

Human life is the gift of our Creator — and it should never be for sale. It takes a special kind of depravity to exploit and hurt the most vulnerable members of society. Human traffickers rob children of their innocence, they expose them to the worst of life before they have seen much of life.

— President George W. Bush, July 16, 2004

I. An Introduction to Human Trafficking

Human trafficking is the modern-day form of slavery. It requires the use of force, fraud, or coercion by a trafficker to compel a person into, or hold someone in, an employment situation in which he or she will be criminally exploited. Human trafficking is a pernicious crime that violates the fundamental principles of our society. For traffickers, victims are commodities to be traded and exploited in any market.

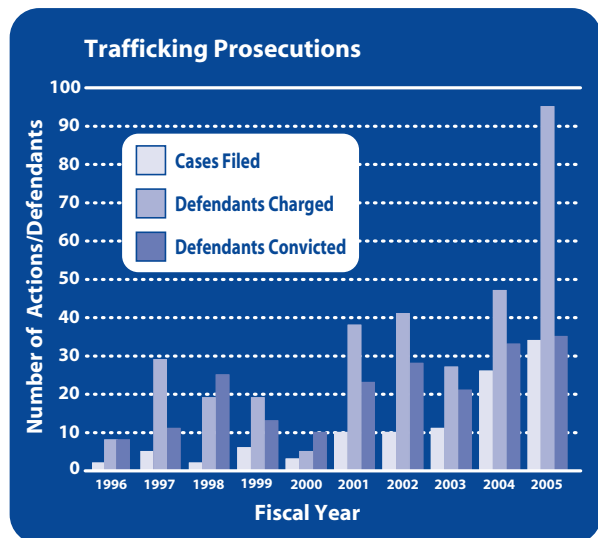
Trafficking may occur when victims are transported across borders or within a nation, or may not involve transportation at all. Victims, often women, are usually lured by promises of well-paying jobs. Once deprived of the opportunity to return home or communicate with their families, victims are generally held through force or threats in situations of sexual exploitation or forced labor. Human trafficking offenses thus transgress the victims' human liberty in violation of the Thirteenth Amendment's guarantee of freedom. As such, trafficking offends the core civil rights on which our Constitution and our country are based.

By statute, a victim of a "severe form of trafficking in persons" is entitled to certain public programs and benefits. A severe form of trafficking must include the recruitment, harboring, transportation, provision, or obtaining of a person for one of the three following purposes:

- Labor or services, through the use of force, fraud, or coercion; or
- A commercial sex act, through the use of force, fraud, or coercion; or
- If the person is under 18 years of age, any commercial sex act, regardless of whether any form of coercion is involved.¹

Since 2001, the Department of Justice has achieved an impressive record of prosecuting defendants for holding their victims in compelled service in such diverse areas as prostitution, field labor, domestic service, concubinage, "exotic dancing," pornography, garment factory "sweatshops," and

FIGURE 1.



¹ Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, Division A, § 103(8),(9), 114 Stat. 1464 (signed into law on October 28, 2000); codified as amended at 22 U.S.C. § 7102 (8),(9).

street peddling. From fiscal year 2001 through fiscal year 2005, the Civil Rights Division and United States Attorneys' Offices filed 91 trafficking cases, a 405% increase over the number of trafficking cases filed from fiscal years 1996 through 2000. In these cases, Department attorneys charged 248 trafficking defendants, a 210% increase over the previous five fiscal years. In addition, prosecutors with the Civil Rights Division and United States Attorneys' Offices convicted 140 defendants of trafficking-related crimes, a 109% increase over the previous five years.

Traffickers take advantage of the victims' hopes for a better life, preying on or even creating vulnerabilities that they can exploit. For example, in *United States v. Satia*, Louisa Satia and her husband, Kevin Nanji, used a false passport to bring 14 year-old "R.O." from Cameroon, where R.O. had worked for Satia's mother since the age of 12. R.O. was lured by the promise of an American education. Satia and Nanji refused to send the girl to school, however, and instead forced her to work for them as a maid and as a nanny to their young children. R.O. was not permitted to leave Satia and Nanji's apartment alone, except to take out the trash and walk the children to the school bus stop. Satia hit R.O. routinely, poked R.O. in the eyes, sprayed window cleanser on R.O., poured cola and glue in R.O.'s hair, and threatened her with deportation even though she and Nanji were the ones who had brought her to the country illegally. Nanji made repeated sexual advances toward the girl. Apart from keeping R.O. in a condition of involuntary



I hated to be in the brothels. There were so many clients that came to the house. I was so scared. I would try to hide from them so they wouldn't pick me. The bosses told me I had to work and to stop behaving in this manner. Also, the bosses would rape some of the other girls. This scared me. I was afraid they might rape me or hurt me in some other way. I didn't know anyone. I was alone. I was very frightened.

- "Ignacia," a 15-year old victim in
United States v. Cadena

servitude, Satia solicited numerous people to sell their identities to her so that she could create false passports and routinely arranged false marriages as part of an immigration fraud scheme. In 2002, after their conviction at trial of involuntary servitude, the defendants were sentenced to 9 years in prison and ordered to pay \$105,300 in restitution.²

Traffickers may lure their victims into farm work, factories, domestic service, or the hospitality and sex industries. For instance, in a path-breaking case in Florida, *United States v. Cadena*, Mexican women and

² *United States v. Satia*, 68 F. App'x 428 (4th Cir. 2003).

girls as young as 14 years of age were brought to the United States with promises of good jobs as waitresses and landscapers, only to be held as slaves in a high-volume prostitution operation.³ The Cadena family would hold the women in their service by shooting into the ground at their feet, threatening their families, beating them, and raping them as punishment if they tried to run away. The ringleader and six other men were convicted in 1999 of involuntary servitude and sentenced to up to 15 years of incarceration. The *Cadena* case is ongoing, and Federal Bureau of Investigation and Departmental prosecutors and victim-witness coordinators have continued to prosecute Cadena family members and assist the survivors. In 2002, one of the family members was apprehended at the United States-Mexico border and pled guilty to conspiracy to enslave the women and girls. With the cooperation of the Mexican Government, the Department secured the conviction of one of the Cadena brothers in Mexico in 2002, where he was sentenced to 24 years of incarceration. In 2005, the Federal Bureau of Investigation and the Department's Office of International Affairs achieved the arrest of yet another member of the family; trial is pending in Mexico as of the time of this report and a request for extradition prepared by the Office of International Affairs is pending. The *Cadena* victims have been assisted by a non-governmental organization that is funded by the Department's Office for Victims of Crime, and with the help of the case agents, prosecutors, and victim/witness staff, they have been able to bring their children and custodial parents to the United States.

Any specific instance of human trafficking may involve a range of other criminal activity that is not limited to federal human trafficking offenses and is subject to other federal criminal statutes, such as inter-state transportation for prostitution, money laundering, and racketeering. Trafficking indictments often reflect this, as the Department is committed to attacking this problem using all of the varied tools in the federal prosecutor's tool box.⁴ For instance, in *United States v. Zavala*, Mariluz Zavala, who in November 2005 received a 15-year prison sentence for enslaving Peruvian workers in Long Island, New York, was charged with a multi-object conspiracy in which the Department alleged that she and her co-conspirators had conspired to commit forced labor and involuntary servitude by withholding immigration documents. The Department also charged her with extortion and falsifying immigration documents, criminal violations that are not found in the federal anti-human trafficking law.⁵ In forced prostitution cases, such as *United States v. Reyes-Rojas*,⁶ where three brothers were charged with sex trafficking and immigration violations that included importing people for prostitution and in *United States v. Babaev*⁷ and *United States v. Mammedov*,⁸ were two defendants who conspired to bring young women from Azerbaijan to work as prostitutes in New York and who ultimately pled guilty to sex trafficking, were charged with interstate transportation for prostitution and harboring people for prostitution, under the law known commonly as the Mann Act.⁹ In *United States v. Maksimenko*, where several defendants were charged in a conspiracy to com-

³ *United States v. Cadena*, 207 F. 3d 663 (11th Cir. 2000).

⁴ The federal prosecutor's tool box is discussed below in Part IV, "Tools for Investigating and Prosecuting Human Trafficking."

⁵ *United States v. Zavala*, No. 04-962 (E.D. N.Y. 2004).

⁶ *United States v. Reyes-Rojas*, No. 01-542 (N.D. Ga. 2003).

⁷ *United States v. Babaev*, No. 05-417 (E.D.N.Y. 2005).

⁸ *United States v. Mammedov*, No. 05-500 (E.D. N.Y. 2005).

⁹ 18 U.S.C. § 2421.

pel Eastern European women to work as exotic dancers by using force and threats, a Lithuanian man pled guilty to charges that included laundering the proceeds of the crime. Trafficking charges are predicate acts under the Racketeer Influenced and Corrupt Organizations Act (“RICO”),¹⁰ and can sustain money laundering charges for transactions carried out with the proceeds of, or in furtherance of, a trafficking scheme.

Sometimes, when a trafficking situation has occurred but there is not sufficient evidence with which to establish a trafficking offense, the Mann Act and immigration statutes can be powerful tools to vindicate the federal interest.

For example, in *United States v. Reddy*,¹¹ the investigation revealed that, for over ten years, defendant Lakireddy Bali Reddy, a wealthy San Francisco Bay Area businessman, maintained a number of young girls and women as a quasi-harem for his sexual gratification and

to work in his household and business enterprises. These victims were predominantly from families of lower castes in India and were brought into the United States by way of fraudulent employment offers or sham marriages. Members of Reddy’s family posed as relatives of the victims to assist in their fraudulent migration. His scheme came to light after a teenage girl died of carbon monoxide poisoning in the apartment where

he had sequestered her, her sister, and another girl. In 2001, Reddy pled guilty to transporting his victims in interstate and foreign commerce for illegal sexual activity. He was sentenced to more than 8 years in prison and ordered to pay \$2,000,000 in restitution to four of his victims. The victims received bene-

fits and services under the Trafficking Victims Protection Act (“TVPA”) and today remain safely in the United States.

One day, I fell for their trap. I had a little dream of my own. It was to make some money and to buy my house. I arrived in [America] with such hopes and dreams. Who would have known what would be waiting for me there instead? Since the day I arrived, I had to live like an animal. [The karaoke bar] was a prison that was filled with nothing but curses, threats, and beatings.

– “Ms. Kim,” a 31-year old victim in *United States v. Kwon Soon Oh*, a sex trafficking case.

¹⁰ Racketeer Influenced and Corrupt Organizations (“RICO”) Act, 18 U.S.C. § 1961, *et seq.*

¹¹ *United States v. Reddy*, No. 00-4028 (N.D. Cal. 2000).