

Trafficking in women from 1998 to 2018. Same old, same old?

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Investigations on Trafficking of Human Beings

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THE ROUTE



Smuggling /Trafficking:

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

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

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

Trafficking in human beings:

The traffick of human beings can be finalized to:

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

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

Sexual exploitation indicators:

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

Other subjective indicators:

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

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

A victim's declaration:

- * I lived in Lagos where I used to work as a waitress in a restaurant. The money I earned wasn't sufficient for me and my family so I decided to leave my country to get a better job. My aunt Betty, from Benin, proposed to help me so I could travel to America. So I accepted and reached her in Benin where she told me that I had to get a voodoo rite before the journey. She presented me a babalawo who made me get naked and covered me with a white sheet. Then they made me drink a liquid that was put on a doll's mouth. And they asked me to promise that I would have returned 26.000 euros to the madame otherwise I would die. Afterwards they made me drink some alcoholic beverage and eat a chicken's heart. At the end they told me I wouldn't travel to America but to France. Once in Italy they told me the truth: I had to work as a prostitute to get free.

INDICTMENT IN A TRAFFICKING/SEXUAL EXPLOITATION CASE:

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

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

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

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

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

ASSOCIATION INDICTMENT

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

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

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

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

Following indictments

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

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

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

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

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

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

Migrant's interviews

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

«RAMBO» operation

R.G.N.R. 3930/2017

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

Ali's Ghetto



Rambo's arrest



Fanti's arrest



Sofi's arrest



Other kind of investigation:

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

Other kind of assistance:

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

Merci!

¡Gracias!

Bedankt!

Dekuji!

Grazie!

Vala!

Obrigado!

Tak!

Thank you!

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Danke schön

Ευχαριστώ!