

Chapter 2

Case studies

In this chapter, Myria analyses the judicial cases of human trafficking and smuggling in which it has obtained full access as a civil party. It provides a clear picture of how an investigation is initiated and conducted in the field. In addition, this chapter outlines the phenomenon of human trafficking and smuggling, for each form of exploitation.

The analysis is based on the official report of these cases, and focuses on the criminal system and the victim's perspective. In the first instance, we will thoroughly and critically examine the summary reports, in which the investigators summarise the case. Significant attention is also given to the initial official reports which provide information on what basis the case was actually initiated, and whether victims were intercepted and detected at that time. In addition, the case contains the official reports with interviews of victims, suspects and witnesses; the information reports; the folders containing conversations which were obtained through wiretapping, the surveillance reports, and finally the reports of letters rogatory.

The study of specific cases is a cornerstone in evaluating policy. It leads to knowledge about the implementation of the investigation and prosecution policy in the field, and about the bottlenecks which arise. Together, these findings also form an important source of information for the focus of the annual report, and they are a vital basis for formulating recommendations.

1. HUMAN TRAFFICKING

1.1. | Sexual exploitation

Polycriminality in the prostitution milieu:
Belgian nationals

Introduction

This case concerns a situation of polycriminality involving a group of 10 Belgian nationals, namely two brothers known for their violent outbursts and their links with local criminal networks, including a group of Hells Angels who have a criminal history. The most important violations concerning the prostitution milieu relate to human trafficking for the purpose of sexual exploitation (five Belgian female victims) and forced criminality (one Belgian male victim).³¹⁵ Two of the defendants (the main defendant and his ex-partner, who was initially also a presumed victim) were found guilty of human trafficking for the purpose of sexual exploitation. All defendants were acquitted of the charges of human trafficking for the purpose of forced criminality.³¹⁶

³¹⁵ The other indictments in this case concern offences relating to fraud, assault and battery, harassment, inhuman and degrading treatment, threats against persons or property, criminal organisation, violations of the Arms Act and the sale of narcotics.

³¹⁶ MYRIA, 2015 Annual Report on Human Trafficking and Smuggling, *Tightening the Links*, pp. 111-112; Corr. Court Liège, 19th chamber, 7 January 2015, available on the Myria website: www.myria.be.

1.1.1. | Initiating the case

In December 2010, the local police was alerted to the case through one of the victims, who was forced by the main defendant to prostitute herself, first in Awans and later in Sint-Truiden. She had managed to break free from the control of her exploiters by moving in with a new boyfriend she had met online. She filed an official complaint against the defendant for harassment, but not for sexual exploitation. At the initial stages of the investigation the facts as presented were only considered by the police as prostitution and not as human trafficking. However, the victim indicated two other persons who had also been forced into prostitution by the defendant. This information was corroborated by further investigation in the General National Database (GND) of the police, where the details from an information report on the two suspected victims matched the first victim's statement. However, when making her first statement, the victim was not offered the information leaflet on the procedure for victims of human trafficking.

1.1.2. | Investigation

In April 2011, the reference magistrate responsible for human trafficking tasked the federal police with the investigation. A police search of the bars and the registers of the prostitutes working there matched the names given by the first victim. In 2012 an investigative judge was appointed, and additional investigation techniques were employed including wiretapping the mobile phone of the main defendant, digital forensics of computers, USB sticks, and witnesses and victims' Facebook accounts. The analysis confirmed the statements of the victim and the witnesses.³¹⁷

The investigation between April and August 2014 revealed more details on other criminal activities carried out by the main suspect and some of his associates. One of these was identified as a potential victim of human trafficking for the purpose of committing forced crimes, including theft and fraud, but also inhuman and degrading treatment.

³¹⁷ See above Part 2, Chapter 2 (Social media and the internet as a method of investigation).

*Social media and the internet*³¹⁸

An investigative tool

The analysis of the Facebook accounts of witnesses and victims was one of the investigative tools used. The content of instant messages including photos was used as part of the evidence to determine the identity of the victims and the extent of the defendant's involvement in the prostitution milieu. In one case, a message on Facebook formed the basis for interviewing one of the witnesses, who had suggested that the main defendant recruited prostitutes.

The police also used Facebook to determine to what extent the accusations of the male victim amounted to inhuman and degrading treatment, and rape, in the context of human trafficking for the purpose of forced criminality (see below). Photos and videos found on the Facebook accounts of defendants and witnesses provided evidence of the alleged incidents. This information was also used to establish the lack of credibility of one witness who, when questioned, failed to have recollect any of the alleged events despite the existence of digital evidence to the contrary.

A way of interfering with investigation: witness intimidation

During the investigation on a number of instances the defendants or family members attempted to contact the victims via Facebook to find out about their whereabouts. At one stage, a defendant's mother contacted witnesses via Facebook to obtain information regarding the status of the investigation.

1.1.3. | Victims

All the victims in this case were female Belgian nationals aged between 17 and 39.

a) Victim statements

Lacking a fixed income or social security benefits, the defendant relied on the victims' income and financial means: "*I was the one who always completely covered the family's needs*" (victim) so that he could afford a flamboyant lifestyle which including gambling, prostitutes and drugs.

³¹⁸ *Ibid.*

All the victims were subjected to violence and threats, and witness statements suggest that both the defendants, who were brothers, often used coercion and blackmail³¹⁹ and threats of violence. Witness and victim statements attest to the violent personalities of both defendants, both in business and in their personal relationships. Numerous witness accounts relate domestic violence, in some instances requiring hospitalisation:

"He lost his temper completely, and he became even more violent. To put it bluntly, sometimes he locked me in the boot of his car while he went for a drink with friends.

In addition to their violent outbursts, the defendants were known to be part of local criminal networks in the Seraing area, including a Hell's Angels biker club known for criminal activities.

Statements of the 19-year-old victim who sparked the investigation

At the time of meeting the defendant in July 2010, the victim was in a particularly precarious social situation. She had been living in a women's shelter as a result of problems in the family home.³²⁰ She sought refuge with her best friend (another victim), who was living with the main defendant at the time. The main defendant subsequently forced her, through intimidation, to become involved in prostitution. He constantly supervised the victim whilst driven to and from the bars. She was obliged to send text messages to the main defendant after each client. The earnings from her prostitution work were to be split between the bar owners, the main defendant, and his brother. She was also under observation by other prostitutes. For example, they once informed the defendant that she had tried to hide some money in her boots. The victim would be threatened with violence when she had not earned enough money or behaved badly towards the owners of the bars or the clients. The victim tried to run away on several occasions. But each time, the main defendant and his brother caught up with her.

"The latter once gave me a slap in the face and pulled me by my hair. The reason was that I had just told his brother [x] that I no longer wanted to work for him and that I didn't like prostituting myself".

319 The defendant attempted to blackmail a witness with a video that the eldest brother had recorded of her performing sexual acts with the younger brother. Her current partner and her mother saw this video.

320 The victim however was at that time already acquainted with the defendant via a former partner of the youngest brother (a witness in the case) whom she had met at the women's shelter, and who also had a criminal background. This former girlfriend was also questioned as a witness.

Statements of the 22-year-old victim

Similar to the first victim, another victim (22 years old) was in a vulnerable position at the time she met the main defendant in February of 2012. She had just started working as a prostitute in a bar, where she kept 75% of her gains for herself and paid 25% to the bar owner. After confiding in the main defendant, he told her she could rely on him, that he would help her get back on her feet. The main defendant threatened the victim's current pimp and took her to stay with his mother. In the meantime she continued to work as a prostitute, but for the main defendant. He brought her to and from work. The investigation established that the defendant and the victim were regular drug users, particularly cocaine.

b) Recruitment of a minor in the prostitution milieu

The minor victim (who also initiated civil proceedings) met the main suspect in March 2011, when she was 17 years old. The victim's father knew the main defendant from his involvement in a biker club. From March 2011 onwards, the victim and the defendant established an intimate relationship. The defendant persuaded her to stop using contraceptives in order to have a child together, which she did for four months without getting pregnant. During this period, she was exposed to the prostitution milieu since she accompanied the defendant to the bars.

In February 2012, a day before she turned 18, the defendant forced her to prostitute herself. He threatened her with violence (holding a gun to her head), forcing her to stand in a window, and providing her with clothes to wear. Another prostitute gave advice on what to do.

"He told me that I had no choice, whereupon he picked up a black automatic pistol which looked like a 9 mm calibre, and pressed it against my temple.

She was forced to prostitute herself for two nights, under the supervision of the defendant, who immediately confiscated all her earnings (€180 from five customers) to spend on drugs. She tried to reject the advances of potential customers by constantly "*sticking up my middle finger to customers when I stood behind the window*". Over the same period, she was also the victim of other violence. After attempting to run away she was: "*grabbed and thrown against a marble mantelpiece in the private rooms [of the bar]*".

The victim managed to escape this situation by creating a scene in public in order to avoid further violence. As a result of her cries and screams, the defendant agreed to return the victim home to her parents. Despite no longer

being involved in prostitution, the victim did not report the situation to the police for two reasons. She feared reprisals due to the violent character of the defendant, as well as her father's reaction towards the defendant.

During the investigation, the defendant made two attempts to contact her via Facebook. The first time, he sent her a private message using his brother's account.³²¹ The second time, he managed to identify her through the friends list of the male victim of forced criminality. The defendant also came to the parents' house in an attempt to re-establish the intimate relationship, which she rejected through a text message.

c) *The Loverboy method*

The defendant was in an intimate relationship with four of the five female victims. The circumstances surrounding the sexual exploitation of these victims highlights aspects of the *loverboy* method, often used in prostitution to lure victims.

4. **Recruitment:** The defendant would often be in more than one intimate relationship at a time. The victims and witnesses all had a connection to the local area, and were already acquaintances of the defendant's brother, parents and friends.
5. **Emotional dependency:** The investigation revealed that the defendant was able to charm and seduce a large number of women around him. He would then secure their emotional dependency by entering into intimate relationships with them. In some cases, he would persuade them to stop taking contraception (see above minor section), stating the wish to have children with them.
6. **Grooming:** Taking into account the financial difficulties of both the defendants and his partners, the defendant would very often suggest, to his intimate partners, that prostitution would be a good way of earning "easy money".
7. **Exploitation:** The defendant manipulated the victims as a result of their emotional dependency. In a number of cases, this dependency led them to enter into prostitution. This extreme dependence and manipulation was demonstrated by the fourth victim. Even during the investigation, she considered it entirely normal for all financial gains to be used by the defendant as he didn't work:

"It is true that he has benefited from my income from prostitution because he did not work and therefore he

had no income, but for me it was money for the family, so it is normal that he benefits from it".

This case differs in three respects from the known understanding of the *loverboy* method.

Firstly, it is evident that the outcome of the manipulation may reach beyond exploitation in prostitution and play a role in other fraudulent activities such as using partners' bank cards to register for mobile phone contracts and other online purchases. and play a role in other fraudulent activities such as using partners' bank cards to register for mobile phone contracts and other online purchases.

Secondly, it is important to note that whilst the method is often attributed to young girls, the present case demonstrates that all victims are susceptible, regardless of age.³²²

Thirdly, the present case demonstrates that the impact of the *loverboy* method is long-lasting and the effects on victims may endure during legal proceedings. For example, during the investigation, the first victim instigated contact with the second defendant (brother of the main defendant) via Facebook. Much of the discussion was suggestive of further engagement in prostitution. The same victim became subsequently involved in another human trafficking prosecution, where she was found to have written love letters to the main defendant while he was in prison. In that case, the letters were used by the defence lawyer in the trial to discredit her victim status.³²³ Such behaviour demonstrates the susceptibility of individuals to being emotionally manipulated and deceived rather than a lack of credibility of the witness.

1.1.4. | The principle of non-punishment

The current understanding and enforcement of the non-punishment principle is a grey area, subject to interpretation by prosecutors, law enforcement and judges. The present case highlights two areas for consideration in this regard. The first looks to the use of the *loverboy* method and the second to forced criminality.

³²¹ See Part 2, Chapter 1, point 1 (focus on the phenomenon of human trafficking (management)).

³²² Myria, 2015 Annual Report Human Trafficking and Smuggling, *Tightening the Links*, p. 23-40.

³²³ See MYRIA, 2016 Annual Report on Human Trafficking and Smuggling: *Beggars in the hands of traffickers* pp. 85.

a) Presumed loverboy victim

"Loverboy-victims are often in a position of emotional dependency: they are not aware of their victimhood, and therefore regularly continue to protect their pimps."³²⁴

As mentioned above, a third female defendant was found guilty of trafficking for the purpose of sexual exploitation, recruitment and exploitation of prostitution in the case of the first victim. However, the same individual was also identified as a presumed victim of the main defendant. Such a situation would appear to be at odds with the non-punishment principle when it is interpreted within the context of the *loverboy* method.³²⁵

The third defendant was initially identified as a presumed victim. It may be suggested that her emotional dependency on the defendant, as evidenced by her attempted suicide following a break up with the defendant, was a significant factor in her decision to become involved in prostitution. A witness statement suggested in addition that she was seeking favour with him as part of their intimate relationship: "if you want me to prostitute myself so that you will stay, I will do it...". The same conclusion could therefore be deduced from her subsequent involvement in the "training" and facilitation of the prostitution of the victim for which she was convicted.

b) Forced criminality

The male victim was, according to witnesses, always by the side of the main defendant. He was employed by the main defendant as an odd-jobber and undertook different jobs: bartender, cleaner, cashier and supervisor at the bars. Witnesses claimed that the victim was severely mistreated by the main defendant, including being forced into substance abuse. The victim claimed that he experienced inhumane and degrading treatment including the use of violence, harassment and threats of violence via text messages. Anecdotal examples include being locked in a car for a whole night, taking baths in bleach, drinking aftershave, sitting on a chair whilst being beaten/hit by numerous persons and being buried in the sand naked whilst being sodomised (the latter two events are recorded on social media, with videos published on Facebook).³²⁶ However, conflicting reports emerged from witnesses regarding the willingness of the victim to take part in these activities.

As to the forced criminality, the victim stated that the main defendant had forced him to commit numerous criminal activities including shoplifting and theft of metal. The victim also complained of fraudulent use of his personal details for the purpose of online purchases, social security fraud, and credit card and loan applications for the purchase of a car (with the use of falsified pay slips). In some of these instances, the victim was complicit by being physically present and providing his signature and personal details.

1.1.5. | Victim status

A *best practice* that has emerged from the present case is the victim support that was provided to all of the victims by the specialised centre Sürya. The support provided depends on the needs of the victims. In one case, a victim was given legal support and assistance. In particular, at the trial the victim was still in an administratively precarious situation, as she had no income or place of residence. The two other victims, who feared reprisals by the defendant, accepted shelter from Sürya. In the summer of 2012, it was established that one of the victims had re-established contact with the main defendant's brother via social media, and had returned to the prostitution milieu. She came into contact with a new *loverboy* who exploited her, which led to prosecution for human trafficking in another case.³²⁷ It is interesting to note, that while she had not abided by the conditions of the victim status in the present case, and had re-entered the prostitution milieu, she was once again accepted as a victim of human trafficking.

1.2. | Economic exploitation

Bogus self-employment of Romanian labourers in the construction sector

This human trafficking case, which occurred in Mons³²⁸, concerns the economic exploitation of Romanian nationals in the construction sector³²⁹ over the period 2006-2008.

³²⁴ Myria, 2015 Annual Report Human Trafficking and Smuggling, *Tightening the Links*, p. 23-40.

³²⁵ *Ibid.*, p. 40.

³²⁶ See above Part 2, Chapter 2 (Social media and the internet as a method of investigation).

³²⁷ See MYRIA, 2016 Annual Report on Human Trafficking and Smuggling: *Beggars in the hands of traffickers* p. 93.

³²⁸ *Ibid.*, pp. 166-167: Corr. Court Hainaut, subsection Mons, 1 April 2016, 8th chamber.

³²⁹ NB: One of the Romanians interviewed, who was not a victim but a witness in this case, did not work in the construction sector, but played in a basketball team.

The case concerned three individual defendants and one company. They were all prosecuted for the human trafficking of 20 Romanian men whom they had employed in Belgium in conditions which were an affront to human dignity. Three of the victims, and Myria, initiated civil proceedings. The company, which was owned by the main defendant, filed for bankruptcy in 2012. On procedural grounds, the bankruptcy case was filed separately.

The Belgian main defendant recruited exclusively Romanian nationals, mostly by advertising employment opportunities in the Belgian construction sector in different Romanian Newspapers Prospective employees would call the number in Romania and speak to the second defendant, a Romanian woman with a Romanian employment agency, who would inform them of the working conditions including salary and accommodation arrangements. The second defendant would arrange to meet the workers in Oradea where she would arrange for their travel to Belgium by car or minibus, with a small group of compatriots who had all responded to the newspaper advert.

Upon arrival in Belgium, the Belgian businessman (main defendant) would welcome the workers and find accommodation for them in the Manage area, where the main defendant sub-leased approximately 10 residential properties. The main defendant accompanied the workers to the local town hall to register their legal address and residence in Belgium. In particular, one victim hinted at collusion between the main defendant and a civil servant who worked in the local town hall. This victim saw the same woman on 3 out of 4 occasions. Accordingly, the main defendant would choose the days when she was working in order to register the residency of the Romanian workers. The third defendant, an Italian foreman from La Louvière, played a key role. He operated as a gangmaster, taking the workers to different construction sites, where they would work according to his instructions and under his supervision. The Belgian main defendant had known him for many years and needed his experience as a foreman.

1.2.1. | Business structure: constructions

All three defendants were connected to the business structure that recruited, registered and supplied sub-contracted labour (the Romanian workers) to a number of third-party companies, predominantly in the construction sector. Also some particulars such as the building of a Chinese restaurant and the renovation of a house from one of the friends of the Italian foreman. It is important to note that the Belgian main defendant and Romanian defendant were also in a personal intimate relationship. The third defendant had also been implicated as the main perpetrator of a criminal organisation involved in sexual exploitation and human trafficking for the purpose of exploitation of prostitution (see below).

The Belgian main defendant became involved in the construction sector in 2007. He is associated with seven construction companies established in Belgium (manager and partner of three companies together with other partners; sole manager and partner of two companies; partner of two companies) and an employment agency, established in Romania in 2005 (manager and partner). The main defendant was also connected to a company aiming to supply Romanian labourers to conduct maintenance work on oil platforms in Africa. The business however came to an end due to difficulties with transport and logistics.

The Romanian second defendant was also linked to the former Romanian recruitment company. The third defendant, the Italian foreman, managed six companies. One company filed for bankruptcy in 2008. A separate hotel business was used for the exploitation of prostitution and linked with another trafficking case. The Italian foreman had had a criminal record since 1995 for violence, theft, menace, extortion and social fraud.

[Link to criminal organisations in the prostitution milieu](#)

It is important to note that in another investigation the third defendant was suspected of being the head of a criminal network facilitating the entry of irregular third country nationals forced into prostitution. The victims were Russian prostitutes who had to prostitute themselves in sex orgies with friends of the Italian foreman, including lawyers. The third defendant was convicted for human trafficking and smuggling, exploitation of prostitution, criminal organisation and other related offences, from March 2009 to September 2009, parallel to the present

case. For these offences, he was sentenced to two years in prison and a fine of €5,000.³³⁰

The third defendant's storied criminal record is of significance to the identification and investigation of human trafficking for two reasons. First, the interconnectivity and the defendant's involvement in different crimes in different milieus demonstrates the importance of maintaining an overview of all forms of exploitation that result from human trafficking and associated criminal practices. Cooperation between investigating teams led, during a search of the premises of the defendant as part of the investigation into sexual exploitation, to the discovery of proof for the present case. In particular, documents were found relating to the administration and employment of three victims from the present case.³³¹

1.2.2. | Opening the case

The investigation started in July 2008, when a Romanian national, who had arrived in Belgium in May 2008, complained about his working conditions to the local police. In particular, the complainant decried non-payment of wages, long working hours and poor living conditions.³³² The complainant also made reference to five compatriots who had arrived at the same time, and were experiencing the same working and living conditions. The police followed up the next day by interviewing the other workers at the premises of Sürya, a reception centre specialised human trafficking cases. An investigating judge was immediately appointed to the case and a search of the business premises of the Belgian businessman where the complainants had been initially accommodated was undertaken within days.

In the summer of 2008, an expert architect further assessed the residential properties where the Romanian workers had been accommodated.

1.2.3. | The investigation

The investigation, which ran from 2008 to 2012³³³, identified a total of 89 Romanian nationals registered as having worked for the Belgian businessman, while he himself claimed that he only employed about 40 Romanians. Of the 89 nationals identified, 16 were interviewed in Belgium, 39 had returned to Romania, and 34 could not be located. The investigation was based mainly on interviews with business associates of the defendants (such as sub-contractors, landlords of residential properties used for accommodation, business associates not listed as defendants, accountants) and the workers who had been registered (as self-employed), as well as employees of the defendants' companies. The investigation also used the results of the searches of private premises and business properties connected to the main defendant, and the seizing of computers and mobile phones. An analysis of the browsing history³³⁴ on the computer did not identify anything of major significance, however the mobile phone analysis indicated that the main defendant was also in frequent contact with individuals from Germany, Bulgaria, France, Hungary, Italy, Moldova, the Netherlands and Poland.

Between 2009 and 2010, the Belgian National Social Security Office (RSZ) investigated the social status of Romanian workers registered in the company of the main defendant, in particular because the Romanian nationals were all registered as (self-employed) partners. As a result, interviews were conducted with the main defendant, as well as inspections of the construction sites.

a) International cooperation in financial investigations

In February 2010, Romania and Belgium concluded a bilateral agreement for judicial cooperation. The cooperation also included interaction between Belgian authorities and a Police Liaison Officer from the Romanian Embassy.

As a result of this agreement, a number of successful aspects of cooperation during the financial investigation emerged. In July 2010 Interpol provided the Belgian investigation team information of the persons who are registered as working with the main defendant. Subsequently, in May 2011, Interpol Romania provided

³³⁰ See also Chapter 3 of this section (case-law overview): Corr. Court Hainaut, subsection Charleroi, 27 February 2017, 6th chamber.

³³¹ These documents were seized during a search at the house of the wife of the Italian foreman, which was the start of the investigation against him.

³³² The police inspected the accommodation of the victims in May 2008. The house had mould growth and was generally unsanitary. At that time, the police did not yet see them as potential victims of economic exploitation and simply informed them that they could no longer live there. The victims were taken to another home by the defendants. See 2013 Annual Report on Human Trafficking, *Building Bridges*, p. 29 on obstacles in identifying and detecting potential victims by front-line services.

³³³ In an official report from October 2012, justification was given for the long duration of the investigation, due to the number of defendants, the number of companies involved, the number of suspected foreign victims and the commitment of an international rogatory commission in Romania.

³³⁴ See also above Part 2, Chapter 2 (Social media and the internet as a method of investigation), point 3 (analysis).

further information regarding the employment agency owned by the main defendant and his Romanian girlfriend. From this information, a rogatory commission was requested in January 2012 to provide further details regarding the associated bank accounts for this business and details of transactions. The Romanian Ministry of Justice transferred the information from the Romanian Bank in June 2012.

The Romanian authorities provided extensive information pertaining to the two Romanian bank accounts that were connected to the employment agency owned by the Belgian businessman and the Romanian woman. The information demonstrated that the accounts were used regularly and the frequency of transactions increased in 2008, the period during which the victims were recruited by the Romanian woman in Oradea. Similarly, the Romanian woman moved to Belgium in 2009 as her intimate relationship with the Belgian businessman developed and the number bank account files show that the number transactions reduced as of this period.

b) Bogus self-employment

A significant finding of the investigation was the fraudulent administrative handling of the Romanian nationals. In particular, these fraudulent practices of the Belgian Businessman were to the detriment of his business associates. Two individuals in particular who - based on a friendship of 25 years - trusted the defendant and allowed him to register Romanian nationals as Associates were unaware of any administrative irregularities.

The plaintiffs all believed that the working relationship with the main defendant constituted a contract of employment, however it emerged that in fact, they had all been fraudulently registered by the main defendant as associates in the company.

The findings of the RSZ investigation into the bogus self-employment showed that the workers were not acting as associated partners for a number of reasons. They did not have a decision-making capacity in the operation of the company. They were not able to decide their own workload. Their salary was always calculated by the main defendant. They did not hold any administrative responsibilities and they did not have access to the bank account of the business.

As for the workers, as the original documents were either fraudulently signed by the defendant or were presented to them in a language they did not understand, they stated that they had only become aware of their employment status upon receipt of correspondence from the payroll

agency requesting the fulfilment of overdue service payments.

Throughout the course of the investigation, the Belgian businessman was interviewed by the police on several occasions between 2008 and 2011, to confirm the findings of the enquiries. On many occasions the Belgian businessman expressed his lack of intention to exploit the Romanian workers. The main defendant stated that the administrative handling of the Romanian workers was in their best interest in order to regularise their working status in Belgium. He pointed out in particular that he gave the labourers partner status on the advice of a Brussels lawyer.

1.2.4. | Victims

All the victims were Romanians, and a significant number of them came from Oradea, where many Roma live.³³⁵ The victims' description of the reality of the working and living conditions in Belgium illustrates the established network of contacts both in Romania and in Belgium that successfully deceived the victims as to the provision of work and accommodation.

a) Victim statements

Working conditions: an affront to human dignity

None of the victims had signed an employment contract. They worked 8 to 12 hours a day, six or seven days a week. At the end of each month they provided the main defendant with an overview of the hours worked. Not only was the promised wage of €7 or €8 per hour 40% lower than the minimum wage for the construction sector at that time³³⁶, but according to the plaintiffs, the main defendant never paid the full amount corresponding to the number of hours worked.

Living conditions: an affront to human dignity

Based upon information provided by the complainants in the interview process, the registration of residency

³³⁵ Two victims stated that two of the victims were Roma. Oradea is also mentioned in other Belgian cases of human trafficking, not only as a place of recruitment, but also because of the presence of a large Roma community. See 2012 Annual Report on Human Trafficking and Smuggling, *Building trust*, p. 68.

³³⁶ €11.874 per hour in the 1st half of 2008 and €12.035 per hour in the 2nd half of 2008.

at the local town hall and the official registration of the business owned by the main defendant, an expert architect visited a number of properties that were used in a residential capacity to accommodate the workers. In all instances, the expert reported that the properties had been overpopulated and in some cases, the properties were uninhabitable. This corroborates the statements of the plaintiffs who stated that they had been accommodated in properties with no running water, no heating or electricity, insufficient sanitary and cooking facilities and in a poor state of repair.

"They lied to us. We lived in places where you wouldn't even keep animals. They left us without money, without food and without livelihoods; there was certainly no money to meet the needs of our family in Romania".

The investigation also identified that the main defendant was making a profit by sub-letting these properties and deducting the rent from the wages, as the market price rent that he paid to the owners of the premises was less than the total he received from the plaintiffs.

Physical and psychological violence

The victims' statements revealed two specific incidents in which the Italian foreman used physical violence against them. The foreman admitted as much when he was questioned by the police. In the first case, he physically attacked a labourer after his trousers were soiled when a piece of Gyproc plasterboard fell on him, through the fault of the labourer. On another occasion, one of the victims had come to his house early in the morning, and caused a disturbance. This resulted in a physical confrontation and police intervention. The potential victim however did not press charges. Other victims declared that he was afraid to file a complaint and was unable to in any case because he was already home in Romania.

The victims were also subjected to psychological threats that were considered as limiting their ability to either confront their employers or to approach the authorities to complain of their circumstances.

"[X] used a kind of psychological blackmail on us. He was well aware of the normal wages in Romania (less than €200 per month for a labourer) and knew that we did not want to go back to Romania. We didn't dare to discuss our problems with him because we were afraid he would tell us that we would have to return to our country".

In addition to the physical and psychological violence suffered by the victims themselves, some of them also

feared possible reprisals against their families if they got involved in legal proceedings: *"Just like many of my Romanian colleagues, I distrust [X, the defendant], because in today's society everything is possible. We and especially our family in Romania could be the victims of reprisals".* Again it is important to reiterate that the majority of the victims were recruited in Oradea, making it highly likely that the criminal networks of the defendants extends to this area.³³⁷

b) Victim status

The victims were supported and taken in by Sürya and Payoke. In August 2008, two of the victims requested to voluntarily return to Romania. Following this development their involvement in the judicial process was secured by the appointment of a lawyer who represented them as civil parties during the remainder of the investigation and trial. This is an example of best practice as it ensures access to justice for victims, despite their no longer being resident in the country where the exploitation took place.

During the investigation, a number of potential victims were given the multilingual leaflet on human trafficking for potential victims of trafficking. The use of this tool is an example of best practice, since it helps people to decide whether or not to accept victim status.

A number of the statements from the potential victims show that they did not in fact have any interest in pursuing the case further as they wanted to put this period of their lives behind them and forget about their involvement with the Belgian businessman.

"I now work as a teacher of physical education and have been married since 2008... I no longer have any contact with [X] and I don't want to hear any more about it".

2. HUMAN SMUGGLING

Iraqi smuggling case Delocation

In this human smuggling case in Dendermonde, an Iraqi smuggling network mainly smuggled Kurds and Syrians to the United Kingdom between August 2014 and June 2015. The case was heard by the Correctional Court of

³³⁷ See also earlier cases concerning the recruitment of Roma in Oradea and fears of reprisals: 2012 Annual Report on Trafficking and Smuggling in Human Beings, *Building trust*, p. 69.

Dendermonde on 25 April 2016³³⁸ and the Court of Appeal of Ghent on 6 February 2017.³³⁹ It convicted both the Belgian branch and the British leaders of the smuggling network. The same smuggling network is also linked to a Brussels smuggling case.³⁴⁰

2.1. | Smuggling network

The Belgian branch of the smuggling network consisted mainly of Iraqi Kurds who operated from Brussels and had international contacts. The network was coordinated from the UK with a supply route of Syrians. They had contacts with smugglers in Greece, Turkey, Italy, Austria, Hungary, Bulgaria, the Czech Republic, Slovakia, Serbia and Iraq. For example, a Turkish contact person smuggled people by truck from Turkey to Germany. It was also established through a telephone wiretap that smuggling money was transferred to Istanbul (Turkey), Italy and Greece. They also worked with specialists who offered services, such as visa suppliers.

The smugglers regarded their smuggling activities as a profession. They smuggled people from the car parks in Groot-Bijgaarden and Waasmunster along the E40 motorway to the Belgian coast. The smuggling network organised non-guaranteed transport in ordinary trucks and refrigerated trucks without the drivers' knowledge. These refrigerated vehicles were deliberately selected because the inspections were less rigorous. The low temperatures and limited oxygen levels significantly increased the risk to the victims. Large sums of money (€2,500 per person) were demanded, without any guarantee of success. They also worked with a specific routine; a rotation system. If the victims were caught, they knew where to go and try again the following night. It was a well-organised activity.

The smugglers met frequently and analysed the easiest and least risky ways they could exploit. They consciously looked for the countries with the most lenient legislation for them to smuggle. They also provided guaranteed transport using vans via the Netherlands, as there are fewer inspections there than in France.

Hierarchical organisation

The network was organised, with a clear hierarchy and division of tasks. The various defendants represented different positions within the hierarchy. Most smugglers did not have residence permits. One of the smugglers was known in Serbia under a false name, on the basis of his fingerprints.

The footmen worked at the car parks, and made sure that the victims climbed into the right trucks. They received €1,400 per smuggled person, meaning that they could earn at least €14,000 in one evening of smuggling. The members of the group had no income other than that from human smuggling.

The smuggling leader from the Belgian branch had a British residence permit, so that he could easily travel back and forth to the UK for consultations. He had been involved in the smuggling circuit for many years, and was arrested in France as early as 2003 for human smuggling.

Other defendants had a 'key position', and gave orders from the UK. These three smuggling organisers (An Arab Iraqi, a Kurdish Iraqi, and a Syrian) were arrested in the UK where they lived. The Arab Iraqi and Syrian smugglers are also the defendants in a Brussels smuggling case.³⁴¹ Since 2010, the Arab-Iraqi organiser provided 10 to 20 smuggled persons every week, from the UK. The Kurdish organiser came from Belgium, and had women pay 'in kind'.³⁴² He had been working with the smuggling leader in Belgium for several years. Together with this leader, he had bought a car park along the motorway in Belgium from Albanian smugglers in 2014, who, as so-called owners of a 'criminal territory', managed them together and leased them to other smugglers. Meanwhile, the Kurdish senior figure had moved to the UK for security reasons. He advised the other smugglers to follow his example and continue to smuggle from the same country on a temporary basis, and then quickly leave, to avoid being caught. The Syrian senior figure supplied Syrians on a large scale, and organised this from the UK. According to a Kurdish smuggler, the Syrian smuggling organiser had several restaurants and car washes in the UK.

Three other smugglers were able to stay in Belgium on the basis of subsidiary protection status. One of them was a Kurdish smuggler responsible for managing the money of the Kurdish smugglers. The financing was not just with money. He was sometimes also paid in drugs. Another defendant, a non-Kurdish Iraqi smuggler, was

338 Corr. Court East Flanders, subsection Dendermonde, 25 April 2016, Chamber D19D.

339 Court of Appeal Ghent, 6 February 2017, 6th Chamber. See also in this section, Chapter 3 (case-law overview).

340 Corr. Court Brussels, 13 October 2016, 60th chamber (not published).

341 Corr. Court Brussels, 13 October 2016, 60th chamber (not published).

342 See below abuses and rapes; family with children under victim status human smuggling.

the assistant to the Syrian smuggling organiser in the UK, and worked almost exclusively with him, as well as arranging the finances with him. This assistant was the only one who spoke both Arabic and the Kurdish language Sorani, and acted as an interpreter between the Arabic-speaking Syrian smuggling organiser and the Kurdish smugglers in Belgium. They communicated exclusively via Viber and Facebook.³⁴³ The Arab smuggling organisers were generally not directly reachable by telephone for the Kurdish smugglers. Moreover, there was a major rivalry between the Kurds and the Arabs.

The Syrian smuggling organiser from London and his assistant in Belgium had IS sympathies and were infiltrated into the smuggling network. The police found 270 deleted photographs on the assistant's computer, almost all of which made references to the terror organisation, Islamic State.³⁴⁴ In prison, this assistant had threatened the Kurdish money manager with beheading in the name of IS. He demanded that the Kurdish smugglers withdraw their statements about him. The assistant had stayed in Belgium since 2011 and had met the Kurdish money manager at the 'Klein Kasteltje' reception centre in Brussels.

2.2. | Initiating the case

The case was initiated partly on the basis of the victim statements made by an Iranian family in October 2014 (see below). But the investigation got underway when in April 2015 the road police found two victims of human smuggling at the E40 car park in Wetteren. A truck driver had alerted the police when he saw a colleague taking two Afghans out of the loading area. One of the smuggling victims spoke poor English, with the result that no relevant statements were made. The Public Prosecutor's office was not informed.³⁴⁵ The Immigration Office decided to detain both Afghans at a closed centre in Bruges.

The mobile phones of the two smuggling victims were examined. During a first local check, the road police had found an SMS message in a mobile phone with an address in Etterbeek, which dated from the day before

the smuggling. According to the police, it is often the case in human smuggling investigations that the smuggler notifies the victims of the meeting point shortly before their smuggling. The police were able to trace one of the smugglers of this crossing through the telephone number.³⁴⁶ A telephone investigation was carried out on the basis of this number.

2.3. | Investigation

The telephone investigation immediately revealed human smuggling. The investigation showed that the numbers in question were active at night around the Groot-Bijgaarden car park, that some numbers could be linked to closed human smuggling cases, and that there were contacts with British numbers.

Through the telephone wiretaps carried out, one of the main figures of the Belgian smuggling branch was identified, as was a British number of a smuggling organiser who operated from the UK as a supply line for Syrians. The police were then able to get a picture of the entire smuggling network.

The criminal record was also made up of material elements found at the meeting points and house searches, statements by the parties involved, etc.

2.3.1. | Social media

The smugglers arranged and organised their smuggling activities using social media.³⁴⁷ They used social media to arrange payments and conduct their confidential conversations. The smuggling leader explicitly instructed the smugglers to discuss this via social media and not by mobile phone. The smuggling customers were also told by the smugglers by telephone that they had to talk about this subject via social media, such as Viber and Skype. In the meantime, the smugglers had already developed counter-espionage techniques for social media, since they realised that social media chat messages could be read and analysed by the police, as is the case with mobile phones. Following the arrests, the smugglers who had fled advised

343 See above, Part 2, Chapter 1, Point 3 (the role of social media in human smuggling).

344 See above Part 2, Chapter 2 (Social media and the internet as a method of investigation).

345 When intercepting victims of smuggling, it is important that the magistrate of the public prosecutor is immediately informed, so that instructions can be given.

346 Best practice; see MYRIA, 2016 Annual Report Trafficking and Smuggling of Human Beings: *Beggars in the hands of traffickers* p. 116.

347 See above, Part 2, Chapter 1, Point 3 (the role of social media in human smuggling).

removing all links with the arrested smugglers on social media, but they were too late.

During their investigation, the police made extensive use of social media.³⁴⁸ With the data from the telephone wiretaps, they were able to find the Facebook profiles of the smugglers via open source investigation. By comparing the Facebook photos with the police databases, the smugglers could be identified via links with other smuggling case. In addition, this made it possible to unmask smugglers who had changed their identity. During the interrogations, a Kurdish smuggler also gave the police the Facebook account of the Syrian smuggling organiser from London, so that he could be traced more easily.

The magistrate made further inquiries with Facebook. The results of these Facebook data enabled the police to identify and arrest a smuggler who had been active in Belgium since 2010. After the arrest of the leader of the Belgian smuggling branch, he had managed to flee to a smuggling camp in Calais to a Kurdish smuggler who was an acquaintance.

In addition, various Skype messages about smuggling transport and photo files of smugglers with firearms that were in the deleted files folder were made visible again.

2.3.2. | Financial investigation

The illegal assets of the smuggling network amounted to (at least) €3,125,000 over a period of 9 months. This was calculated on the basis of at least 125 proven crossings of 10 persons, with a smuggling price of €2,500 (125 x 10 persons x €2,500).

They used a hawala banker³⁴⁹ and money remittance agencies for their financing. One smuggler stated during his questioning that the large smuggling funds do not pass through Belgium, but were in the UK. These smuggling funds are only released in the country of origin when the smuggling is successfully carried out.

Only the smuggler payments linked to Belgium could be seen by the police. A hawala banker was active in Antwerp, who arranged payments from the UK to Belgium. He was

the manager of an Antwerp travel agency specialising in Iraq, and offering air travel there.

Payments were also made through money remittance agencies. These were always amounts up to a maximum of €2,000. The sender of the money in the UK used a different or false identity in this respect, in order to keep the smugglers under the police radar. The person who collected the money in Belgium received a commission which was in proportion to the amount collected. The maximum commission was €100. This person handed over the money to the smugglers. The smugglers also employed a pizza delivery firm in this regard. According to the assistant of the Syrian organiser, this way of working is common practice in human smuggling.

2.3.3. | International investigation

There was good cooperation between the Belgian and British judiciaries. Based on a Belgian rogatory commission and data from the telephone wiretapping and Facebook, the smuggling organisers in the UK were identified, located and arrested via a European arrest warrant.

2.4. | Victims

In the wiretap, 1,290 victims of smuggling were traced during at least 56 days of smuggling. Up to 10 to 15 persons could be smuggled per crossing. The victims of the smuggling were mainly Kurds from Iraq and Iran, and Syrians. They also came from Somalia, Afghanistan and Albania. The final destination of most of them was the UK for family reasons, language skills, the presence of large ethnic communities, job prospects and a reduced risk of checks. The smugglers also advised their customers to travel to the UK, as this represented a significant additional cost to the smuggling price. For example, in a wiretapped telephone conversation, a Kurdish smuggler replied to a customer that it was better to seek asylum in the UK than in the Netherlands because it was easier to find work in the UK. The smugglers abused the vulnerable position of the victims. They used propaganda to bring people to the so-called 'promised land'. The victims often paid with the last of their money, which made them even more vulnerable. When they arrived in the United Kingdom, they often still had debts, which made them easy prey

³⁴⁸ See above Part 2, Chapter 2 (Social media and the internet as a method of investigation).

³⁴⁹ In addition, a guarantor in the home country gives a guarantee to a hawala banker in the country of destination who makes the payment; see 2011 Annual Report on Human Trafficking and Smuggling, *The money that counts*, p. 30.

for further exploitation, or to end up in crime. Some were even obliged to help the smugglers as errand runners, for a limited fee.

In total, the police were able to identify 120 victims of smuggling, including 22 minors. The youngest victim was 3 years old when found on the smuggling transport, the oldest 66 years old. The majority of these victims were found once in Belgium on a smuggling transport. An exception to this was an Iranian family who was found on seven different smuggling transports, and who received victim status relating to human smuggling (see below).

2.4.1. | Abuse and rape³⁵⁰

Some traffickers told their victims that they would be killed if they contacted the police. During his questioning by the police, a smuggler stated in this respect: "The asking price for smuggling a person to England from Belgium is normally between \$3,000 and \$3,500. In fact, the price is not fixed. It depends on the smuggler and the maximum amount the smuggled persons are able to pay. The aim is always to get as much money as possible for the smuggling. For example, X has smuggled a small family for €14,000. He threatened to kill them if they went to the police".

Female victims had to pay in kind if they could not pay the full amount for their smuggling. This was ascertained from the complaint lodged by an Iranian family who, together with another woman, were smuggled into the UK by the Kurdish smuggling organiser. This organiser then relocated from Belgium to the UK (see above) but was then intercepted by the police in Belgium during a smuggling operation. The Iranian family later stated to the Brussels police that they had once seen the organiser at the hotel with a woman who was waiting to be smuggled to England. He spent the night there with that woman. In a confidential conversation with the wife of the Iranian family, this woman said 'that there are female victims of smuggling who are obliged to continue paying for their smuggling transport in kind, in addition to the partial payment in cash, by sleeping with the smuggling organiser'. During his questioning by the police, the Kurdish organiser made out that he had been smuggled himself, and, together with his wife, had attempted to reach the United Kingdom clandestinely. Subsequently, based on the complaint by the Iranian family, the police established that this woman was not his wife, but a victim of smuggling who was raped in exchange for part of her smuggling costs.

³⁵⁰ See the external contribution above: "Refugees: When human smuggling becomes human trafficking".

2.4.2. | Abuse against minors

Many minors have been smuggled in inhuman situations. The traffickers showed them no respect, threatened them, and put them in life-threatening situations where they almost suffocated.

A wiretapped telephone conversation revealed that the Arab-Iraqi smuggling organiser based in the UK (see above) showed complete disregard for the lives of smuggled children: "406 told the smuggling organiser (158) that the three children of the Afghans were too small. 158 says that he has agreed to transport them with the container, and not with the truck, and asks to send them anyway, even if they are dead when they arrive at the other end. 406 said ok".

They also unwittingly put minors in life-threatening situations. During a smuggling transport, an ambulance needed to arrive at the car park at Groot-Bijgaarden after a child had almost suffocated in a refrigerated truck and was only just rescued in time. When a Kurdish smuggler was alerted by telephone and feared for the child's life, he informed the police before fleeing.

In a telephone call, a smuggler threatened to take a smuggled boy hostage because he had not paid in time: "265 says that he did the boy a favour, and if the boy wants to cheat him and not pay his money, he will call England to have him taken hostage until his money is paid". When the police questioned him about this during his interrogation, he replied: "That boy had still not contacted me after seven days despite the fact he was smuggled successfully, and clearly had no intention of paying me. I see this as betrayal and that is why I threatened to hold him hostage in England. I was finally paid via that R. in Iraq. He received the money from the boy's family. My brother H. received my money in Iraq via R.

2.4.3. | Human smuggling victim status

Various victims have been offered human smuggling victim status.³⁵¹ The adult victim wanted to travel on to the UK. There was also an unaccompanied foreign minor (UFM) and a family with children who received smuggling victim status. In her complaint, the Iranian family also made statements about the female victims of smuggling who had to pay in kind.

³⁵¹ It should be borne in mind that victims of certain serious forms of human smuggling can also benefit from human trafficking victim status. This applies in particular to minors and people whose lives have been endangered.

a) *Unaccompanied foreign minors with smuggling victim status*

A 15-year-old Palestinian, born in Syria (Damascus), had fled with his family to Lebanon in January 2014, where they ended up in a refugee camp. He wanted to be smuggled into the UK. In March 2014, the 15 year-old left for the United Arab Emirates and Sudan with a business visa. He had paid €3,000 for this to a smuggler in Lebanon. In Sudan, another smuggler was waiting for him at Khartoum airport. The Lebanese smuggler had sent him his photo and then took him to Libya, along with other people, through the Egyptian desert in a small open truck, where a civil war was raging at the time.³⁵² The smugglers were heavily armed. The minor experienced awful events on the way. People died in the desert during the journey. They were immediately buried, and the convoy carried on. The boat he needed to board was 10 metres long and there were 270 people on it. They forced him to board the boat without protection, and all his identity documents were taken from him when he boarded.

The child victim told his full story to the police and made relevant statements: "The journey into the desert lasted 7 days. There were 12 cars driving in convoy. The escorts were armed and also had anti-aircraft weaponry. We were with up to 50 people in the pick-up with a large rope around us so that we wouldn't fall out. Sometimes people fell off the truck, and they were simply shot dead by the smugglers and buried in the desert. Everyone feared for their lives. They then just carried on driving. When we arrived in Libya, we were dropped off with other traffickers, and we stayed in Idjdabia, the first city in Libya you cross when coming from Egypt. We stayed there for 3 days in tents. After that we were taken to a farm. From there we went on trucks to Bengazi on the coast. On the way we came across a roadblock, and everyone had to get out. We were taken to a prison. The prison is called Rajma. We stayed in this prison for 6 months and I was mistreated, tortured with electric shocks on my hands and teeth, and beaten on my head. Since then I have had constant headaches. I was tortured because I am a Palestinian from Damascus (Syria) and a stateless person without rights. After 6 months they released me, and I did some work for 2 months to earn money. From Bengazi I went to Tripoli, which is also on the coast. In Tripoli I paid €1,000 to go by boat to Italy. I found the people who organise these boat crossings through the man I worked for in Bengazi. He was actually also a smuggler, whom I met in prison. On this boat crossing, only a few children had a life jacket on. I can't swim well, so I also asked for a life jacket, but I had to pay €1,000 for

it. I didn't have that money. We were picked up en route by Italians with a large boat, where we were taken to a camp. I left there and carried on to Rome, and from there to Berlin, where a Palestinian brought me into contact with an Arab smuggler, who in turn gave me the name and telephone number of a smuggler. He took a picture of me and forwarded it to the other smuggler. He put me on a train that took me to Brussels via the Netherlands. The smuggler recognised me from the picture, and then drove me to some woods from where we had to walk half an hour to the car park. Once there, he handed me over to two other men. There were also other men wearing balaclavas who opened the trucks. I climbed onto a truck using a ladder. I was the first one on board, about half an hour later a family boarded, followed by a lone boy".

The victim was offered the smuggling victim status and said: "If I had known all this in advance, I would never have started the journey. My mother sold all her jewellery to give me a future in England. I confirm that I was informed about the possibility of being declared an 'injured party', and about the associated rights. I declare myself to be an injured party and also consider myself to be a victim of human smuggling".

b) *Families with children with human smuggling victim status*

In October 2014, an anonymous intermediary contacted the Schaerbeek local police to have an Iranian-Kurdish family with two daughters aged 3 and 5 years recognised as victims of human smuggling. The following morning, the police met with the family at the entrance of a hotel. The father gave a short account and handed over his mobile phone to the police. The family followed the police to the police station to make statements and file a complaint. When checking two telephone numbers in the mobile phone, the police immediately established that these numbers were known in two different smuggling cases.³⁵³ The police contacted the Brussels reference magistrate who gave her permission for victim status following their hearing.

The family had been smuggled seven times and had substantial information about the smugglers, the British organisers (see above) and their Facebook profiles.³⁵⁴ The father stated: "We wanted to go to England, because I have a friend there. We left Iran for Istanbul on 20 August 2014, then continued to Rome, Copenhagen and finally Brussels.

³⁵² See the external contribution above: "Refugees: When human smuggling becomes human trafficking".

³⁵³ Best practice; see MYRIA, 2016 Annual Report Trafficking and Smuggling of Human Beings: *Beggars in the hands of traffickers* pp. 148 and 216.

³⁵⁴ See above Part 2, Chapter 2 (Social media and the internet as a method of investigation).

It is only when we arrived here in Belgium that I met SH (later the Kurdish smuggling organiser based in the UK) and SA (the Kurdish smuggling leader in Belgium). I know that they work with someone who gives orders from England, and that they only get a commission. This person gets the lion's share of the money. He is called 'H' (an Arab-Iraqi smuggling organiser based in the UK) and he uses the numbers (...). His profile name on Facebook is HB. My wife received SH's Facebook profile name through one of our daughters. It is SN. You are showing me these profiles on your computer and I can confirm that they are the right ones".

His statement provided an important insight into how smuggling victims arranged their payments to smugglers: "In the beginning I paid the equivalent of \$70,000 to people in Iran to be able to leave the country. I paid €5,000 for transport for myself, my wife and my two children here in Belgium. I paid this amount as follows: on leaving Iran, my brother gave the equivalent of €6,000 to my friend's brother who has a restaurant in Liverpool, in England. My friend then gave that money to 'H'. At the time of the payment here I had €2,000 on me which I paid in cash to SH and SA. H sent €3,000 (out of the €6,000 he had already received) from Western Union in the UK which I collected here in Brussels to give to SH and SA. Since then I have not paid anything else".

Regarding the smuggling transport from the car parks along the E40 via the coast to the UK, he stated: "We went to the car park several times. In general, it was SH or SA who contacted me by phone with the message: "At 11:15pm, you need to take the 214 bus to the end of the line". The bus stopped in front of the hotel (...). From there, we followed a person who had already travelled the route on foot, through fields and woods, to get to the car park. We waited there until SH and SA arrived from the other side with the car. They always parked the car at a considerable distance and out of sight from the side of the woods. The first time, SH ordered us to tear up our Iranian passports. As soon as I knew the way, I had to explain it to newcomers. Sometimes there were 30 or 40 of us, and SH and SA were helped by 4 or 5 Kurdish smugglers. They kept guard in front of the woods to sound the alarm if a police car arrived, or to check the car park to see if the truck drivers were still awake. When we had to crawl into the truck, SH and SA came to pick us up in small groups (5 to 6 people) and a few hours later another group, and so on. Sometimes they had drivers who knew them and with whom they had made a deal to smuggle people".

The police explicitly stated that they regarded these people as victims and not as suspects³⁵⁵ and explained the procedure of victim status to them, whereby they were monitored by a specialised centre. The family responded positively to the offer and gave their real identities: "I have talked to my wife, and in the interests of our children, we have decided that we want to obtain this victim status. I also admit that my identity and that of my wife are identities which were imposed by the smugglers SH and SA. Our real identity is (...)". The police transferred the family to the specialised victim centre in Brussels.

c) Adult offered human smuggling victim status

The adult human smuggling victim was a 29-year-old Somalian whose wife and three-year-old daughter lived in London. He came from the Netherlands where he was a recognised refugee, but in the meantime his residence card had expired and he lived on the street as a homeless person. He had met a person in the Netherlands who had contact with smugglers in Belgium. He travelled from Rotterdam to Brussels Midi by train. Once there, he was picked up by the smuggler who brought him to a café. Other people also arrived at the café. They were then put into a van, and after that walked half an hour or so to the car park. Following the instructions of an escort, six of them crawled into a truck. The agreement was that he had to pay €1,000 upon arrival in London. A smuggler would wait for them there to settle the payment. A friend would lend him the money.

The police offered him victim status, to which he answered: "I confirm that I was informed about the possibility of being declaring an 'injured party', and about the associated rights. I would like to think about it. I am indeed a victim of human smuggling, but the only thing I want is to go to England to be with my wife and child".

³⁵⁵ Best practice; see MYRIA, 2016 Annual Report Trafficking and Smuggling of Human Beings: *Beggars in the hands of traffickers* pp. 148 and 216.