

# Anti-Trafficking News Bulletin

## HUMAN TRAFFICKING RESCUE ALLIANCE FORMED IN HOUSTON

*JOINS TASK FORCES IN PHOENIX, PHILADELPHIA, ATLANTA, TAMPA, NEWARK, ST. LOUIS AND VIRGINIA*

On July 16, 2004, speaking in Tampa, Florida, President George W. Bush rallied a diverse audience of individuals engaged in the fight against trafficking. He thanked them for their courageous service and encouraged them to continue the struggle by combining vigorous prosecution of traffickers with compassionate outreach to victims.

"The trade in human beings brings suffering to the innocent and shame to our country, and we will lead the fight against it," President Bush said.

Recently, in Houston, a broad coalition of law enforcement and community leaders answered the President's call by establishing the Human Trafficking Rescue Alliance (HCRA).

The Houston task force becomes the first organized since the President addressed the National Conference, and the ninth formed this year. It joins task forces already operating in Phoenix, Philadelphia, Atlanta, Tampa, Newark, Houston, Northern

Virginia, and St. Louis. These task forces, based on a model developed by the Civil Rights Division, bring together representatives from a broad range of federal, state, and local governments as well as nongovernmental agencies.

Assistant Attorney General R. Alexander Acosta, U.S. Senator John Cornyn, U.S. Attorney Mike Shelby, and other leaders in the anti-trafficking struggle, gathered in Houston to announce the new anti-trafficking task force. They were joined by numerous community leaders, victims

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U. S. Attorney Mike Shelby, Senator John Cornyn, and Assistant Attorney General R. Alexander Acosta were among the federal officials on hand to announce the new Houston anti-trafficking task force.

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## STATES URGED TO ADOPT ANTI-TRAFFICKING LAWS

President George W. Bush, federal prosecutors, law enforcement, and many on the front lines of the war against trafficking have encouraged states to adopt comprehensive anti-trafficking statutes. To date, only Texas, Washington, Missouri and Florida have done so.

"Many states have laws that address various aspects of the crime of human trafficking," said Attorney General John Ashcroft. "But comprehensive statutes are needed to deter and punish the wide range of tactics that traffickers use against their victims."

On July 16, 2004, the Justice Department prepared a model statute that serves as an excellent example of what an effective state statute could look like. The text of the model

statute appears in this issue of the Anti-Trafficking News Bulletin, beginning on page 4.

In urging states to adopt the model law, Assistant Attorney General R. Alexander Acosta noted, "The evil of trafficking strips victims of fundamental human dignity. While the model law provides for 'restitution,' depriving traffickers of ill gotten gains, we must remember that money alone cannot restore victims their lost measure of humanity."

With strong bipartisan support, the United States Senate recently passed a resolution commending Justice Department anti-trafficking efforts. The resolution, sponsored by Senator John Cornyn of Texas, also urged states to adopt the Department's model statute.

## Rescue Alliance, continued from Page 1

service providers, faith based organization, and all levels of law enforcement. This same group will receive in-depth training from the Civil Rights Division in September.

U.S. Attorney Shelby anticipates that the Houston task force will enhance his ability to prosecute the traffickers.

“There's never been a way where we've had coordinated training of law enforcement and all these (agencies) to figure out how to identify people who are being victimized in this way," said Shelby. "If you can figure that out, then the prosecutions will follow.”

**“...we need the active participation of state and local officials, who know their communities inside and out, and who can work closely with federal officials to identify and rescue victims”, stated Senator Cornyn.**

In the Houston area federal prosecutors have already aggressively prosecuted a number of human trafficking cases. Shelby emphasized a recent sentencing in which six men in McAllen received sentences ranging from four months to 23 years in prison for taking part in a border sex-slave ring that held women against their will, assaulted them and forced them into commercial trafficking cases. The new task force will improve law enforcement’s ability to find victims, rescue them, and build strong cases against their captors.

Assistant Attorney General Acosta spoke of the horrible reality of trafficking, with which those on the front lines of anti-trafficking efforts are all too familiar.

“We have seen the victims beaten and, if they are girls or women, they are raped by their modern slave masters,” he said.

“A part of this problem that cannot be overlooked is the demand side." Acosta added. "We should work to support state and local law enforcement so that they can deter and diminish the demand side of this equation.”

Senator Cornyn commented on the vital roles state and local law enforcement play in an effective anti-trafficking strategy.

“To ensure proper coordination between federal, state and local officials, we need state laws criminalizing trafficking and slavery, to provide state and local officials with all of the incentives and tools that they need to investigate and prosecute human trafficking cases at the state and local level, as well as the establishment of regional task forces to coordinate the efforts of federal, state, and local officials,” Senator Cornyn said.

Houston and other cities near borders face special challenges due to the large volume of human smuggling that takes place. Criminal networks that smuggle people for money also may traffic other people into slavery. Often trafficking victims agree to be smuggled across the border, only to find themselves trafficked into abusive involuntary work settings and subject to debts that often cannot be repaid. Southwest cities, including Houston have also been destination cities for person trafficked into sexual slavery from Southeast Asia.

The Houston task force will combine the resources of the U.S. Immigration and Customs Enforcement, the U.S. Customs and Border Protection, the Federal Bureau of Investigation, the U.S. Department of Labor, the U.S. Department of State, and the U.S. Department of Health and Human Services, the Texas Attorney General’s Office, the

Continued on Page 3, Rescue Alliance

# HUMAN TRAFFICKING RESCUE ALLIANCE (HTRA)



## Southern District of Texas

## Rescue Alliance, continued from Page 2

Texas Department of Public Safety, the Harris County District Attorney's Office, the Houston Police Department, and the Harris County Sheriff's Office. These will work closely with non-governmental victims' service organizations and support groups such as the YMCA International and the Coalition Against Human Trafficking. Through this cooperation, the task force will carry out its mission to identify and assist the victims of human trafficking and to effectively identify, apprehend and prosecute those engaged in trafficking offenses.

**"Stopping trafficking in humans depends upon the participation of the whole community to be effective," said Assistant Attorney General Acosta.**

As a first step the task force, through the U.S. Attorney's Office for the Southern District of Texas and the Civil Rights Division will host regional training conferences in mid-September 2004, in Houston and elsewhere in South Texas.

"Stopping trafficking in humans depends upon the participation of the whole community to be effective," said Assistant Attorney General Acosta. "We believe the first step is training the whole group together so each critical component can appreciate the challenges and obstacles faced by others."

Jeff Watkins, executive director of the YMCA International Services will play a leadership role as a coordinator and provider of services to victims who are rescued from slavery. "By addressing the needs of these victims, we can create more effective witnesses for the prosecution of these crimes," said Watkins, whose organization has assisted 35 victims of human trafficking in recent years.



Senator John Cornyn of Texas remarks on the formation of the Houston task force, while U.S. Attorney Mike Shelby looks on.

## HOUSTON AREA TASK FORCE SETS GOALS

To accomplish its mission, the Human Trafficking Rescue Alliance (HTRA) has set the following goals:

- Train first responders to identify potential victims of trafficking;
- Improve inter-agency coordination between state, local and federal law enforcement agencies;
- Utilize non-governmental organizations to assist victims and educate the public;
- Improve ways to treat and care for victims as material witnesses needed for prosecution;
- Hold regional training conferences to discuss the problems and evaluate ways to identify trafficking victims and prosecute trafficking organizations, and
- Establish similar task forces in each of the district's divisional offices located in Brownsville, Corpus Christi, McAllen, and Laredo.

## ANTI-TRAFFICKING SUCCESSES IN THE SOUTHERN DISTRICT OF TEXAS

The formation of a new anti-trafficking task force in Houston will greatly increase the effectiveness of anti-trafficking efforts in the region, but it is not the beginning of federal efforts in the area. Previous cases successfully prosecuted by the Southern District of Texas include:

### Operation Fallen Angel

In June 2000, a thirty-one year old Chinese woman fell from a second story hotel room in Houston and broke her back. Local authorities sought assistance from the Federal Bureau of Investigation (FBI) and the Immigration and Naturalization Service (INS). The federal agents soon discovered that the woman was a victim of human trafficking. The woman fell while attempting to escape from her captors, one of whom was sexually assaulting her. Before arriving in Houston, the woman spent over a year in Guatemala where she was held as a sexual slave before being moved to Houston where her captors planned to sell her to other traffickers.

The investigation led to five people pleading guilty to hostage taking and smuggling charges. A Taiwanese boat captain who had sexually assaulted the woman and held her captive in Houston received a stiff sentence of 27 years imprisonment. A trafficker in Guatemala was apprehended in El Salvador and brought to Houston for prosecution. He pleaded guilty to hostage taking and is cooperating with authorities in a related trafficking prosecution which is pending trial in January 2005 in Southern District of New York. Three other defen-

dants pled guilty to smuggling offences and were sentenced to prison terms between 12 and 18 months.

### Operation Little Dragon

Five people pleaded guilty in 2001 for importing females from Thailand into the United States in connection with a commercial sexual exploitation scheme that included money laundering and visa fraud. A global undercover operation took INS and FBI agents to Bangkok, Thailand and to Lima, Peru to meet traffickers who worked to transport women into the Houston area for commercial sexual exploitation. The traffickers received \$18,000 for nine different women they agreed to bring into the United States. The defendants were sentenced to jail terms between 24 and 33 months and have since been deported from the United States.

### U.S. v. Soto-Huarte

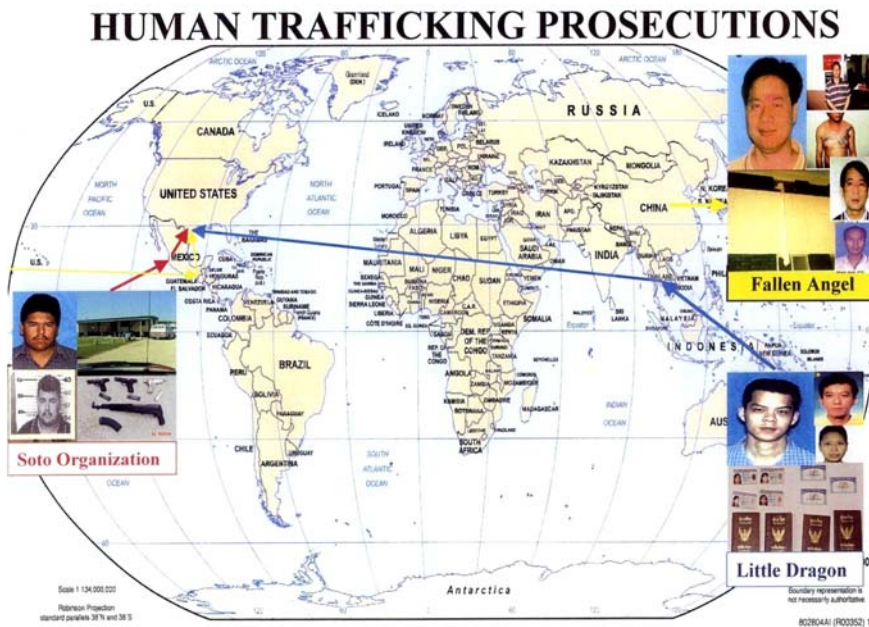
The defendants ran a large criminal operation that transported Mexican women into the country. They held their female victims in "safe houses" near the border, where they repeatedly beat and raped them.

In January 2004, six defendants were sentenced. The ring leader, Juan Carlos Soto, was sentenced to 280 months incarceration. Two other high level participants also received lengthy sentences: Armando Soto received a 120 month prison term and Martin Cortez was sent to prison for 168 months. The remaining defendants, Jose Corona, Javier Olvera, and Jose Pineda, received up to 27 months incarceration. A third Soto brother, Hector Soto, is still at large and remains charged with conspiracy; defendant Jose-Luis Villa is also a fugitive.

The victims, then aged 19, 20, 22, and 40, are now safe and receiving help from NGOs who are grantees of the Department of Health and Human Services and the Justice Department's Office for Victims of Crime.

The case was discussed at length in the February 2004 issue of Anti-Trafficking News Bulletin. Back issues of this bulletin are available at:

[http://www.usdoj.gov/crt/antitraffic\\_bull.html](http://www.usdoj.gov/crt/antitraffic_bull.html)



## MODEL STATE ANTI-TRAFFICKING CRIMINAL STATUTE

AN ACT relating to criminal consequences of conduct  
that involves certain trafficking of persons and involuntary servitude.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF \_\_\_\_\_:

(A) TITLE \_\_\_\_\_, PENAL CODE, is amended by adding Article XXX to read as follows:

### ARTICLE XXX: TRAFFICKING OF PERSONS AND INVOLUNTARY SERVITUDE

#### SEC. XXX.01. DEFINITIONS. In this Article:

- (1) "Blackmail" is to be given its ordinary meaning as defined by [state blackmail statute, if any] and includes but is not limited to a threat to expose any secret tending to subject any person to hatred, contempt, or ridicule.
- (2) "Commercial sexual activity" means any sex act on account of which anything of value is given, promised to, or received by any person.
- (3) "Financial harm" includes credit extortion as defined by [state extortion statute, if any], criminal violation of the usury laws as defined by [state statutes defining usury], or employment contracts that violate the Statute of Frauds as defined by [state statute of frauds].
- (4) "Forced labor or services" means labor, as defined in paragraph (5), infra, or services, as defined in paragraph (8), infra, that are performed or provided by another person and are obtained or maintained through an actor's:
  - (A) causing or threatening to cause serious harm to any person;
  - (B) physically restraining or threatening to physically restrain another person;
  - (C) abusing or threatening to abuse the law or legal process;
  - (D) knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;
  - (E) blackmail; or
  - (F) causing or threatening to cause financial harm to [using financial control over] any person.
- (5) "Labor" means work of economic or financial value.
- (6) "Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of service.
- (7) "Obtain" means, in relation to labor or services, to secure performance thereof.
- (8) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually-explicit performances are forms of "services" under this Section. Nothing in this provision should be construed to legitimize or legalize prostitution.

continued on Page 6, Statute

**MODEL STATE ANTI-TRAFFICKING CRIMINAL STATUTE**, continued from Page 5

- (9) “Sexually-explicit performance” means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.
- (10) “Trafficking victim” means a person subjected to the practices set forth in Sections XXX.02(1) (involuntary servitude) or XXX.02(2) (sexual servitude of a minor), or transported in violation of Section XXX.02(3) (trafficking of persons for forced labor or services).

SEC. XXX.02. CRIMINAL PROVISIONS.

- (1) INVOLUNTARY SERVITUDE. Whoever knowingly subjects, or attempts to subject, another person to forced labor or services shall be punished by imprisonment as follows, subject to Section (4), infra:
- (A) by causing or threatening to cause physical harm to any person, not more than 20 years;
  - (B) by physically restraining or threatening to physically restrain another person, not more than 15 years;
  - (C) by abusing or threatening to abuse the law or legal process, not more than 10 years;
  - (D) by knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person, not more than 5 years,
  - (E) by using blackmail, or using or threatening to cause financial harm to [using financial control over] any person, not more than 3 years.
- (2) SEXUAL SERVITUDE OF A MINOR. Whoever knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, sexually-explicit performance, or the production of pornography (see [relevant state statute] (defining pornography)), or causes or attempts to cause a minor to engage in commercial sexual activity, sexually-explicit performance, or the production of pornography, shall be punished by imprisonment as follows, subject to the provisions of Section (4), infra:
- (A) in cases involving a minor between the ages of [age of consent] and 18 years, not involving overt force or threat, for not more than 15 years;
  - (B) in cases in which the minor had not attained the age of [age of consent] years, not involving overt force or threat, for not more than 20 years;
  - (C) in cases in which the violation involved overt force or threat, for not more than 25 years.
- (3) TRAFFICKING OF PERSONS FOR FORCED LABOR OR SERVICES. Whoever knowingly (a) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services; or (b) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of Sections XXX.02(1) or (2) of this Title, shall, subject to the provisions of Section (4) infra, be imprisoned for not more than 15 years.
- (4) SENTENCING ENHANCEMENTS.
- (A) Statutory Maximum - Rape, Extreme Violence, and Death. If the violation of this Article involves kidnaping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sex-

**MODEL STATE ANTI-TRAFFICKING CRIMINAL STATUTE**, continued from Page 6

ual abuse, or an attempt to kill, the defendant shall be imprisoned for any term of years or life, or if death results, may be sentenced to any term of years or life [or death].

(B) Sentencing Considerations Within Statutory Maximums.

- (1) Bodily Injury. If, pursuant to a violation of this Article, a victim suffered bodily injury, the sentence may be enhanced as follows: (1) Bodily injury, an additional \_\_\_\_ years of imprisonment; (2) Serious Bodily Injury, an additional \_\_\_\_ years of imprisonment; (3) Permanent or Life-Threatening Bodily Injury, an additional \_\_\_\_ years of imprisonment; or (4) If death results, defendant shall be sentenced in accordance with Homicide statute for relevant level of criminal intent).
  - (2) Time in Servitude. In determining sentences within statutory maximums, the sentencing court should take into account the time in which the victim was held in servitude, with increased penalties for cases in which the victim was held for between 180 days and one year, and increased penalties for cases in which the victim was held for more than one year.
  - (3) Number of Victims. In determining sentences within statutory maximums, the sentencing court should take into account the number of victims, and may provide for substantially-increased sentences in cases involving more than 10 victims.
- (5) **RESTITUTION.** Restitution is mandatory under this Article. In addition to any other amount of loss identified, the court shall order restitution including the greater of 1) the gross income or value to the defendant of the victim's labor or services or 2) the value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and [corresponding state statutes if any].

(B) **TRAFFICKING VICTIM PROTECTION**

**ASSESSMENT OF VICTIM PROTECTION NEEDS**

(A) The Attorney General, in consultation with the [Department of Health and Social Services] shall, no later than one year from the effective date of this statute, issue a report outlining how existing victim/witness laws and regulations respond to the needs of trafficking victims, as defined in XXX.01(8) of the Criminal Code, and suggesting areas of improvement and modification.

(B) The [Department of Health and Social Services], in consultation with the Attorney General, shall, no later than one year from the effective date of this statute, issue a report outlining how existing social service programs respond or fail to respond to the needs of trafficking victims, as defined in XXX.01(8) of the Criminal Code, and the interplay of such existing programs with federally-funded victim service programs, and suggesting areas of improvement and modification. [Such inquiry shall include, but not be limited to, the ability of state programs and licensing bodies to recognize federal T non-immigrant status for the purposes of benefits, programs, and licenses.]

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This model act, along with extensive explanatory notes, is available on the internet at:



[http://www.usdoj.gov/crt/crim/model\\_state\\_law.pdf](http://www.usdoj.gov/crt/crim/model_state_law.pdf)



## RECENT NOTABLE PROSECUTIONS

### United States v. Reyes-Rojas (N.D. GA)

On August 27, 2004, Jose Reyes Rojas pleaded guilty to a sex trafficking charge for his role in promoting and profiting from the commercial sexual exploitation of a Mexican juvenile. Reyes Rojas's younger brother, Juan, pleaded guilty in May to fraudulently inducing the 16-year-old girl and another Mexican teenager into coming to the United States. He admitted to using a combination of physical abuse, threats, and isolation to force both victims to perform multiple commercial sex acts with between 10 and 25 men per day. A third brother, co-defendant Raul Reyes Rojas, is a fugitive who remains charged with sex trafficking, immigration-related offenses, and conspiracy.

In his plea agreement, Reyes Rojas admitted knowing that his brother Juan lured the juvenile to the United States with promises of legitimate employment and long-term romance. Reyes Rojas helped fund the smuggling of the juvenile into the United States and then transported the victim to Atlanta, where he and his brothers profited from her commercial sexual exploitation. Sentencing for both Jose and Juan Reyes Rojas will occur on November 19, 2004.

### United States v. Romero-Flores & Ventura (S.D. Cal.)

On July 12, 2004, defendants Guillermo Romero-Flores and Guadalupe Ventura were charged with transporting women across the border in connection with a commercial sex scheme and various alien smuggling offenses. The defendants allegedly brought two women to the United States from Mexico and housed them in apartments in Vista, California, in order to profit from their commercial sexual exploitation.

### United States v. Mendez-Romero (N.D. GA)



On July 30, 2004, Samuel Mendez-Romero was sentenced to 33 months in prison following his guilty plea to conspiracy charges connected with the transportation and commercial sexual exploitation of Mexican women. Three other defendants have also been charged for their role. All three are currently fugitives from justice.

### United States v. Trakhtenberg (D. N.J.)

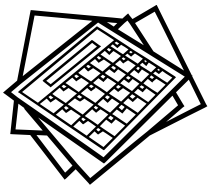
Three defendants were charged in August with conspiring to commit forced labor, document fraud, and inducing aliens to unlawfully enter the United States, for luring Russian women into compulsory service in strip clubs. They allegedly promised the women good pay and adequate housing to perform cultural dance shows. However, once in the United States, they allegedly forced their victims to perform in strip clubs or face serious harm and physical restraint.

On August 11, 2004, Lev Trakhtenberg was also charged in the Southern District of New York with conspiring to commit extortion. He allegedly threatened the family of a victim who had escaped from commercial sexual exploitation with physical harm unless they paid him money.

On August 13, 2004, defendant Sergey Malchikov pleaded guilty to conspiring to commit forced labor, visa fraud, immigration violations, and extortion. No trial date has been set for the remaining defendants.

## FEATURED NEXT MONTH

### OCTOBER



- NEW ANTI-TRAFFICKING TASK FORCES ANNOUNCED
- PLANNING TEAM FOR PRESIDENT BUSH'S TRAFFICKING INITIATIVE VISITS MEXICO

## On the Web ...

More information on the evils of human trafficking and the latest anti-trafficking efforts is available on the Internet at:

<http://www.usdoj.gov/trafficking.htm>

