

INTELLIGENCE METHODOLOGY OF THE OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN THE REPUBLIC OF ALBANIA

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ABSTRACT

Trafficking in human beings is one of the most profitable criminal activities of criminal organizations. According to the available data made possible by international organizations and state institutions it is shown that the phenomenon of trafficking in human beings is pursuing the following trends:

- An increase of the phenomenon in local, regional and international level
- Greater involvement of criminal organizations and an increase of benefits
- An increase in the number of trafficked minors.

Trafficking in human beings has transformed human beings into a commodity. Human beings today are purchased on the black market, sold as a commodity versus a market value, their criminal product are sold or traded on the black market as a commodity. Trafficked persons are victims of serious criminal acts. Often, they experience serious trauma with consequences that in many cases last for their entire life. Crime, regardless of the characteristics, nuances, dynamics and degree of intensity of all times, brings to individuals, social groups, or society in general damage, violation and concern.

Due to the complexity of the crime, all the specialized structures have to cope with a range of features and difficulties:

The first and the most fundamental issue is how to identify trafficked persons. The difference between a trafficking case and other cases of illegal work, illegal migration, prostitution (legal and illegal), etc, is one of the biggest challenges faced by law enforcement officials.

Second, trafficked persons are often in a position that cannot give evidences as witnesses.

Regarding the intelligence methodology of trafficking victims, this study will deal with aspects of the investigation of this offence, bringing the best practices that are applied today by law enforcement structures.

Keywords: *Trafficking, smuggling, human trafficking victims, potential victims of trafficking.*

Introduction

Trafficking in human beings is today one of the most active organized crime. This criminal activity of international criminal organizations and groups favored by social, economic, cultural and legal reasons in transition countries, based on physical, sexual exploitation etc, along with a financial profit of criminal groups is associated with severe physical, mental, moral and social consequences of the victims of this traffic.

If we refer to the Criminal Code of the Republic of Albania human trafficking and description that makes smuggling of human beings, the trafficking appears quite different from the smuggling of human beings. To consider a case of trafficking there must be three elements: activity; tools; and purpose.¹

The activity involves the recruitment, transportation, transfer, harboring or receipt of persons. The tools involve threat, use of force or other forms of coercion, of abduction, of fraud, malfeasance or benefit from the social, physical or psychological, giving or receiving of payments or benefits to achieve the consent of the person who controls another person. The purpose is the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation. "Based precisely on these three elements we can find essential difference between smuggling and human trafficking.

Related activity, we note that, in the case of smuggling, human smugglers are those who are not persons, but those who seek to migrate illegally and contact the smugglers, on the contrary the traffickers use a strategic recruitment series beginning from personal connections to the provision of employment opportunities abroad, committing trafficking. While regarding tools, often is found that immigrant smugglers use tools that restrict freedom and the will of the people, force, fraud, abuse. Furthermore, these conditions do not exist as human trafficking in this case does not exist. This division is of great importance when distinguishing between migrant smugglers against human traffickers.

Trafficking in persons and smuggling of migrants are often confused because trafficking to some extent resembles the smuggling. However, it is important for the identification of victims of trafficking to distinguish clearly between the phenomenon of trafficking and smuggling, as the identification of a person as a victim of trafficking and identification of a person as a smuggled migrant including various state responsibility.

In the case of trafficking the relationship between the perpetrator and the victim continues after the exploitation. The purpose of the trafficker is that the relationship of the exploited victims continues beyond the final destination. Smuggling can become trafficking, for example, when a smuggler "sells" the person and his or transportation debt obliges the person to pay for the cost of transport under conditions of exploitation. Victims of trafficking may have initially refused to cross the border illegally. However, the consent of the initial potential becomes meaningless if

¹ Penal Code of the Republic of Albania

the traffickers used any improper means (threat, force, coercion, abduction, fraud, abuse, etc.) to exploit the victim.

The significance of the differences. Potential overlaps between trafficking and smuggling are responsible for the confusion of two crimes: in many cases, smuggled migrants and trafficking victims move from one place to another (often through transit countries) by organized criminal groups for the purpose of illegal benefits.

It's essential for law enforcement officials and the judiciary to clearly distinguish between trafficking and smuggling of human beings, as a trafficked person is automatically a victim of crime, the right to protection and assistance. Without a clear distinction, victims of trafficking will be considered illegal migrants and will be banned and penetrate - as is often the case. If a trafficking case wrongly characterized as a smuggling case, where the trafficked person is not identified as a victim of crime, those people will not be supported and protected adequately by the responsible authorities. Therefore, the non identification of the victim leads to violations of international standards of human rights and can traumatized the victim. Also, the criminal justice system can not find significant evidence against the evildoers and create a barrier for the elimination of trafficking circle and the confiscation of benefits derived from it.²

Characteristics of victims. Victims of trafficking in human beings enter into the process of victimization in 3 stages: recruitment phase; transportation phase; and exploitation phase.³ It is important to make this statement at the beginning, because the dynamics of human trafficking intelligence lies in three phases, as well as the characteristics of the victims are different from cycle to cycle. This also proves the transformation process in the mechanism of trafficking in human beings. In the recruitment phase, victims of trafficking are new age group, mainly women and children. One feature is that the largest number comes from rural areas, with low economic and cultural level.

Based on the study of cases of trafficking in Albania during 2005-20012, the victims in the majority of cases are from families with family problems (not having one or both parents, separated parents, or parents with marriage problems), economic problems (more family members and financial income below the poverty line, financial need to cope with the health problems of family members, etc.), social problems (women and children from the Roma community, orphans, etc.), mental health problems (mental, etc.)⁴ Characteristic for these victims is that they are easily fooled, accept all the conditions you put recruiters, the need for financial support and easily fall into debt, etc.. Once recruited, these categories are ready to be transported by whatever means, often they suffer an appearance transformation, welfare provided by recruiters and forged documents, sleep in hotels or popular places for illegal border crossings and often remain associated with other groups, etc.

² Manual for the training of judges and prosecutors to anti-trafficking in the countries of the EU and candidate countries, 2006, p 20

³ Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children "and" Crossing Protocol against Smuggling of Migrants by Land, Sea and Air ", Section 3 / a.

⁴ Report on the implementation of the Albanian national strategy to fight against human trafficking, Tirana 2007, p.5.

In the exploitation phase, depending on the activity that used the characteristics of victims of trafficking can be grouped:

- *According to the country where they were.* Victims occur primarily in their places of work that are characteristic of the activity they perform in local nightclubs, cabaret, illegal brothels, streets, hotels, and in the case of prostitution, street intersections, place bus stops, train, subway etc. ., and in cases of exploitation of minors to beg, etc..

- *According to the appearance.* Feature is that victims dress and suit the type of activity which are used, for example, for prostitution wear transparent clothes even in winter, begging for old and torn clothes, etc.. Often used and children with physical impairments (absence of limbs, etc.) To be used for begging in the streets.

- *According to the freedom of movement, etc..* In all cases of trafficking victims are controlled, supervised and under the tutelage continued to give maximum performance. Often the documentation held by the victim, but by their tutors for security reasons.

- *According to health status.* It is impossible in the case of medical examinations not to found signs of victimization. Signs of various physical injuries or trauma are indicative of trafficking. Usually, the traffickers subject their victims physical and psychological violations continued. One of the essential elements for a correct assessment is the continuation of abuses.

Methodology clarification of the victims of human trafficking:

After the first contact with a potential victim of trafficking in human beings, as are analyzed: evaluation indicators; answers given by the victim; and additional material, must decide if the person subject of the conversation:

- Is a victim of trafficking,
- Is a victim of the smuggling of migrants, or
- If it's an independent migrant smuggling.

In cases where a person identified as a victim or potential victim of human trafficking, law enforcement authorities should take all necessary measures to clarify the trafficking. Before you start with the explanation of trafficking it is necessary to take measures for the pre-treatment of the victim, which directly affects the outcome of trafficking clarification.

Preliminary treatment. Immediate transfer of the victims to a safe place and access to forms of medical assistance, psychological and legal are essential components of a humanitarian step in the fight against trafficking in human beings and should be provided in all cases necessary. These tools should not in any way depend on the availability of the victim to cooperate with law enforcement. Despite the availability of victims to cooperate, should consider the following immediate needs: the immediate physical safety of the victim; immediate medical and psychological assistance; immediate problems of welfare assistance; access to legal consultancy services apart from rights responsibilities of the victim; and the needs of minor victims, who represent the most vulnerable individuals who pose special requirements that must be met in all circumstances.

The methodology for the clarification of the victims. In the process of identifying human trafficking, three objectives are trafficking clarification methodology: to put all the facts in the case; known facts used to design the victim's story and to establish its credibility as a witness ;

and use available evidence to identify, arrest and prosecute traffickers successfully. Methodology explanation of human trafficking is recommended to follow the format "PEACE"⁵: P - Preparation (preparation); E - Explanation (explanation); A - Account (story); C - closure (closure); & E - Evaluation (assessment).

Preparation of the dialogue. For the preparation of the dialogue should be taken into consideration the fact that it is necessary that the dialogue is realized by many operators. They should work in a team, which will include two operators of a variety of professionals who need to cooperate with each other to achieve the above mentioned objectives. In this group should fall apart and investigation structures psychologists, sociologists, translators, etc..

Personnel should be selected based on these competencies:

- Ability to make way questions the ability to simultaneously administer more options during the conversation with the victim line.
- Capacity to listen to the stories of the victim not to cut them, especially when they start to show itself so loose.
- Preparation cultural and recognition of changes in factors, racial, religious, social, cultural and ethnic may affect the manner of execution of the conversation.
- Patience and flexibility should be more meetings with the victim to get as much information as can be found the victim's emotional difficulties, etc. The cooperation coherence. All these factors require patience and flexibility on the part of operators.
- Good health-sustainability dialogues are more engaging, may continue for days or weeks, and bring to light bitter experience rape. The operator must be physically prepared.
- Surveillance capacity-operators must be able to monitor the situation of the victim when they are in a state of anxiety, stress during their story that do remember the bitter history. They should ask the victims if they want to change the argument or make or break to push the conversation.
- Non-judgmental behavior-operators should not judge the victims or their history. Victims are sensitive to the trials and therefore should not be left to understand such behavior to build trust considered as persons with dignity and confidence.
- Professional Competencies-operators should have a professional knowledge of the crime of trafficking of physical and sexual violence. The overall objective is to create trust on the victim.

Selection of interviewers should be based on the victim factors, such as gender, age, history. In normal circumstances, experience shows that it is advisable for the benefit of victims, women and juvenile quality of collected elements that conversation be performed by female staff. *Explanation.* Speaking group's initial meeting with the victim and the impression left to the victim, are the key to success or bankruptcy of the conversation, so it is important to start the conversation well. The objective of this phase is to persuade the victim that conversation will be

⁵ Manual for the state institutions, penal authorities and international organizations in the fight against trafficking in human beings, IOM 2003, p. 56

conducted by a professional staff and the polite, who can have confidence. Is necessary to consider the following points⁶:

- *Presentation* - Operators should be introduced, to declare their position and role in justice to allow the victim to see an ID. The same should also make legal consultant, translator, and psychologist.
- *Communication* - The next step to be taken is to determine if the victim wants to be called with the name of the group and also invite him to call by name. The goal is to create an informal atmosphere without compromising the seriousness of the conversation.
- The responsibility objectives should explain to the victim what the objective of the dialogue is, for example the collection of evidences in order to ensure access to justice under the terms of the law.
- Promises of-warranty victim should not be promised to ensure that traffickers will be punished for these decisions belong to the court, not investigative group. The latter ensure that victims would be best to verify their statements and that cooperation is the best way to protect it.
- The rules of conversation before asking the victim to start telling their operators must agree to some rules for the development of the conversation, etc..

Before the start of the conversation and once: to ensure that victims understand everything you have explained; asked if she has any questions and asked if he agrees to participate in dialogues. Dialogues are conducted in two phases: free story, and questions.

Phase 1: The free story. This is the most important stage of the whole process in which the victim will tell the story of his/her own words, spontaneously and without interruption. This phase provides the most accurate evidence that a victim can give. It takes a number of free story sessions in order to remember victims of separate episodes. It is possible that over time, memory difficulties or the presence of trauma, easily restrain the victim to give free stories of similar events lived. This poses a problem. One way to manage the problem, the victim should be asked during the initial conversation, to provide only a general overview of the event to her, asking to go into detail. Should be required time frame of its history, specifying when it recruited and where, in many countries have sent what they have moved, what activity forced to do, when there is complete utilization of by whom is trafficked . The objective is to obtain a general description of the event with the words of the victim, so that the operator creates comprehensive ideas about exploitation, its scale length. At this point, operators should close conversation for the day.

Stage 2 - Questions. General point about the style of questions lies in the fact that the questions should be made one by one, short and precise. They should use encouraging tone, it should be avoided to use a harsh tone that evokes fear and distrust, to avoid using police languages, which will lead to confusion of the victim and is difficult to be translated by an interpreter. There should be a professional language and should encourage the victim to say that is behaving well, provided encouragement not lead the victim to show more than do. Trafficking stories include a

⁶ Manual for state institutions, criminal authorities and international organizations in the fight against human trafficking, IOM 2003.

long time and it's hard to remember the events in the order of time, however, it is important that the evidence is ranked according to the time of occurrence for two reasons:

- Determination of the evidence is as simple as the exact chronology of time,
- a common strategy of the defense is the confusion of victim-witness of the date, time, seats up to the point where the victim ends misled as to not be able to accurately recall dates of events.

Because of these problems, it is necessary to require victims to show important moments to not remember the exact date.

Types of questions. The questions raised by operators should be studied in detail in order to ensure that victims provide a detailed narrative to avoid misunderstanding instead to give personal answers, give answers the operators want. This risk is faced during dialogue with the victims of trafficking. Victims of trafficking are exposed to this risk for several reasons: It is possible to be struck by trauma victims at different levels, which can increase the level of suggestion; personal experiences with the justice cause to be wary of shy by police interviewers; and in the case of foreign victims, linguistic and cultural changes increase the risk of misunderstanding the answers. As a result of these factors, there is a risk that the victim is confused and answers incorrectly for the following reasons:

- Traumatized victims often suffer from memory loss can invent answers to fill in the gaps of memory.
- If the question is more urgent style persistent, to reduce tension, the victim gives an answer that you think that is what it wants interlocutor.
- Step by step establish the relationship between the victims of the operator during a series of dialogues; the victim can give the answer that you think you can be like team of operators.

1. Open question. Operators should make an open question, as these allow questions to obtain answers from the victims rather than responses that may reflect on the interpretation of events. An open question is what allows the victim to provide more information, not to suggest it itself. When the operator wants to know more about the events, you can use the following questions: "I talked to.", "Can you tell me more about this argument?", "In your story that happened ... reminds else?", and so on. Other questions may be used such content-neutral. The aim is to give victims the more detailed information, without suggesting answers.

2. Specific questions. The aim is to increase the concentration phase of the victim on the specific facts to get additional information. Questions such as: "where, when, what, who, why?" are specific questions. Operators need to make more and more specific questions. Experience shows that the use of the question "why" should be used with caution after being used badly, may seem accusatory questions or guilty, especially in conversations with minors. If the tone of the question is aggressive or accusatory or often repeated, the victim may think that it is his fault and it compromises the trust relationship between the victim and operators.

3. Closed question. A closed question is a question that gives a range of possible answers among which the victim may choose. These are used when open or specific questions are not possible to draw any detail or to clarify specific aspects. The danger with these questions is that the answer at random victims if they are not sure of the answer, especially in conversation with minors or victims traumatized. The best way to manage this risk is to say that the victim can safely say that

they do not remember or do not know the answer or that the opportunity to engage in questions such as: "the first sexual violence has happened before, after crossing the border, or not remember?"

4. Rhetorical question. Rhetorical question is a question that implies the answer as "Got all your money, yeah?" These questions need to be made when any of the above questions does not help to get a response from the victim. These questions not only threaten to suggest answers, but also exert pressure on the victims.

It is important that the conversation ended in a structured way. Conversation should not be closed sharply and operators should have sufficient time to close. To close the conversation should be kept these lines of direction:

- Before ending the dialogue, operators must verify with the second interviewer if are passed important elements or need more clarification from the victim,
- The operator must compile with the victim all the key evidence to verify if they are registered correctly.
- The victim should be asked if the conversation was acceptable, if not understand all that is said or if there is any problem that will be discussed.
- Operators should thank the victim for her cooperation and highlight the importance of its cooperation with state structures
- The operator should explain the details of the other steps as dialogue calendar, phases of the investigation, etc..
- The group should ensure that operators are taking care of victim requests from transport to accommodation, medical treatments etc..

Evaluation. The dialogue should be valued shortly at the end. This process should be repeated after every dialogue and should not be interrupted until the end of it. In the case of trafficking, operators must make a series of dialogues. The best rule is that every individual must assess the dialogue, because it allows taking a number of important directions for lining other meetings. The goal of each individual assessment dialogue is: to identify all additional elements that are needed to be further deepened through detailed questions; identify probationary event that it is necessary to clarify other questions;, and reviewed ways of conversation and behavior of operators to identify any aspect can be changed. At the end of a series of dialogues, complex evaluation should review three aspects:

- Evaluation of test content dialogue is to determine all the possibilities of cooperation.
- Evaluation of test content dialogue is to determine all further steps for conducting investigations.
- The final analysis for the investigation of the behavior of the operators.

At the end of the whole process, the overall assessment will serve to determine the main areas of evidence that is needed to be developed to verify the story of the victims and to strengthen faith as a witness. Most efficient way to do this is to analyze line for line and underline dialogue transcription of any fact that is able to be assessed by independent means, pushing the definition of each element in a further investigation.

Results:

- During the last backlog most widespread forms of trafficking in Albania were child and women trafficking for the purpose of their use in the West, particularly Greece, Italy, and the European Community countries. Forms of exploitation: exploitation of prostitution and forced labor exploitation of victims. A new trend, which should be noted, is the domestic exploitation of victims, mostly children, for work or for other required services, including begging⁷.
- Statistics between the large number of international trafficking and the small number of victims identified and treated as victims of trafficking, show that the method of detection of victims of trafficking in human beings must be perfected and improved further.
- The identification and treatment of trafficking victims by state and non-state institutions engaged for this purpose, is a potential risk of re-trafficking, and prevent criminal activity shock groups and criminal organizations involved in this crime.
- Cooperation between different state structures with non-governmental organizations specialized for this purpose, increased efficiency in identifying victims of trafficking as well as their further treatment.
- The legal treatment of any case of trafficking victims must always have administrative treatment, as victims always need to repair the damage and the consequences caused during use in trafficking, as well as their full reintegration in society is a complex process.

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⁷ Report on the implementation of the Albanian national strategy to fight against human trafficking, Tirana 2006 p.7

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