

## Case 38

**Contributor: Agenfor International**

**Assessed case number: 3809/89/2007, High Court of Cassation and Justice**

**Title:** Trafficking in persons, abuse of power or a position of vulnerability, exploitation of the prostitution of others.

- What type of trafficking/exploitation is being analysed?**

Sexual THB	Forced Labour	Forced Criminal Activities	Minor Exploitation and forced adoption	Polycrime	Other (Specify the type)	All the aforementioned
X	X					

- Please provide a brief description of the case (about 500 words)**

“One of the victims (B.E., a minor) went missing in June 2005. The legal guardian of the victim notified the authorities of her disappearance. On her return, in August 2005, the victim reported that she was sexually exploited in a Bucharest apartment by a network of human traffickers. It was further established that the victim was recruited while being present in the apartment owned by the defendant, H.S. The investigations showed that H.S. used to personally or via other persons recruit young local women who were jobless and transport them to France where they would be handed over to other persons for sexual exploitation. It was also shown that in the period 2003-2007, the defendant attracted into his entourage girls, aged between 14 and 17, from both the city and the countryside, usually students at different Barlad highschoools. He would attract them with the purpose of sexually exploiting them by having intercourse with him or other persons that would offer him certain benefits in return. The defendant would use for perpetuating this activity an apartment he owned in the town of Barlad. The apartment was equipped with electronic devices (i.e. computers, photo and recording cameras) for producing pornographic material that would subsequently be used for blackmailing the girls (if they refused the advances or propositions made by H.S., he would threaten them with publicly exposing those images on the internet or to their parents or colleagues).



The recruitment of the girls would be made either by the defendant personally by simply approaching them while in public places, either by participating and endorsing as a member of the jury beauty pageants, or via already recruited girls who would introduce him to their female friends.” (White&Case LLP & UNODC).

• **Which is the *modus operandi* of the entities using cyber tools for trafficking and/or exploitation?**

MODUS OPERANDI	Yes/No	Description
Usage of Electronic Devices: electronic devices (i.e. computers, photo and recording cameras) for producing pornographic material	Yes	The defendant used electronic devices to produce pornographic material of the victims, later to blackmail them if they refused to comply with the orders of the defendant, threatening them to expose the content.
Other		

• **Please provide more details on the perpetrator(s):**

Was/were the perpetrator(s) male or female?	Male
Which is the nationality of the perpetrator(s)?	Romanian
In which country was he/she, were they operating?	Romania
Was it an individual or a group?	Individual
Were there any preliminary indicators for early detection?	Yes
Which other aspects are important?	The criteria used for the selection of the girls included a pleasant appearance, countryside origin or local family background. He would assiduously court them by promising them economic benefits, giving them rides in his personal vehicle, temporary harbouring them in his apartment. He would also loan the girls money and thus create a situation of dependence that would leave them with no alternative but to accept his demands.

• **Which were the main characteristics of the victim(s)?**

THB Victims	Involved (x)	Please describe in more detail
Men		
Women	X	1 Women which was 30 years old.
Minors	X	13 other victims who were exploited were minors.



LGTBI		
Country of origin	X	Romania
Country of exploitation	X	Romania, France
Capturing Method		
Coercion Method (debt-bonded, victims' families threatened...)	X	Threatening and blackmailing victims by stating that the pornographic material at hand could be publicly distributed if not compliant with the defendant's needs.
Handing over the passport		
Other		
Unknown		

• **What were the money laundering mechanisms used by traffickers?**

Money Laundering Mechanisms	Involved (x)	Please describe in more detail
Checks and money orders to anonymous post office boxes		
Back accounts in foreign countries		
Funnel account(s)		
Route cash from different cities		
Money Mules		
Hawala System		
Purchase of corporate vehicles or real estate		
Cash business entities such as restaurants or bars		
Other		
Unknown	X	

• **Has the case been tried or is it still under investigation?**

Legal Procedure	Yes/No	Please describe in more detail
Case with judgment	Yes	The defendant was found guilty of human trafficking, juvenile trafficking, child pornography via informatics systems, statutory rape, and sexual corruption, sentenced to 6 years and 3 months of imprisonment.
Under investigation	No	



• **What was the economic evidence of the crime?**

Economic evidence	Yes/No	Please describe in more detail
Money Transfers		
Banks Accounts		
Unjustified Financial Wealth		
Network Accountancy		
Financial Study of the Victim		
Wallet Cards		
Suspicious transactions		
Cryptocurrency exchanges or payments		
Cash payments		
Faster Payments Inwards (FPI) from the same entity		
Same mobile number or email address		
Hawala Payments		
Various bank accounts beneficiaries		
Others		
Unknown	X	

• **What activities in internet were considered suspicious?**

Internet Activities	Yes/No	Please describe in more detail
money transfers	No	
Purchases at online gaming sites	No	
Ads on Backpage.com or similar sites	No	
Social media to recruitment	No	
Use of digital platforms to advertise deceptive job offers and to market exploitative services to potential paying customers	No	
Fishing potential victims by posting advertisements	No	
Use of video equipment to stream and broadcast exploitative services	Yes	
Used of multiple online profiles	No	
Use of specific apps: Please circle	No	Ex:



the relevant apps or add the name at the end if not listed		<p>1) <b>For Advertising:</b> Facebook, Instagram, TikTok, etc.;</p> <p>2) <b>For Recruitment and Communication:</b> FaceTime, IMO, Messenger, Signal, Signal, Skype, Viber, WA, WeChat, Zalo, etc.</p> <p>3) <b>For Logistic:</b> video-sharing platforms distributing essential logistic instructions, satellite images and photos, planned routes, Google Maps waypoints, GPS data, etc.; Guidance, including mapping applications (Maps.me, Google Maps) for remotely guiding migrants across borders through tailor-made tutorials and YouTube videos containing detailed guides on how to navigate migrant routes, where to cross borders or buy fake documents, how to find smuggling hotspots, shelter or assistance, etc.;</p> <p>4) <b>For Payments,</b> online transfer of fees and documentation of payment proof via messaging services, hawala, etc.</p> <p>5) <b>Countermeasures adopted by smugglers to anonymize their services,</b> AppLocks, Secure Folders, burner applications, DiskDigger, private VPN connections, or clone apps, Fake GPS and modified display caller ID (Numberbook).</p> <p>6) Other:</p>
Others	No	

• **Other relevant information or important case specificities:**

		Please describe in more detail

