in the Chinese main defendant³¹⁰. As for the victims who expressed an interest, they were taken care of and given the status of victim of human trafficking.

2. Smuggling in human beings

2.1. Albanian human smuggling network in Brussels

In this case of human smuggling in Brussels, which dates back to 2012 and 2013, an Albanian human smuggling network used different parking areas along the E40, in the direction of the Belgian coast, mainly to send Albanian nationals to the United Kingdom illegally. It should be noted that the Albanians³¹¹ had travelled legally to Belgium and that they were staying here legally, before being sent illegally to Britain to stay there illegally³¹². This case was tried by Brussels Criminal Court on 25 November 2013³¹³.

2.1.1. Criminal network

The smugglers ran a so-called travel agency for Albanian migrants. The main defendant had a network of contacts for smugglers in Albania and the United Kingdom. In Belgium, he also worked with an Iraqi / Kurdish human smuggling network, also providing migrants from the border regions between Indian and Pakistan, and Afghanistan and Iran. It emerged

³¹⁰ Part 2, Chapter 2, *Best practices and experiences*, point 1.2. and Human Trafficking, Annual Report 2013, *Building bridges*, pp. 34-35.

³¹¹ For more information on Albanian asylum seekers and refugees, see the annual report *Migration in figures and rights* 2015.

³¹² Bulletins of questions and written answers, *Parl. doc.*, Chamber, QRVA 54/026, 26 May 2015, pp. 192-195, available at the following link: www.lachambre.be/QRVA/pdf/54/54K0026.pdf. This answer was given by the State Secretary for Asylum Policy and Migration on the basis of data from the Immigration Office following a question concerning human smuggling interceptions during transit migration to another country. It should be noted that in 2013, of the 1,329 people intercepted, 151 were of Albanian nationality. In 2014, 1,891 people were intercepted, 155 of which were of Albanian nationality.

³¹³ Brussels Crim. Court, 25 November 2013, 51th ch. See also this part, Chapter 4, point 2.

from the phone taps that he had been exercising his “profession”, as he referred to it, for seven years already.

In Albania, the family members of the Albanian migrants contacted smugglers to organise illegal transportation from Belgium to the United Kingdom, for a sum ranging between EUR 3,000 and 3,500. The smuggling victims had to pay the sum to the brother of one of the defendants, a police officer in Tirana, before their departure.

The Albanians generally arrived in Belgium via Charleroi airport where they were met by smugglers and taken to small hotels. They were then entrusted to Kurdish smugglers, who took them to a parking area and put them in trucks. They were often refrigerated trucks. If there wasn't enough space in the trucks, the migrants had to go by twos into the boot of a car.

Guaranteed transport was also exceptionally organised between Belgium and the United Kingdom. In this case, the truck driver was aware of what was happening and the smuggling victims weren't transported in a refrigerated truck. The price for the guarantee ranged between EUR 5,000 and 5,500. The smuggling victims generally came from the border region between India and Pakistan and Afghanistan, and were above all supplied by Kurdish smugglers, who organised their journey.

2.1.2. Opening the case

The transport police were called on the night of 8 January 2013 to the Grand-Bigard parking area, along the E40, and intercepted three Albanians in a car there who, according to the phone evidence, had hidden people in a truck. Five Indians were extracted from a refrigerated truck which was alongside the car.

After analysing the three Albanians' mobile phones, the police found indications of human smuggling. The information from the federal police's centralised service concerning the transportation of human smuggling victims

involving Albanian smugglers in Waasmunster, Zeebrugge and Kalken obtained between December 2012 and January 2013, was later confirmed by these indications. During a more in-depth examination of the phone calls, several numbers with a link to acts of human smuggling within Albanian circles appeared.

2.1.3. Investigation

a) *Phone taps*

The data extracted from the phone taps provided sufficient evidence concerning the role of the main defendant in the human smuggling network and his international contacts. He took care of the financial aspect with the clients and the Kurdish smugglers.

Furthermore, the phone taps also helped to understand how the smugglers behaved with their “clients”. During their transportation to the United Kingdom, the smuggling victims had to destroy their passport. If they were intercepted by the police, they had to say they were minors. The phone taps also picked up several conversations during which the smuggling victims complained of the cold and lack of oxygen, water and food.

The smugglers knew their calls were tapped. They used codes and arranged to continue their conversation on Skype, which is more difficult to tap³¹⁴.

b) *Financial investigation*³¹⁵

An investigation into various foreign exchange offices revealed that between January 2012 and May 2013, sums of money were transferred on behalf of the smugglers. A number of these sums were formally linked to the transportation of smuggling victims. The majority of the amounts were intended for the main defendant.

The phone taps revealed his method. In several conversations, he asked his “clients” to

³¹⁴ Human Trafficking, Annual Report 2013, *Building bridges*, pp. 59-60.

³¹⁵ This part, Chapter 3, point 2.4.; Human Trafficking, Annual Report 2013, *Building bridges*, pp. 44-56.

pay the amount owed to him to a Belgian account, in the name of another person: an accomplice or even “clients” who were staying in Brussels while awaiting their passage to the United Kingdom. These people then took out the money and gave it to the main defendant. This way, he didn’t leave any trace of his identity should the police services investigate Western Union. No transactions were registered in his name. No link could be established between him and these transfers. He also used this procedure to send money to members of his family or collaborators in Albania³¹⁶.

There investigators were therefore forced to conclude that they didn’t have sufficient information concerning the flows of dirty money since the investigations were only based on the names of known smugglers.

2.1.4. Smuggling victims

Transportation in refrigerated trucks is extremely dangerous and very uncomfortable. Among the victims were unaccompanied foreign minors and families with young children who were already in an even more vulnerable position. In addition, they were freezing. When they sent text messages to inform the defendants, the latter said they were “over-sensitive” or replied that “you knew what to expect”!

a) Smuggling families

Phone taps revealed various transportations of families with young children and the way in which smugglers talked about them, as though they were goods. One smuggler called the defendant to ask if he could transport a family composed of a father, a mother and two children aged seven and eight. He answered that it wasn’t a problem but that the family would have to “take sleeping pills”.

In Belgium, there were also several interceptions of mothers with young children who subsequently received an order to leave

the territory³¹⁷. In Termonde, at the Kalken parking area along the E17, nine victims were extracted from a refrigerated truck, including an Albanian mother with her two children aged six and seven.

In France, an Albanian mother and her three children aged three, six and seven were intercepted on two successive occasions. The first time on 18 February 2013, when workers from a port company in Ernee (France) discovered the presence of a group of smuggling victims composed of two Iranians and nine Albanians, and called the police. A truck driver had stopped on the hard shoulder of the E17 and it was probably at this moment that the smuggling victims were hoisted into his truck’s cargo space. On 11 March 2013, the mother and her three children, accompanied by other members of the same group of smuggled victims, were intercepted a second time by the French police at Coquelles (France). This time, she had slipped into a refrigerated truck; there were six Albanian victims in total.

b) Unaccompanied foreign minor³¹⁸

During an interception in Zeebrugge, three people were extracted from a closed refrigerated container. The workers of a port firm discovered three smuggling victims when a refrigerated container containing food was unloaded, and called the maritime police in Zeebrugge. The victims were comprised of one Albanian, one Pakistani and an 11-year-old Afghan boy who had already been entrusted to the Guardianship Service, but had escaped from the youth centre where he had been placed. The police contacted the Immigration Office and the Guardianship Service came to recuperate the unaccompanied minor again. According to the file, however, the young boy escaped again two days later.

³¹⁶ Trafficking and Smuggling in Human Beings, Annual Report 2011, *The money that matters*, p. 24.

³¹⁷ This part, Chapter 3, point 2.2.

³¹⁸ Human Trafficking, Annual Report 2013, *Building bridges*, pp. 65-68.

2.2. Indian / Pakistani human smuggling network in Brussels

The acts in this human smuggling case took place in Brussels between August 2011 and January 2012. They mostly involved an Indian / Pakistani network, which smuggled Indian victims to the United Kingdom. This case was tried by the Criminal Court³¹⁹ and the Court of Appeal in Brussels³²⁰.

2.2.1. Criminal network

An Indian/Pakistani human smuggling network was operating at different parking areas along the E40 in the direction of the Belgian coast. These parking areas were the scene of competition between Indian/Pakistani smugglers and Kurdish smugglers³²¹. The latter considered these parking areas as their territory and made them available to other smugglers in return for payment. Various Indian/Pakistani smugglers refused to pay which, in this case, led to major clashes in these parking areas.

The head of the Indian/Pakistani smugglers used “smuggling couriers”³²² who carried out all sorts of tasks for the smugglers. They gathered the clients in parking areas and helped to haul them into trucks or hide them in refrigerated trucks. These couriers are also usually future “clients” who receive payment for their services which is then used for their own transport. This is a form of illegal transportation at a reduced price or a free extra attempt.

The journey started in India. The clients took a plane to Moscow. They then had to take a car and continue on foot to reach the EU border. They were then taken by car or truck to Italy. They travelled from Italy to Brussels by car or by train. The final destination was usually the

United Kingdom, but it emerged from the phone taps that dozens of requests also related to journeys to Canada.

a) Sikh temple

A recurring detail in the Indian/Pakistani smuggling cases is the link with the Sikh temple in Vilvoorde, an important place for the Indian community. During the day, the worshippers can go there to eat, drink, wash and rest. Hence, it attracts Indians staying illegally or in transit. Because of the temple here, there are more Indians in Vilvoorde than in any other town. Subsequently, the presence of smuggling victims during the day is less noticeable.

This case revealed that the smugglers also made use of the facilities at the Sikh temple in Vilvoorde. The temple was a cheaper and more discreet safe house for the smuggling victims. Some of the defendants worked in the kitchen there. Several illegal immigrants who were attempting to reach the United Kingdom stayed at the temple and in the surrounding area. At night, the smugglers used the empty warehouses behind the temple as a safe house for the smuggling victims.

b) Criminal infiltration through victim status

One of the main defendants infiltrated the PAG-ASA reception centre through their status as a victim of human trafficking. They were placed there between December 2011 and January 2012 and during that time, their phone was tapped³²³. In May 2011, the Indian/Pakistani smugglers had placed him under a train going to the United Kingdom, which is a highly dangerous process. He was intercepted at Calais and obtained the status of victim.

It emerged from the phone taps that he was already in the process of organising smuggling activities whilst he was at the PAG-ASA reception centre and was spying on staff to

³¹⁹ Trafficking and Smuggling in Human Beings, Annual Report 2012, *Building trust*, p. 80; Brussels Crim. Court, 11 September 2012, 51th ch., available at www.myria.be.

³²⁰ Brussels, 30 January 2013, 13th ch.

³²¹ See also this chapter, point 2.4.1. d.

³²² See also this chapter, point 2.4.1. c.

³²³ This part, Chapter 3, point 2.1.; Human Trafficking, Annual Report 2013, *Building bridges*, pp. 33-34.

see what they were doing. Owing to his contact with the police as an alleged victim, he also knew that the police services were in the process of investigating Indian/Pakistani smugglers of human beings. He gave the names of the smugglers whose phones were being tapped over the phone.

The defendant was one of the two leaders of the smuggling network. It emerged from the phone taps that he was in charge of the finances. He was kept informed of the success or failure of the attempts to transport victims of human smuggling and he gave tasks to the smuggling couriers.

2.2.2. Opening the case

The case was opened on 29 August 2011, during the transport police's interception of two Indian/Pakistani men who had already been intercepted in the past and who had received an order to leave the territory. Their phone numbers were available, allowing calls to be traced³²⁴ on the basis of indications of human smuggling, in order to identify their contacts. In the meantime, it was possible to link a series of reports relating to interceptions of smuggling victims with the same human smuggling network. On the basis of all this information, a few new inquiries were requested, which revealed the links between phone numbers, events and people in order to identify the members of the human smuggling organisation. Phone taps were then carried out.

2.2.3. Investigation

a) Phone taps³²⁵

The data extracted from the phone taps served as a basis and provided evidence allowing the exact role of each defendant to be determined. Furthermore, the phone taps

revealed the precarious situation in which the transportation of smuggling victims was sometimes carried out and the way in which the payments were made.

b) Financial investigation³²⁶

Transportation was paid for through the *hawala* parallel banking system. According to this system, someone in the country of origin acts as guarantor for a *hawala* banker in the destination country, who proceeds with the payment³²⁷.

The *hawala* system is a parallel banking system allowing a sum of money to be transferred from one country to another without leaving any trace of the transaction. The system is completely anonymous. Here is how it works. The money is given to a *hawala* banker in Belgium (who generally has links with a night shop) for a payee abroad. The banker contacts a colleague in the beneficiary's region, in the destination country. The sender gives the transaction reference to the beneficiary who simply has to go to the *hawala* banker in the destination country to recuperate the funds. In reality, the money doesn't leave Belgium because the system works according to a credit system. The sender's banker keeps the money and the banker abroad gives the money in cash to the beneficiary. However, this banker notes that the banker in Belgium owes him money. The next time someone from this country wants to transfer money to Belgium, it will be deducted from this credit. Of course, a commission is retained every time to cover the services provided.

After the transportation of a smuggling courier to the United Kingdom, organised within the framework of the same case, his father assumed an important role in the United Kingdom: he took care of the smuggling victims' financial guarantees through the *hawala* banking system. It

³²⁴ Within the framework of this measure, the aim is to find contact details only, contrary to phone taps where the content of the conversations is recorded.

³²⁵ Human Trafficking, Annual Report 2013, *Building bridges*, pp. 59-60; Trafficking and Smuggling in Human Beings, Annual Report 2009, *In a haze of legality*, p. 64.

³²⁶ This part, Chapter 3, point 2.4.; Human Trafficking, Annual Report 2013, *Building bridges*, pp. 44-56.

³²⁷ Trafficking and Smuggling in Human Beings, Annual Report 2011, *The money that matters*, p. 23.

emerged from the phone taps that the father maintained contact with the clients' families who remained in the country of origin. Their family had to give a guarantee, proving that it was capable of paying the journey. Often, it either had to give cash, or prove that the money had indeed been paid. The applicant was then under guarantee and their transportation could be organised. Once the person had been successfully transported and arrived in the agreed country of destination, the guarantor paid the sum to the smugglers through a *hawala* banker. It was the main defendant, infiltrated under the cover of victim status, who went to get the money from the local *hawala* Belgian banker.

2.2.4. Smuggling victims

The majority of transportations took place in refrigerated trucks, which is particularly dangerous. This is explained in a police report: "The refrigerated trucks are equipped with a hermetically sealed interior space which allows the air to stay cold. Considering the large size of this cooling installation, the clients often don't realise they are entering a hermetic space. After a while (depending on the size of the truck, the number of people, the load, the hermetic nature of the truck), a lack of oxygen may occur, endangering the physical integrity of the persons present".

The majority of smuggling victims prefer this type of transportation because it offers a better chance of success. Some, quite rightly, are afraid and refuse. In this case, reference is made to a transport company that equipped its refrigerated trucks with special security locks to prevent unauthorised third parties from entering them. This process helps rule out these perilous transportations.

In this case, the transportations involved several unaccompanied minors and families with young children. However, they weren't transported in refrigerated trucks.

a) *Smuggling families*³²⁸

Phone taps revealed that on 9 December 2011, two smuggling couriers had been illegally transported to the United Kingdom, together with a family, from the Drogen parking area along the E40. In the phone conversations, the courier explained that the family had started making a noise, which caused the driver to call the police.

b) *Unaccompanied minors*³²⁹

Within the framework of various transportations of smuggling victims, two 17-year-old Iranians and an Indian/Pakistani youth were intercepted by the police. They were handed over to the Guardianship Service through the Immigration Office.

The Indian/Pakistani youth explained his story in his statement. He lived in a small village just outside a town. At the end of 2010, he wanted to go to the United Kingdom to find a job. This was where part of his family lived. The smugglers asked for EUR 8,000 per transportation, which was to be paid by his family in the country of origin. He took a plane to Moscow, accompanied by a smuggler who confiscated his passport upon arrival. In Moscow, he was locked up for several days in the company of eight boys. On the day of their departure, they first walked a long way, crossing mountains and forests to cross over into Slovakia where they were taken to Italy on board a large truck. They were abandoned by the smuggler in Italy. With the help of the other boys, the teenager contacted a Pakistani smuggler in Italy, who agreed to drive him to Brussels by taxi for EUR 1,500. This is where he met Sikhs from the border between India and Pakistan who took him to the Sikh temple in Vilvoorde.

³²⁸ This part, Chapter 3, point 2.2.

³²⁹ Human Trafficking, Annual Report 2013, *Building bridges*, pp. 65-68.

2.3. Iraqi/Kurdish human smuggling network in Ghent

In this case of human smuggling in Ghent, where the acts took place in 2012 and 2013, an Iraqi/Kurdish network was predominantly responsible for smuggling Kurdish victims to the United Kingdom. The case was dealt with by Ghent Criminal Court³³⁰. The case was opened following the interception at sea of illegal immigrants on a vessel flying the Danish flag, linking Ghent to Göteborg. Contrary to the defendants' lawyer, the court concluded that Belgian law applied given that the offence was committed in Ghent.

2.3.1. Criminal network

The network of Iraqi/Kurdish smugglers relied on different itineraries to organise the illegal transportations. The smuggling victims came from Iraq and Iran and were taken to Belgium and the Netherlands via Turkey and Greece. An alternative itinerary brought them to Belgium via Morocco. The network required false papers. In Belgium, the smugglers used parking areas along the motorway to haul their clients into trucks bound for the United Kingdom via Calais. Kurdish smuggling networks dominate the road leading to Calais, as well as the parking areas. There is an alternative itinerary via Rotterdam, which requires the complicity of a Dutch bus driver. Clients were also taken to Scandinavia via Calais. Contacts were also established with the United Kingdom and negotiations carried out concerning potential new itineraries for smuggling human beings.

This network of smugglers operated on an international level and had different contacts and smugglers abroad, including the United Kingdom, the Netherlands, France, Greece, Turkey, Iran, Iraq, etc. It was a British criminal organisation, which couldn't be identified in this case, that was at the head of the human smuggling network. It was only possible to break up the Belgian part of the Kurdish

human smuggling network. It was part of a criminal organisation that was also involved in drugs and arms trafficking.

2.3.2. Smuggling with guarantee

The smugglers offered their clients who wanted to go to the United Kingdom two options:

- *fa*, i.e. regular transport, for which the smugglers offered no guarantee of success. The price oscillated between EUR 1,500 and 2,500, to be paid in advance: either in cash, or by giving cash on deposit in Afghanistan, Greece or the United Kingdom, or through a Western Union transfer.
- transport with guarantee, meaning that the victim would be certain of arriving alive and well in the United Kingdom. In this case, the driver was aware of the clients present in his vehicle. This second option was the one most recommended by the defendants. The cost varied between EUR 5,000 and 6,000 to be paid on arrival at the destination. The full sum was given on deposit at the foreign exchange office of a hawala banker or a person of trust in London. Sometimes, part of it was paid in cash beforehand and the rest upon arrival.

The human smuggling network also offered smuggling options to countries further afield. For this purpose, they acquired fake papers which they gave to their clients. The phone taps revealed that they had found a supplier of fake Dutch passports who asked for EUR 500 per document, but the quality left a lot to be desired. With a passport such as this, the smuggling victim would find it easier to buy a plane ticket for the United Kingdom. According to the phone taps, a smuggler had bought a fake passport for EUR 500 and had sold it on for EUR 1,700 to the client who complained of the poor quality of the passport. The smugglers sold on a fake Bulgarian passport, or one from another country, for a sum varying between EUR 1,500 and 2,000. In their conversations, they also

³³⁰ Ghent Crim. Court, 19 June 2013 (final). See also this part, Chapter 4, point 2.

claimed that they could easily obtain a visa for Morocco. The cost of a Schengen visa from Iraq cost USD 18,000 dollars and a journey from Italy to Belgium cost EUR 2,000 more (EUR 4,000 more if the destination was the United Kingdom).

2.3.3. Opening the case

In January 2012, two stowaways were discovered on board a ship that was going to Göteborg (Sweden) and not the United Kingdom. They were discovered by two sailors who heard a noise coming from a mobile home registered in England. The two people were locked in a mobile home, which couldn't open from the inside. They were handed over to the maritime police in Ghent.

Based on the victims' statements and the phone numbers saved in the stowaways' mobile phones, a judicial investigation was opened. The main defendant was quickly identified, which led to a wide-scale phone investigation.

2.3.4. Investigation

a) Phone taps

The data from the phone taps revealed the dishonest role of an interpreter who, upon the smugglers' request, manipulated the interviews of smuggling victims organised by the Immigration Office³³¹.

The human smuggling organisation wasn't only active in human smuggling. It emerged from the conversations that the main defendant was involved in drug smuggling, which led him to collaborate with another Kurdish/Turkish/Iraqi criminal organisation active in arms smuggling and drug and human smuggling in Belgium, the Netherlands and France. According to the French police, this organisation played a key role in the smuggling of human beings in Calais and Dunkerque.

³³¹ Trafficking and Smuggling in Human Beings, Annual Report 2011, *The money that matters*, pp. 112 and 146.

The smugglers were also in contact with the Kurdish armed resistance organisation, the PKK, and referred to the transportation of PKK clients in their conversations, in collaboration with the PKK; "A smuggler also thought of sending this young person [a client] with the PKK group. X. [main defendant] explained that they had agreed on a price... joining up with the PKK isn't possible seeing as he has to stay there for a week or two".

b) Financial investigation³³²

The phone taps also revealed several concrete financial agreements between the smugglers. The person executing the human smuggling operation was clearly the one receiving the majority of the income. In a conversation with the main defendant, one of the smugglers referred to their agreement and announced that he could "organise transportation for EUR 2,200 instead of EUR 2,500, from which he would retain EUR 1,700 [because he would also proceed with the execution] with EUR 500 going to X [the main defendant]".

The *hawala* bankers played an important role in the background regarding the financial transactions of the human smuggling network. A defendant ran a fruit shop where a lot of liquid assets circulated. He used his shop to finance the *hawala* system. It emerged from a conversation with the main defendant that "someone was going to bring GBP 15,000 to the shop.

2.3.5. Smuggling victims

Even if only two stowaways were intercepted, the information provided by the phone taps clearly revealed the different types of illegal transportation used. There were both adults and minors among the victims (men or women). The smugglers used ordinary trucks, refrigerated trucks and passenger vehicles.

One of the two stowaways stated that he had paid EUR 1,500 for his journey to the United Kingdom. In Pakistan, he had already paid EUR

³³² This part, Chapter 3, point 2.4.; Human Trafficking, Annual Report 2013, *Building bridges*, pp. 44-56.

6,000 for a journey to Europe. He took a plane from Peshawar to Karachi (Pakistan) and then a bus to Gawadar, another town in Pakistan. He then went to Turkey and Greece in various cars and on foot, via Iran. In Greece, the smugglers hid him in a truck going to Romania. He was intercepted by the police.

He requested asylum in Romania and stayed there for 15 months. Like the others, he received a purchase offer for the status of refugee for the sum of EUR 8,000. He was supposed to pay this amount to the Romanian immigration office. He refused but another person who accepted obtained refugee status this way.

In Romania, he was asked to go to a park in Brussels, located in front of the Immigration Office, where Kurdish and Afghan smugglers recruit clients for illegal entry into the United Kingdom. When he arrived in Belgium, he paid the sum of EUR 1,500 to these Kurdish smugglers to be taken illegally to the United Kingdom. Unfortunately, he was put in the wrong lorry and found himself on a boat for Sweden. After he was intercepted, he received an order to leave the territory.

a) Victim status

The other intercepted stowaway gave the police relevant information, such as the smugglers' phone numbers, and obtained the status of victim of human trafficking³³³. As regards his journey, he told the investigators that he had paid EUR 10,000 in Iran for his journey to the United Kingdom. When he left, he was hidden in the cargo space of a lorry going to Istanbul. He was met here by a Turkish smuggler and stayed a month in a safe house. From Turkey, he travelled in the cargo spaces of different trucks to get to Europe. The drivers were aware and even coordinated the transfer from one truck to another. At the end, he was left to his fate in Zeebrugge. He explained that after wandering around for a long time, he managed to contact Kurdish smugglers to organise a journey to the United

Kingdom, but he was hidden in a truck going to Sweden by mistake.

b) Children

The phone taps proved that there were negotiations during the journeys involving children. In a conversation on this subject between the main defendant and a smuggler, the latter explained: "X [smuggler] mentioned a road in the mountains in Kurdistan, to Iraq and Belgium and said to use cars going via Saudi Arabia and Morocco. When he was asked if children could make the journey, Y [the main defendant] explained that there was no problem".

2.4. Afghan human smuggling network in Brussels

In this Belgian human smuggling case, the acts date back to 2012. An Afghan network was mainly responsible for the smuggling of Afghan, Iranian and Pakistani victims to the United Kingdom and Scandinavia. The case was tried by Brussels Criminal Court³³⁴ and Court of Appeal³³⁵.

2.4.1. Criminal network

An Afghan human smuggling network was operating its human smuggling activities at various parking areas along the E40, in the direction of the Belgian coast. The clients were taken by the smugglers from Calais (France) to the Belgian parking areas so they could be hidden in trucks going to the coast and the United Kingdom.

The network was part of an international human smuggling organisation in charge of the supply routes for clients from Afghanistan and the surrounding countries to Europe. The route began in Afghanistan and crossed Iran, Turkey, Greece and Italy over land. The journey lasted five to six days. The journey

³³³ This part, Chapter 3, point 2.1.

³³⁴ Brussels Crim. Court, 7 August 2013, 51th ch.

³³⁵ Brussels, 12 February 2014, 13th ch.

from Afghanistan to Greece cost EUR 3,000, and EUR 4,500 from Greece to Italy.

In Italy, the clients had to contact the human smuggling network active in Belgium, which gave instructions on how to get to Belgium. Negotiations also took place concerning the extra travelling costs. In Brussels, they stayed in a safe house and were then gathered together in a park in an area surrounding the Drogen parking area along the E40.

The human smuggling network was a criminal organisation composed of a chief smuggler and two co-leaders. The trio had escaped from France where it was a suspect in various human smuggling cases. The leader had worked in France for a Kurdish human smuggling organisation and wasn't afraid to use violence. The trio carried out their activities like a true business unit and ensured the international supply of human smuggling victims. It was in contact with service providers and smugglers in Italy, France, Greece, Russia, Afghanistan, Iraq, Iran, Pakistan and the United Kingdom. In Afghanistan, these service providers were, for instance, able to provide tourist visas for Turkey or fake Italian passports. They sometimes collaborated according to exclusivity clauses. One of the co-leaders was only arrested later in Italy on the basis of an international arrest warrant and extradited to Belgium.

a) Power in the country of origin

The chief Afghan smuggler had firm headquarters in Afghanistan. He was a sergeant in the Afghan army in 2007 but he owed his prestige to his father, a general with a high position in the Afghan community. His father even played an important role in the organisation of human smuggling by laundering his son's dirty money³³⁶. He also organised for the family members of clients who hadn't paid or hadn't paid enough to be beaten up or threatened. No-one dared to

turn against them, not even the other defendants.

The smuggling of human beings is apparently deeply rooted in the Afghan community. The phone taps revealed that an Afghan police officer had taken advantage of his position to intercede in favour of his son, a client, so that he could benefit from a reduction. He didn't want to pay the smugglers because his son didn't reach the right destination and called the chief smuggler. "The client's father told the chief smuggler that he was a police officer. The smuggler told him that the rate was normally EUR 2,500 but that he was prepared to lower it to EUR 1,100. His son had been intercepted by the French police during his first journey. The second time it would work". According to the phone taps, the son of an Afghan colonel was also discovered.

b) Interpreter³³⁷

A defendant worked as an interpreter for the Commissioner General for Refugees and Stateless Persons and he was given three assignments every month. In the past, he worked as an interpreter in Afghanistan within the framework of an international peacekeeping mission and for the Canadian Ministry of Defence in Afghanistan. According to his statement, he also acted as interpreter for the personal security of former President Karzai who took refuge in the West. In January 2013, he started to work for the American army, at one of its military bases in Germany.

This defendant lived in the Afghan chief smuggler's house and was regularly referred to in the phone taps. His name also appeared in a case in Hasselt. An investigation revealed that in April 2012, while he was working as an interpreter, he helped an Afghan citizen who was seeking asylum during his interview at the Immigration Office. He didn't properly translate what the applicant was saying and gave the appropriate answers.

³³⁶ This part, Chapter 3, point 2.4.

³³⁷ Trafficking and Smuggling in Human Beings, Annual Report 2011, *The money that matters*, pp. 112 and 146.

The phone taps also revealed that one of their clients, an 18-year-old boy, had worked as an interpreter for the American army in Jalalabad.

c) *Freelance smuggling couriers*³³⁸

The chief smuggler used smuggling couriers, who were human smuggling victims who had failed to cross the channel, and were waiting for another attempt. Faced with an influx of clients, the chief smuggler was looking for new smuggling staff to help him organise the journey of clients from France to Belgium and to take them to the parking areas.

The smuggling couriers had to go and fetch the clients in France and drive them to the parking areas. They were very familiar with the itinerary and the potential problems on the way. By using these intermediaries, the smuggling leaders were able to elaborate a system reducing the likelihood of interception and risk for the smugglers. The smuggling couriers received payment in exchange, thus reducing the amount they had to pay later for their illegal transportation.

d) *Criminal territory: parking areas*³³⁹ *and forests*

The Drongen parking area, not far from Ghent, was the main meeting point where clients were hidden in trucks by the smugglers. According to the conversations from the phone taps, the clients first had to hide in “the room”, as the smugglers called it. It was a secluded cottage in ruins, located near the Drongen parking area along the E40. The cottage served as a reception area for the clients. The actual smugglers avoided the place. At the beginning of the journey, when the clients were put in the trucks, they had to go into the corn field nearby.

These parking areas were the battlefield of different smuggling networks. One of the co-

³³⁸ See also this chapter, 2.2.

³³⁹ Also see this part, external contribution: *Combating international smuggling*, at the end of Chapter 3 of this part.

leaders of the Afghan human smuggling network considered the Drongen parking area as his territory. He worked in close collaboration with the chief Afghan smuggler with whom he had agreed on the rent to pay for using the car park. Other smugglers refused to pay their rent for the use of the parking area, which led to serious incidents and clashes involving firearms.

The forests of Saint-Omer, in the north of France, were also a meeting point for human smuggling network active in Calais. This place was the scene of a major influx of potential clients. The co-leader considered that the criminal territory situated in these forests was his territory. This situation led to serious incidents, involving the use of firearms, after which a rival gang of smugglers managed to take over the territory. The chief smuggler considered the recapture of this territory as a major priority and even saw an opportunity to extend his human smuggling activities in collaboration with his co-leaders. He acquired new weapons and managed to get rid of the other gang of smugglers. Afterwards, the human smuggling leaders used guards to protect their territory.

e) *Guaranteed transportation*

Alongside the regular illegal transportations, the network of smugglers also offered guaranteed transportation. The price of guaranteed transportation to the United Kingdom was between EUR 7,000 and 8,000. The network attached a great deal of importance to its reputation among its clients. This is what emerged on the subject from the phone taps: “The service with guarantee that we provide must be reliable, to avoid our name being tarnished”.

The guarantee implied that in case of a failed attempt, a new illegal transportation would be organised. However, they had their own definition of a failed attempt. Clients could only benefit from a new attempt if they were intercepted by the police before entering Britain. Once in Britain, they had to fend for themselves and were no longer the responsibility of the smugglers.

The smugglers also offered guaranteed transportation to Scandinavia, the United States and Canada. For this purpose, they collaborated with other smugglers. They knew a smuggler in Belgium who organised guaranteed transportation by plane allowing Indians and Pakistanis to go to Canada, and who was looking for Afghan clients. The smugglers, who had to pay them EUR 6,500 euros for guaranteed transportation to Canada, charged the clients EUR 12,000. There was also the possibility of illegal transportation to Canada via Spain. In Spain, the clients had to get a fake passport through the smugglers' contact people, a process which could take from one week to one month.

2.4.2. Opening the case

This case was initiated on the basis of police information showing that a new Afghan human smuggling organisation had filled a hole in the criminal market³⁴⁰ after the legal dismantling of a Kurdish human smuggling organisation dealt with in the chapter on jurisprudence in this report³⁴¹.

A phone investigation was organised and a direct link was established between several police reports concerning interceptions of human smuggling victims. In fact, two illegal transportations were identified as having links with this new human smuggling organisation. After these events, the police discovered three phone numbers with a clear link to the new Afghan human smuggling organisation allowing phone taps to be set up.

2.4.3. Investigation

a) Phone taps

The chief smuggler understood that his phone was being tapped and acted very cautiously. When he was at a parking area, he usually used one of the other smugglers' mobile

phones or one of the clients'. During the operations, he left his mobile phone at home or he switched it off. This way, he prevented the police from detecting his phone or number at the places used to smuggle human beings. In their conversations, they arranged specific times to continue the conversation on Skype, because they knew this was difficult to tap³⁴². When something needed to be sorted out urgently, they said: "Go on Skype. Ok, I'll be there in five minutes".

The analysis of the phone taps provided sufficient evidence concerning the smugglers' dishonest activity, whose sole goal was to make a maximum profit. They were perfectly well informed of the Belgian regulations and of the policy in place concerning human smuggling. For instance, this is what emerged from the conversation between the smugglers recorded during the phone taps: "Why smuggle human beings via Belgium? If a client is intercepted while passing through Belgium, they will be released after half an hour (comment: through an order to leave the territory³⁴³). I sent them via Belgium because they'll have no problem if they are intercepted, nothing will happen other than they will arrive later. You understand?"

The smugglers were also perfectly aware of how the existing system for unaccompanied foreign minors worked. They happily exploited this information: "If they are intercepted, no problem, tell them they have to say they are minors. They will be taken to a reception centre. They will have to look for a station and then escape from the reception centre. You have to clearly make them understand".

It also emerged from the phone taps that, following a request, the Afghan smugglers had illegally transported an Al-Qaeda sympathiser

³⁴⁰ *Ibid.*

³⁴¹ See this part, Chapter 4, point 2 (gang of Indian smugglers in close collaboration with other networks of smugglers).

³⁴² Human Trafficking, Annual Report 2013, *Building bridges*, p. 60; also see the external contribution on human smuggling at the end of Chapter 3 in this part.

³⁴³ Part 2, Chapter 3, point 2.1.; Bulletin of written questions and answers, *Parl. Doc.*, Chamber, QRVA 54/026, 26 May 2015, pp. 192-195, available at the following link: www.lachambre.be/QRVA/pdf/54/54K0026.pdf.

to the United Kingdom, at the same time as a family, free of charge. They considered this as a form of charity.

b) *Financial investigation*³⁴⁴

The smuggling leader earned approximately EUR 10,000 a week from his activity as a human smuggler. This is what he said in one of the recorded conversations. He used a *hawala* banker in London to transfer this income to his parents in Kabul (Afghanistan) who took care of laundering the dirty money and investing it mainly in real estate. In addition, the chief smuggler said in the tapped conversations that he had between GBP 20,000 and 25,000 in the United Kingdom. He had just bought a car wash in Ostend for EUR 95,000. According to him, a car wash owner could easily get a residence permit: “You’ll be considered as somebody reliable”.

The illegal transportations brought in a great deal of money. It emerged from the conversations that the “passengers first had to agree before the journey was organised”. This meant that they had to pay for the transport first. They had to deposit the money with a trustworthy intermediary acting as a go-between for the smugglers and the clients. In general, this intermediary was a *hawala* banker. Once the journey was successfully completed, the smuggler received the money that had been placed in deposit.

For the underlying financial transactions between the smugglers, the smuggling leader used Western Union. To do this, he used the identity cards of several members of the organisation with residence permits who, thanks to their status (subsidiary protection or refugee), had the necessary documents. An implicated co-defendant stated: “X. [smuggling leader] sent me this text message. Seeing as X. didn’t have a residence permit, he asked for the money to be paid to me. I then received a text message with the details needed to take out the transferred money”.

³⁴⁴ Part 2, Chapter 3, point 2.4.; Human Trafficking, Annual Report 2013, *Building bridges*, pp. 44-56.

2.4.4. Smuggling victims

The data from the phone taps and observations confirmed that the human smuggling network was highly active. Sometimes, 16 people were smuggled in a single night. Complete families, with children, pregnant women and numerous minors, were among the clients. For the transportation, the smugglers used regular trucks, with a tarpaulin, and luxury cars, but also refrigerated containers and freezers. The smugglers said they worked in a client-oriented manner, especially with the Afghan clients, ensuring they had decent accommodation in Brussels and with no recourse to violence.

In reality, the smugglers weren’t always concerned about their clients’ fate, especially if they weren’t of Afghan origin. It emerged from the phone taps that the smuggling victims regularly complained of being cold and hungry, and of the fact that they were left to their fate. This was also the case of a family. The smuggling leaders simply reacted by making fun of these people who found themselves in this dire situation.

a) *Discrimination*

The Afghan smugglers adopted a discriminatory attitude towards their clients. The price of transportation from Belgium to the United Kingdom was determined according to their clients’ ethnic background. The smuggling leader asked Vietnamese people to pay EUR 3,000, between EUR 2,000 and 2,500 for Iranians and EUR 1,500 for Indians and Pakistanis.

The amount paid by Afghans depended on their family situation and their ethnic origin. The Afghan smugglers were Pashtuns and they gave fellow Pashtuns favourable treatment. They had to pay the least and they travelled in a group. Hazaras, another Afghan ethnic group, weren’t accepted as clients as they were considered as unreliable, and the smugglers feared they wouldn’t pay.

Older clients also had to pay more as they were less mobile. For instance, a 60-year-old man had to pay the sum of EUR 2,500 for transport without guarantee to the United Kingdom. A journey with guarantee, meaning the driver was aware, cost somewhere between EUR 6,000 and 7,000.

b) Protection of young women and boys against rape

It emerged from the phone taps that attractive young women risked being raped during their journey. The Afghan smugglers adopted special measures to protect young Pashtun women. They used a male travel companion or had the women accompanied by male fellow citizens responsible for looking after them. The smuggling leader spoke about this in a specific case: "It's a young woman and it's not a good idea to come with the Punjabi (Sikhs from the border region between India and Pakistan). I spoke with them and they explained that they didn't want to take this young woman in order to avoid problems on the way. There are Kurdish smugglers on the border, and anything can happen with them". The smuggling leader replied that if a male travel companion was present, nothing would happen. He continued by adding that the next day, two young boys from Laghman (same region as the Pashtun woman) were coming. "I'll get her to come with them".

Young Iranian women in a similar situation didn't benefit from the same protection. On the contrary, it emerged from the phone taps that the smugglers even made inappropriate remarks about them and laughed about their dire situation.

On top of that, the case gave indications of sexual violence against young underage boys during their illegal journey. Several conversations from the phone taps confirmed this. In a conversation concerning an illegal transportation, the following conversation was recorded: "Four people, including two young boys, is there one we can screw? [...] They're average. Can we screw them or not?"

In a conversation between a smuggler and the smuggling leader, reference was made to an 11-year-old boy who was crying. The smuggling leader asked: "Ok, but he was crying, no-one screwed him did they?"

Apparently, the smuggling leader also organised a free trip to France for a minor, a young boy who would pay in kind. A fellow smuggler called the smuggling leader on 13 August 2012, telling him: "There are a few nice-looking boys and I can send them to you if you like". The smuggling leader replied: "Why not, use Skype to show them to me and there's one whose trip to France will be totally paid. Ok, give my number to one of these two minors, the one that looks the most "expensive".

c) Smuggling families³⁴⁵

The travel costs for a family were higher because the family had to leave and travel together. The risks were also much higher if there were children as they could be discovered if they started crying.

This was revealed at length in the phone taps. One smuggler talked about it with the smuggling leader: "What shall we do with the two-year-old? Should we ask the full price as well?" To which the smuggling leader replied: "You have to ask for more money because the child is too young. That's what usually happens. If the child cries, this will complicate things. We can give him sleeping pills".

During a conversation, they also mentioned the journey of a young woman who was about to give birth at any moment: "She's eight or nine months pregnant and asked for only her husband to be sent." The smuggling leader said: "Tell them it's better if she doesn't give birth here because it's more difficult with a newborn, ask them to leave straight away".

The smugglers showed no respect for human life. This is what they said about a baby and its mother: "One of the mothers has a three or

³⁴⁵ This part, Chapter 3, point 2.2.

four month old baby that cries all the time. Should I get rid of the baby in the forest? I'm going to tell her: go and get screwed by a black man you'll have another baby".

The police also intercepted families with children in the United Kingdom: one of the smuggling acts that led to the case being opened was the journey of an Iranian family (father, mother and two children). They were discovered on 3 January 2012 in a closed container in Purfleet, on the outskirts of London. The driver had stopped for a break in the Grand-Bigard parking area where the family had climbed into his truck.

d) Unaccompanied foreign minors³⁴⁶

In the recorded phone conversations, the smuggling leader bragged of the high number of underage clients. He managed to shift 12 in one night. They considered child smuggling as a lucrative business, with success guaranteed owing to their vulnerable position. It regularly emerged from the phone taps that there wouldn't be any problem in case of interception because they would be released.

Different child victims travelling alone were intercepted by the police and normally, they were reported to the Guardianship Service as unaccompanied foreign minors (UFM). The result of these various interceptions wasn't always clear because this information or data³⁴⁷ concerning the follow-up of the normal procedure wasn't always available.

One of the interceptions led to the opening of this case. On 8 December 2011, four smuggling victims, including a minor travelling alone, were placed in a closed container by the smugglers. The smuggling victims were at risk of suffocation and were discovered after one of them called for help.

At the beginning of July 2012, a nine-year-old Afghan boy was intercepted after falling ill on

³⁴⁶ Human Trafficking, Annual Report 2013, *Building bridges*, pp. 65-68.

³⁴⁷ See also part 1, external contribution "SOS child victims of human trafficking".

board a boat. It emerged from the phone taps that he had been hidden, by the smugglers, with five Afghan men during the night of 3 July in a truck heading for the United Kingdom. They were put onto a boat heading for Sweden by mistake. The boat had been sailing for 35 hours and the boy was suffering from sea sickness, so the Afghans reported themselves to the crew. When they arrived in Gothenburg, the Swedish authorities sent them back to Belgium where the victims were intercepted on 7 July 2012 by the maritime police in Zeebrugge.

2.5. Asylum office case involving a Belgian lawyer

The case dates back to 2004 and went through a whole procedure. One of the defendants was a Belgian lawyer. Besides Myria, which was the Centre for Equal Opportunities and Opposition to Racism at the time, the Belgian Minister of the Interior also instituted civil proceedings. The case was tried by Brussels Criminal Court on 2 October 2013³⁴⁸. The Belgian lawyer was only sentenced for forgery and acquitted for acts of human smuggling.

This case is based on the television programme Panorama, broadcast by Vlaamse Radio Televisie (VRT) in April 2004. Following the programme, the Belgian courts began a criminal investigation against the Belgian lawyer in question. Following a search of the lawyer's home, the police found various files.

Using advertisements, a travel agency in Russia recruited possible migrants who wished to emigrate to Western Europe. The travel agency offered special courses for future asylum seekers and had organised a network of lawyers in the destination countries to support them. The travel agency promised a permanent residence permit and even work in the country of destination.

The advertisements were put up in highly frequented places or at events. In Russia, the

³⁴⁸ Brussels Crim. Court (FR), 2 October 2013, 54th ch. (final).

travel agency worked especially with banks. There was even a set of brochures in the entrance hall to banks explaining how to request asylum in each country. Different nationalities were therefore put on sale.

A Russian journalist, who had infiltrated the system, endeavoured to test it and presented herself as a possible migrant. She went through the whole process, up to the procedure to apply for asylum in Belgium. The requested price was EUR 2,500.

The travel agency explained to the applicant that in some Western European countries such as Belgium, she would benefit from a complete source of income, free access to education and medical care. After being granted refugee status, she would definitely be able to get a job. They young girls were told they would later have the possibility of working in a bar. Furthermore, collaboration with a contact person was organised in the destination country to help the applicant when applying for asylum. This contact person would put the applicants in contact with a lawyer in the destination country who was well accustomed to the procedure. The latter would invent an appropriate story for the applicants. It was explained to the applicant that in her application for asylum, she had to state that she and her family had been threatened and beaten and that the police refused to protect them.

The travel agency worked in close collaboration with a company that assured applicants that a residence permit for Belgium could be quickly obtained. When the applicant went to this company to get information, it assured her that they had excellent relations with the Belgian embassy and that they could obtain a tourist visa. The applicant was also promised a fake work permit.

The undercover journalist entered the system as a migrant applicant and travelled to Belgium by bus, from Moscow, via Paris. A police check took place at the border of the Schengen zone, but there weren't any problems. In Belgium, the applicant had an appointment with the local contact person

who was supposed to put her in contact with the Belgian lawyer. The latter had worked for the civil service for many years and was responsible for asylum applications. Consequently, they knew everyone and was familiar with all the loopholes in the asylum application procedure.

During the appointment with the lawyer, the latter began to invent a new story for the applicant, a story that she had to learn by heart. In addition, she had to look for more information on the internet to reinforce her story and make it more realistic.

Besides the completely fabricated story, the lawyer highlighted the importance of documents, whether real or fake. The applicant was encouraged to buy fake documents through the contact person and ordered them. They cost her an extra EUR 800. The lawyer gave her the documents later. They included a paper from the court, a birth certificate and a driving licence.

The applicant was questioned three times by the competent authorities within the framework of her asylum application. The interviews lasted approximately two hours every time. About a month after the first interview, the applicant received a negative response and an order to leave the territory in five days.

The applicant arranged another appointment with the lawyer, who explained that new documents were necessary, proving that she had no means of subsistence when she arrived here. Of course, she was going to have to pay for these documents. The applicant was asked for EUR 500 every time she met with the lawyer.

In the end, the result of the asylum procedure was negative and the applicant was forced to leave Belgium.