

“ANOTHER DELIVERY FROM TASHKENT”

Profile of the Israeli Trafficker

Hotline for Migrant Workers



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About the Hotline for Migrant Workers

The Hotline for Migrant Workers is a non-partisan, non-profit association, that works to protect the rights of migrant workers and to eradicate the trafficking of human beings in Israel, so as to establish a just, equitable and democratic Israeli society that promotes tolerance and protects the weak. Hotline activities focus on providing information regarding rights, on counseling and legal representation, on raising public awareness and on changing government policy so as to prevent conditions of modern slavery in Israel. Their work is made possible thanks to the efforts of volunteers, and the generous support of individual donors and funding bodies, especially the New Israel Fund.

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CONTENTS

PREFACE	7
METHODOLOGY	10
DEFINITION AND PREVIOUS RESEARCH	13
Who is the Trafficker?	13
Previous Studies in the Field	17
HISTORICAL BACKGROUND	20
“I don’t deal in etrogs, my friend”: The Jewish Trafficker.....	20
“The Human Parasite”: The Israeli Pimp, 1948-1992	24
“They traffic in human beings as if the people were sheep or laptop computers”: The Growth of the Israeli Sex Trafficker, 1992-2006	30
THE ISRAELI TRAFFICKER: A PROFILE	38
Age, Origin and Sex	38
“We would have expected a woman to understand the horror of acts such as these”: Women Traffickers.....	40
“He was a good father and a good husband and I still love him”: The Trafficker’s Family.....	58
“This is a normative guy from a normative family”: What They Did Prior to Trafficking.....	65
“He’s in terrible health”: Mental and Physical State	68
“I’ve never heard of a prostitute who doesn’t want to”: The Traffickers’ Attitude to Women	72
“They would sell their own mother for money”: The Economic Situation of the Traffickers in Women.....	76
Additional Data.....	85
“You weigh, you consider, you measure”: Punishment Considerations in the Courts	88
“THEY’VE CHANGED THEIR FORMAT”: CHANGES IN THE IMAGE OF THE TTAFFICKER FROM 2006 ONWARDS	93
AFTERWORD: ON THE BANALITY OF EVIL	100
BIBLIOGRAPHY	103

PREFACE

“They’re nice, quiet people, usually very polite... I said that they’re polite with us, not with the women.” (Commander of the Abu Kabir Detention Center, June 16, 2002)

Numerous individuals are among those who profit from the various forms of prostitution, but over the last few years, traffickers in women are a growing segment of the profiteers from among the abusers. Because of the vast income generated by the sex industry, they are interested in ensuring that it continues to flourish despite the unremitting violations of the human rights of its victims. This study seeks to examine, for the first time, characteristics of traffickers in Israel; to focus on the people greasing the wheels of the sex industry to ensure that it continues unabated.

The study is comprised of three parts. In the first, we present the methodology used for the study. It includes currently available research material about characteristics and motives of traffickers in women worldwide, material that is fairly meager, and the development of the Israeli pimp and trafficker. In the second and central part, we examine the characteristics of the Israeli trafficker in women: age, background, gender, criminal record, occupation before turning to trafficking and more. In the third part, we analyze the limited information at our disposal regarding Israel traffickers beginning in 2006, and we offer some suggestions to improve the current situation.

We aim to comprehensive and updated information about traffickers in Israel, while pointing to changes in their identity over the last two decades. When examining the extensive pool of data on which this study

is based, it would seem at first glance that traffickers come from very varied economic, cultural and social backgrounds. Each has his own story, family, occupation, and hobbies: one of them is a former Israeli karate champion, another is the son of a Holocaust survivor, and yet a third was very careful to leave the brothel every night at eight o'clock to feed his pet iguana. Nonetheless, beyond the common denominator – the criminal activity in which they chose to engage – we were able to locate several additional similarities presented here. We hope this position paper will assist in the formulation of necessary policy both to prevent this crime and to determine a level of punishment that is more stringent than the one common today.

The study has an additional, if secondary, goal: throughout the year, traffickers expose the women in whom they traffic to the public eye, whether by disseminating photographs over the internet and in various sex industry publications, or by presenting the women to the clients. They expose the women to a life of degradation, rape and violence. This time, we turn the tables on them, and expose them to the public.

Despite the fact that the traffickers themselves did not participate in the study, our research tools enabled us to scrutinize them carefully, albeit at a distance. We read hundreds of legal proceedings involving trafficking published to date; we observed them, their relatives and friends, telling their personal stories in court, heatedly explaining why the court should be lenient with them; we read their statements to the police and spoke with the police officers who investigated them; we studied the transcripts of confrontations between them and their victims; we read the few existing studies on the subject of this position paper; and we heard them presenting their well-rehearsed accounts to Member of Knesset Zehava

Galon during the proceedings of the parliamentary investigating committee that she chairs. From these sources emerged the complex and fascinating mosaic that this study seeks to present.

We hope that this position paper represents only the first attempt at research into this subject, and that the issues it raises will serve as a basis for discussion and further study.

METHODOLOGY

The genesis of this report lies in the request made by MP Zehava Galon, Chair of the Sub-committee Against Sex Trafficking in the Knesset. She wanted us to examine the characteristics of women who traffic in women. When we began to do the research, we found that despite the great importance of the subject, no comprehensive report had ever been written on traffickers in general, not on men and nor women. Therefore, we decided to expand the question, and to present comprehensive information on the subject in this position paper.

The study is based on a number of sources. Firstly, it is supported by some five hundred different court proceedings regarding sex trafficking, and involving the activities of 325 traffickers and their various accomplices. This documentation was published in several computerized databases from 1990 until 2007,¹ and in unpublished verdicts found in the archives of Israeli district courts. Thanks to special permission granted to us by courts administrative, we were able to study cases pertaining to trafficking in women brought before the courts during this period, and whose files are not archived.² The Israeli police allowed us to interview police officers involved in trafficking cases since the 1990s, and they contributed greatly from their experience.

¹ In the course of our research, we made use of many different search words, among them: prostitution, prostitute, whore, escort, brothel, escort service, trafficking in women, traffickers, pimping, pimp and more. The search was done using different software – Takdin, Nevo, and Pedor – and the court system's website.

² Wherever we used confidential material, such as expert opinions submitted by the probation officer, we did not include the trafficker's name.

We were not able to track down other studies dealing with the subject of this paper: who are the traffickers, what they did before becoming involved, their age, sex and family status, and why they became traffickers to begin with. In Israel, as in other countries, no such study has, as far as we know, been done to date, whether theoretical or based on field work.

An additional source of information for this study was represented by the proceedings of the parliamentary investigating committee chaired by MP Galon. This was from both the Parliament and in the various detention centers where the traffickers spoke with MP Galon and presented their well-rehearsed accounts. In addition, we were able to track down some interviews with traffickers in the media. All were subject to limitations of credibility; these will be discussed below.

When creating this document, we encountered some difficulties. Firstly, the voices of the people who are the subject of the study – the traffickers themselves – are missing. We attempted to hear them directly through personal interviews, and turned to the Prison Service and the various attorneys who have represented them over the years, to help us locate interview subjects. However, we did not get cooperation in time for the position paper to be submitted for printing. Another difficulty we faced in writing this document was verifying information that was, to a large extent, submitted by people engaged in criminal activity and who have a vested interest in prettifying reality, both in interviews they granted the media, before the parliamentary committee and during court hearings. There is no doubt that people testifying during proceedings which might end in long prison sentences have a vested interest in minimizing the brutality of their deeds or in exaggerating their good personality traits

during the sentencing phase. A third difficulty is the fact that this document can only present the profile of traffickers who have been arrested and charged, and only to a very limited extent that of traffickers who have not been arrested and have not come into contact with the authorities. Likewise, it is important to remember that the findings of this report are true for traffickers who trafficked in Israel and are necessarily applicable to traffickers elsewhere.

DEFINITION AND PREVIOUS RESEARCH

This chapter examines the definition of sex traffickers as it is understood by the layman and according to Israeli and international law. It also examines previous studies done in this field in Holland and Ukraine.

Who is the Trafficker?

As indicated previously, the sex industry includes many exploiters. It is very difficult to arrive at a precise definition of the various exploiters, as well as to make clear distinctions (that often turn out to be pointless, as demonstrated below) between the pimp and the trafficker.

Until the last decade, the pimp was seen as the primary exploiter in the sex industry, while the image of the trafficker was completely unknown. Traditionally, the accepted definition of pimp was that of an individual living off the profits of women employed by him in prostitution, while the trafficker, who was specified in the law and entered public consciousness only later, was seen as the person supplying the pimp with human merchandise from other countries. In actuality, things are not that simple, and the two figures have often overlapped. Traffickers in women are not always satisfied with merely buying women, and at times have themselves operated brothels. By contrast, pimps, who never paid a penny for women, have been convicted of trafficking because they denied the survivor her freedom, contributed significantly or even decisively to her prostitution, confiscated her passport, limited her movement, stole her earnings and threatened her life and the lives of her family members should she leave the brothel.

The U.N. Protocol, the most important international legal document regarding trafficking in human beings, defines trafficking as:

the recruitment, transportation, transfer, harboring, or receipts of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.³

Over the past few years, the Israeli Supreme Court has taken a number of important steps in this context. For example, in the Aldenko case, Justice Rubinstein expressed himself as follows:

Not everyone who is convicted of pimping is convicted of trafficking. However, the individual who buys a person in order to employ that person in prostitution, and receives the proceeds, is also guilty of pimping. At times, this may occur in circles that overlap in part, and at times not necessarily simultaneously; it depends on the particular circumstances. If an individual established the conditions for prostitution and is taking a cut of the proceeds, he is guilty of two crimes: the crime of importing and the crime of pimping. If that individual “bought” any kind of right of “possession” of the body of the victim, he is also guilty of the crime of trafficking. Again, the relationship between the circles of crime is determined by the particulars of the crime.⁴

This definition was, in part, adopted into the 576-2006 Statute Against Trafficking in Human Beings (legislative amendments). This law further narrowed the gap between the pimp and the trafficker, but since its

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; Supplementing the United Nation Convention against Transnational Organized Crime (2000), Article 3(a).

⁴ Criminal Appeal 10545/04, *the State of Israel vs. Aldenko et al* (verdict from February 6, 2006).

passage in 2006, the courts have not yet had an opportunity to implement it in practice.

Therefore, when we selected the study's subjects, we did not limit ourselves to people who have been convicted of trafficking. In many indictments this crime was eventually removed during the plea bargaining process. We also did not limit ourselves to those whose indictments indicated trafficking, because the relevant verdicts were only formulated in 2004-2006; until that time, a dichotomous distinction had been made between the pimp whose function was limited to “managing the business,” and the trafficker, who buys and sells women. We examined every aspect of this industry, including those most junior and secondary: the cashiers, the drivers, the bouncers and other links in the chain without whom the chain would not exist.

Likewise, our study not only examined rulings since 2000, when trafficking in human beings in Israel was first defined as a crime, but also examined cases from the 1990s, when trafficking was not considered a separate crime unless attended by other crimes such as rape, abduction, false imprisonment. Even when these crimes were present, the criminal was not always charged. Our only criteria were the relevant facts as described in the verdict and whether these actually indicated trafficking in women, not necessarily the specific section of the statute with which the prosecution was charging the defendant.⁵

⁵ See, for example, VCR 2444/92 *Abutbul vs. State of Israel* (decision from May 20, 1992): “*The events were as follows: The two other defendants brought young women from Lithuania in order to employ them in prostitution in Israel. The complainant was one of them. The complainant worked in prostitution for those defendants, but, one day, she fled the apartment she was living in. Some time*

The bulk of this study refers to traffickers who lived and operated in Israel between 1992 and 2006 who trafficked in women for the purpose of prostitution. In the third part, we refer to other patterns of trafficking – internal trafficking of Israel women, trafficking in migrant workers – and the development of patterns of enslavement and forced labor.

later, the complainant returned to the apartment, whereupon the defendants began guarding her so that she would not run away again... One conviction that sets the appellant apart from the other defendants is the raping of the complainant while he was supposedly 'guarding' her." VCR 4162/94 Hitivashvili vs. State of Israel (decision from July 28, 1994): "The appellant was indicted on counts of promoting prostitution, extortion, and other crimes... According to the indictment, the appellant, together with two other men, lay in wait for one of the complainants, demanded that she enter his vehicle, and, when she refused, the appellant stabbed her with a knife and forced her into the vehicle. Afterwards, he handed the complainant over to one of his associates who locked her into a room... Another claim raised by the appellant's representation is that because the complainants' testimony has already been heard and they have been expelled from the country, there is no cause for concern that the appellant will try to obstruct the legal proceedings." VCR 2596/97 State of Israel vs. Ben Baruch (decision from May 1, 1997): "A three-count indictment was brought against the respondent and his domestic companion [henceforth "the defendant"]; the indictment attributed to him serious crimes committed against three complainants (Olga, Larissa, and Tatiana), all of whom are Russian citizens. The respondent was accused of extortion by force, extortion with intimidation, assault, pimping for the act of prostitution, promoting prostitution, maintaining a location for prostitution, withholding a passport, false imprisonment, neutralizing resistance for the purpose of committing a crime, theft, illegal stay, holding unlawful marriages and divorces, export, import, trade and supply of drugs, and use of dangerous narcotics. Based on the facts of the indictment, the respondent and the defendant imprisoned the complainants in their apartment, took their passports away, terrified them and, using intimidation, forced them to engage in prostitution, and to turn their proceeds over. The respondent also used to assault the complainants, beat them, and hold a knife to their throats. During the period described, the respondent and the defendant supplied the complainants with dangerous narcotics, with and without their knowledge, by force and with threats, thus rendering them incapable of resisting. It was further stated that the respondent arranged a fictitious marriage for one of the complainants (Larissa), in order to enable her to stay in Israel despite the fact that her entry visa had expired."

Previous Studies in the Field

There are only a few studies dealing with the elements that benefit from the sex industry in general and even fewer which focus on traffickers. These few studies focus primarily on pimps, and deal mostly with the relationships that form between them and the women they employ in prostitution: procuring (through affection, drugs, violence, abduction); the means they use to ensure that the women do not disappear (leaving prostitution altogether or going to another pimp); their legal status (criminals in New York or legitimate businessmen in Nevada); the evidence needed to arrest them and to prove their guilt, and more.⁶ This study seeks to minimize, to the extent possible, discussion of issues connected to the actual activities of the trafficker, and focus rather on the trafficker's personal characteristics.

The few studies dealing with traffickers focus on their background and sex, and primarily describe their diversity. Traffickers active in **Ukraine** came from many different countries: Ukraine, Greece, Russia, Azerbaijan, Kazakhstan, Turkey, Syria, Italy, the Czech Republic and

⁶ For a partial overview, see the following: T. May, A. Hrocopos, M. Hough, "For Love or for Money: Pimps and the Management of Sex Work" *Police Research Series* 134, 2000; Kathleen Barry, *The Prostitution of Sexuality* 1995, 199-219; Maggie O'Neill, *Prostitution and Feminism* 2001, Ch. 6, "The City, Masculinity and the Social Organization of Desire: Pimps and Punters" 150-182; Wendy Chapkis, "Power and Control In the Commercial Sex Trade" in *Sex for Sale, Prostitution, Pornography and the Sex Industry* edited by Ronald Weitzer 2000, 181-201; Julia O'Connell Davidson, *Prostitution, Power and Freedom* 1998, Ch. 2 "Patterns of Pimping" 42-60; Jean Faugier and Mary Sargeant, "Boyfriends, 'Pimps' and Clients" in *Rethinking Prostitution: Purchasing Sex in the 1990's* edited by Graham Scambler and Annette Scambler, 1997, 121-136; Helen Reynolds, *The Economics of Prostitution* 1986, Ch. 3 Pimps, 24-34; Donna M. Hughes, *The Demand for Victims of Sex Trafficking*, 2005, available at: http://www.uri.edu/artsci/wms/hughes/demand_for_victims.pdf, p. 10-21.

Israel; men and women were equally involved; their ages ranged from 15 to 50; their education ranged from no high school to those with higher education.⁷ At the same time, three characteristics were identical among all traffickers: First, they did not engage in trafficking by themselves, but rather always operated as part of some group. Second, after entering the trafficking business, with a few exceptions they did not return to normative occupations. Lastly, all had connections abroad that simplified their criminal activities. Regarding traffickers in **Holland**, there is somewhat less information.⁸ We know that most of the traffickers are men; among the women, there are former victims of trafficking. Half of the traffickers are Dutch citizens, but some of those with citizenship were born outside of Holland. Those who were not citizens came from many countries primary among them Albania, Morocco, Romania, Russia, Germany, Ukraine, Turkey, Nigeria, Ghana and Bulgaria. The overwhelming majority of the Moroccan traffickers play a more significant role in internal trafficking of women for prostitution.⁹

In Israel, no such study has been carried out. An internal 1998 police report divided traffickers into three groups: those whose main occupation is criminal and where trafficking in women for prostitution is only one of many criminal enterprises; groups that have joined forces expressly for

⁷ Sergey Krivosheev, Vitaliy Kuts, Vasiliy Sobolev, *Review of the Mechanisms, Means and Law Enforcement Response to Trafficking in Persons in Ukraine* IOM 2001, p. 19.

⁸ Anna G. Korvinus, *Trafficking in Human Beings* Third Report of the Dutch National Rapporteur 2005, p. 105.

⁹ They procure women and girls for prostitution by pretending to be boyfriends and faking affection.

the purpose of trafficking in women and the independent enterprises of individuals.¹⁰

Based on interviews conducted with 106 trafficking survivors between 2001 and 2003, 77% of the traffickers arrived from the Commonwealth of Independent States.¹¹ Based on data from Tel Aviv's Central Police Unit, they arrested 173 people suspected of trafficking in women between April 2001 and September 2004. Eighty percent of them (137 suspects) were immigrants from Eastern Europe and the former Soviet Union.¹²

¹⁰ Interview with Commander Avi Davidowitz, September 10, 2007.

¹¹ Russia (23%), the Caucasus (22%), Ukraine (18%), and 3% from other CIS countries. 11% of the women could only say that the traffickers were from somewhere in the CIS, and did not know precisely where. 23% did not know anything at all about the traffickers' backgrounds. See Nomi Levenkron and Yossi Dahan, "Women in Trade," 2003.

¹² Gadi Asher, "Organized Crime in Israel and the World: Trends and Processes," *Hamishpat* 19, 14, p. 19.

HISTORICAL BACKGROUND

“I don’t deal in etrogs, my friend”: The Jewish Trafficker¹³

Trafficking in women is not a product of the 21st century. It has existed throughout history in various forms. Likewise, the Jewish trafficker in women did not come into existence for the first time in the State of Israel, but took place long before its establishment. This chapter surveys the figure of the Jewish trafficker in women at the end of the 19th and the beginning of the 20th centuries, a period of extensive trafficking in women. Many of the victims and traffickers were Eastern European. The wave of immigration that swept society at the end of the 19th century brought about some very disturbing negative byproducts, a prominent one being prostitution and trafficking in women.¹⁴ Women from Eastern Europe were trafficked to Argentina, the United States, the Middle East and also to Palestine.

While Russians, Poles, Hungarian and people of other nationalities dealt in trafficking, often the number of Jews engaged in trafficking was higher than that of non-Jews.¹⁵ Living conditions in this period greatly facilitated

¹³ This statement is taken from the Sholom Aleichem story “*A Mentsh fun Buenos Aires*” (“A Person from Buenos Aires”), written in 1909. The story harshly criticizes Jewish society that prefers to pretend that trafficking does not exist in its midst, and that traffickers do not traffic in people, only in dumb objects.

¹⁴ Gur Alro’ee, *Immigrants*, 2004, p. 146.

¹⁵ Thus, for example, of the 124 citizens who were suspected of or were tried for trafficking in Russia, 84% were Jewish; of 93 immigrant traffickers who entered South America, 86% were Jewish; and of 101 Hungarian traffickers who were arrested, 67% were Jewish. In Galicia, the situation was even worse: of the 39

the traffickers' activity, as many families faced dire economic circumstances and parents were sometimes forced to sell their children in order to buy food.¹⁶

As early as the 19th century, the same pattern of operation which would later be defined by courts in the State of Israel as “the trafficking chain,” was already apparent. This multi-link chain consisted of traffickers who procured women, transported them across borders, forged documents, and bribed the parties to smuggle human cargo. They were transferred from country to country while in destination countries, people operated the brothels and filled many related functions. Then as today, some of the women knew that they were entering prostitution, but did not know the conditions under which they would be held, while others were lured and deceived, having been told that they would work for wealthy families in Argentina or marry a gifted *yeshiva* student in New York. In some cases, the “grooms” themselves would visit the towns and villages, and track down the “brides” who would soon enough become the traffickers' victims. Sometimes, these “grooms” were in contact with various figures in the community, such as the matchmaker, who could facilitate the job of tracking down likely candidates. This, for example, is this phenomenon expressed in the words of Mendele Moykher Sforim who dealt with trafficking in the story “In the Valley of Tears”:

people arrested for trafficking in women, 38 – almost all – were Jewish. In Germany, by contrast, of 182 traffickers in women, only 10% were Jewish (ibid., p. 150). That said, it is important to examine these data carefully to see if the number of Jews among suspects and defendants was particularly high, but lower within the general population of traffickers.

¹⁶ Ibid., p. 150.

Nahman Treitel is looking for attractive merchandise, and when it comes he will soon find that I have everything ready, nothing at all is missing except for seeing her face and drawing up the terms of the contract. That way, he won't have to stick around, but can begin his journey across the ocean with his so-called fiancée to wherever it is that he travels and brings similar merchandise across every year, and makes a fine profit from it too.¹⁷

These links created a large network of traffickers that spun its web between Europe and countries on the other side of the ocean, and succeeded in transporting thousands of women during this period. At the beginning of this wave of trafficking, the Jewish community reacted by ostracizing both the traffickers and their victims. Thus, for example, in Argentina, the traffickers and the women were forbidden to enter the community's synagogues and were not buried in Jewish graveyards. The traffickers created separate synagogues and burial places for the "impure," as they were called.¹⁸ Then as now, the victimization of the women was two-fold: they were exploited by their traffickers, and, in addition, were treated with contempt by the society in which they lived. Then as now, the traffickers' punishments were light. Thus, for example, Akiva Vilberreich was sentenced to two and a half years with hard labor, and Moritz Vallerstein to two years.¹⁹

In Israel, newspapers would, from time to time, issue warnings about the existence of pimps "so that our brethren Jews will know to be careful and stay away from the traps these wicked people, who, to our great distress,

¹⁷ Mendele Moykher Sforim, "In the Valley of Tears," from *The Collected Mendele Moykher Sforim*, 1958.

¹⁸ Alro'ee, p. 157.

¹⁹ Alro'ee, p. 157.

are said to be Jewish, have laid for our daughters.”²⁰ Nonetheless, Jerusalem worried first and foremost about its public image, and the victims of prostitution were secondary in importance.²¹ Anyone who continued to run a brothel within Jerusalem city limits was banned from being counted in a prayer quorum, from marrying into one’s family, from having his sons circumcised, or from being buried in a Jewish cemetery.

At the beginning of the British Mandate, hundreds of women and girls were already employed as prostitutes in Palestine.²² Pimping, prostitution and trafficking in women were viewed as a sign of degeneracy that was a remaining legacy of the Jewish exile from its land. This, for example, is how Ben-Gurion²³ expressed himself in one of his letters: “There is no magic in the land of Israel. It is possible to degenerate there too. There too there are traffickers in women. It is possible to create nests of Arab slavery that would be a horror for the Jewish people and all of

²⁰ “A Warning,” *HaTzvi* volume B, 2 Cheshvan 5657 [1896], cited by Margalit Shilo in *Princess or Captive? Feminine Existence in the Old Yishuv of Jerusalem 1840-1914* (2001), p. 231.

²¹ Because of this view, it was the women who, more than once, were punished for prostitution, not their pimps, traffickers, or clients. The Ottoman authorities would sometimes turn a blind eye to the phenomenon, but would at other times expel the women, their pimps and traffickers from the city (Alro’ee, p. 149). Because the issue of prostitution was seen in general as one of crossing boundaries, and if it occurred in Jerusalem in particular it was seen harming the sanctity of the city, the consequence for the women would be to be harmed in turn (Shilo, p. 234). The rabbis of the various communities warned their adherents about “shops” in which Jewish women were employed in prostitution “as the daughters of the Midianites of old.” The rabbis decreed that the shops be closed down, and to excommunicate those who did not comply.

²² Margalit Shilo, *The Challenge of Gender: Women in the Early Yishuv*, 2007, p. 219.

²³ translator’s note: David Ben-Gurion, leader of the Jewish community in Palestine before the establishment of the State of Israel, and the country’s first Prime Minister

humanity.”²⁴ And, indeed, soon enough, pimps appeared in Palestine under British Mandatory rule – European and Middle Eastern Jews, as well as Arabs – though there is only limited information available about them.²⁵

“The Human Parasite”: The Israeli Pimp, 1948-1992

The Israeli penal code, since its inception, has criminalized pimping, running a brothel, and living off the earnings of prostitution. The law states that a pimp for the purpose of prostitution is someone whose living, in part or in whole, permanently or for any period of time, comes from the earnings of a person working in prostitution, or someone who knowingly accepts that which is given for an act of prostitution of a person, or a part of the prostitute’s fee.²⁶ Likewise, the law assumes pimping regarding any man who lives with a prostitute “or who makes a habit to accompany her or uses his supervision of, or influence over her, in a way that encourages or forces her to engage in prostitution.” While it is possible for such a person to disprove this assumption, the burden to do so is heavy, perhaps even heavier than possible.²⁷ To a large extent, this

²⁴ David Ben-Gurion, private diary, July 20, 1928, cited by David Ohana, *Messianism and Sovereignty: Ben-Gurion and the Intellectuals, Between Political Vision and Political Theology*, 2003, p. 3.

²⁵ Dvora Bernstein, “Abandonment, Prostitution and Madness in Tel Aviv,” *Theory and Criticism* vol. 25, pp. 143, 153.

²⁶ Section 199 of the penal code. According to the section, the pimp is liable to a five year prison sentence. If the crime involved his domestic partner or child, or came about as the result of exploiting a relationship of authority, dependence, education, or care-taking, the sentence is seven years.

²⁷ In the *Ben Eliyahu* case, the defendant was convicted of having influenced the movements of the prostitute in a way that demonstrated that he was helping her work as a prostitute, and therefore the assumption exists that he is living off her earnings (Criminal Appeal 114/51, *Ben Eliyahu vs. Attorney General of the State of Israel* 5 1644). in the *Beech* case, an indictment was brought against a

section limited the ability of a prostitute to maintain a relationship with a partner, because any man living with her could be seen as living off her earnings and therefore be liable to a prison sentence.

The legislator criminalized promoting an act of prostitution (carrying a five year prison term),²⁸ and causing someone to engage in prostitution (carrying a seven year prison term).²⁹ It also determined that, under aggravated circumstances, these crimes carry a sentence of ten years in prison.³⁰

The central ruling that shaped the figure of the Israeli pimp was the verdict concerning Helena Turjeman.³¹ Turjeman employed a number of women as prostitutes in her apartment, and received 30 NIS of the fee that every client paid her. She was convicted of pimping for the sake of

greengrocer who had several sources of income. The court did not deem this sufficient either, as, to cite its decision, a person can be as rich as Croesus without the earnings of a woman engaged in prostitution and still be guilty of this crime (Criminal Appeal 344/65 *Beech vs. Attorney General* 20(1) 195). In the *Farrajh* verdict, the appellant was living with a woman for a prolonged period, was the father of her three children, and had sources of income other than those of his domestic partner. Nonetheless, the Supreme Court ruled that the fact that the appellant gave the woman a monthly stipend for her expenses and those of the children did not change things one iota, because even when a person has other sources of income of his own and does not need the proceeds of the woman engaged in prostitution, he is still seen as if living off her earnings. Even if the man pays for their common living expenses and the woman's earnings serve other purposes, the man is still considered to be living off the wages of prostitution (Criminal Appeal 238/66 *Farrajh vs. State of Israel* 20(4) 477). In the *Ghiat* verdict, the appellant was convicted of living off the wages of prostitution. In this ruling, the judge learned from "life experience" that a man living with a prostitute, even if he is her husband, "*usually exploits the prostitute financially, and even encourages or forces her to continue engaging in her profession*" (Criminal Appeal 400/73 *Ghiat vs. State of Israel* 25(1) 604).

²⁸ Section 201 of the penal code.

²⁹ Section 202 of the penal code.

³⁰ Section 203 of the penal code.

³¹ Criminal Appeal 3520/91 *Turjeman vs. State of Israel* 47(1) 441.

prostitution and of maintaining a place of prostitution. In the appeal that Turjeman brought before the Supreme Court, Justice Heshin, in a minority opinion, made a distinction between cases in which the authorities can and must intervene and cases in which they ought to turn a blind eye:

“Massage parlors” and “escort services” have sprung up like mushrooms all over the country, and those involved advertise them in public and invite those who are interested to contact them. This phenomenon has spread throughout our society over the past number of years, and everyone knows the precise nature of these massage parlors and the real reason for their existence. The police does not initiate any proceedings against these parlors and services, and the state authorities do not bring criminal charges against those who manage and maintain them, as a general rule and with certain special exceptions, unless a complaint has been lodged with the police, typically because they represent a “nuisance.” This policy – whether good or bad – has created a *de facto* law. When we come to decree a verdict against someone convicted by law, we cannot turn a blind eye to the law that has been created and upheld. In my opinion, our obligation is to measure the crimes committed by massage parlor managers using the same yardstick and scales we use when considering crimes of nuisance, depending of course on special circumstances that take a particular case out of the category of mere nuisance and transfer it into the realm of crimes that are *mal in se*, i.e., crimes in which the ugly face of man is revealed, crimes that are the product of the criminals’ most contemptful acts. The issue of the appellant did not go beyond the category of criminal nuisances. On the

contrary, the more testimony the court heard, the clearer it became to all that the issue before us was one of “nuisance.”

The minority opinion in the Turjeman case, according to which pimping is, if not in its “classical” mode, a profession like all other professions, had a decisive impact both on shaping the attitude of enforcement authorities to brothels and on shaping the figure of the pimp. In fact, the minority opinion simply reflected reality more than it helped to create it, a reality in which pimps operated with almost total impunity. Heshin’s minority opinion became the standard steering the state attorney’s office whose guidelines stated that crimes attendant to prostitution should be ignored as long as no minors or women under duress are involved, as long as there is no public nuisance involved, and as long as no additional crimes are being committed. To a large extent, these guidelines raised the financial incentives of pimping: the expected income was no longer offset by the looming threat of a deterring prison term. A precise status quo was arrived at, a status quo the legislator never had in mind; however, it was perfectly aligned with the wishes of the police, the attorney’s office and the pimps themselves in this matter. To this day, attorneys for pimps and traffickers present these guidelines before the court, demanding leniency in the sentences meted out to their clients,³² and there are those who have gone even further, as one police officer who was interviewed recalls:

In my opinion, these guidelines increased the phenomenon, because the entire field was open, and anything went. Atty.

³² See, for example, CA (Tel Aviv) 4990/04 *State of Israel vs. Eilat* (judgment from March 13, 2006); CA(Tel Aviv) 1139/06 *State of Israel vs. Na’eem* (sentence from November 13, 2006).

P. used to hang advertisements inside brothels that said that the police had no authority whatsoever.³³

In the last few years, in light of the interest of the American State Department regarding trafficking in Israel, the guidelines were changed considerably regarding the crime of trafficking in foreign women, but the guidelines regarding pimping and trafficking in Israeli women have stayed the same.

In addition to the crime of pimping and its various subcategories, the law forbids maintaining a brothel that may be operated also “in a vehicle on land or at sea.”³⁴ Even when a woman engages in prostitution in her ownhome, the law rules that this entails maintaining a brothel.³⁵ Likewise, the penal code criminalizes renting a space for the purpose of prostitution.³⁶

³³ Interview with Shuki Baleli, August 13, 2007. Some of the police officers interviewed also thought that abolishing the state attorney’s guidelines was a step needed to make the battle against trafficking in women and exploiting prostitution more efficient. Others, however, said that the main step needed to this end was criminalizing the client.

³⁴ Section 204 of the penal code. The penalty for this crime is a five year prison sentence.

³⁵ During the 1960s, Israeli courts were split in their opinion as to whether a woman engaging in prostitution **in her own apartment** was guilty of this crime (Criminal Appeal 135/64 *Me’ir vs. Attorney General of the State of Israel* 19(3) 63). While others were of the opinion that it was inconceivable that the combination of a legal act (living in an apartment) with an act that was never criminalized by the penal code (engaging in prostitution) would create a crime (see the position of Justice Zussman in Criminal Appeal 361/63 *Balgali vs. Attorney General* 18(3) 61; Criminal Appeal 268/63 *Finkelstein vs. Attorney General* 17 2101), the Supreme Court, sitting in an expanded panel, finally gave a surprising ruling, to put it mildly, whereby a prostitute engaging in prostitution in her own apartment was in fact guilty of a crime. This is the law to this day (see Criminal Appeal 84/65 *Turjeman vs. Attorney General* 19(3) 57).

³⁶ Section 205 of the penal code. The penalty for this crime is a six month prison sentence.

Over the last few years, computers have generated a dramatic change in the sex industry, as they have in other fields. Brothels are now flourishing virtually. This was helped by the fact that, until recently, these brothels were not considered criminal, and they afforded their managers protection from imprisonment, if partial, because of the difficulty in locating them. These brothels conceal survivors of trafficking from random police raids; advertise human merchandise with ease, and help the client avoid exposure because he is not required to come to a brothel or even place a telephone call. In 2007, someone was put on trial for the first time for running an on-line brothel.³⁷

³⁷ Criminal Court Case (Tel Aviv) 1902/07 *State of Israel vs. Holtzman* (hearings in the case are still ongoing).

“They traffic in human beings as if the people were sheep or laptop computers”³⁸: The Growth of the Israeli Sex Trafficker, 1992-2006

During the 1990s, following the collapse of the Soviet Union, hundreds of thousands of Jews began streaming to Israel.³⁹ This wave of immigration also included criminals and members of crime syndicates who continued their criminal activities in Israel. At the same time, crime reflective of immigration and economic difficulties started to take root in the country. Israel has some unique characteristics that render it an attractive and convenient location for engaging in international criminal activity. For example, the Law of Return enables all Jews, and at times those who manage to successfully to pose as Jews, to emigrate to Israel. Anyone who is defined as a legal immigrant can easily attain Israeli citizenship and an Israeli passport. Furthermore, the Ministry of Immigrant Absorption offers extensive social services to new immigrants, including a so-called “absorption basket” that entails many monetary benefits. The State of Israel is home to a community of over one million people hailing from the former Soviet Union, a community that may serve as a base of operations and in which it is easy to assimilate. Until just a few years ago, Israel had no money-laundering or organized crime laws. Israel encourages tourism, and, until recently, an aversion to

³⁸ Words of Justice Heshin in Criminal Appeal 7757/04 *Burstein vs. State of Israel* (verdict from February 23, 2005).

³⁹ Alongside Jews immigrating to Israel, non-Jews also arrived, though their numbers are far fewer. The latter include people eligible for immigrant status based on the Law of Return because of some family relationship, as well as impostors.

presenting unnecessary obstacles in the way of potential tourists.⁴⁰ Likewise, Israel has for the most part refrained from extraditing criminals wanted by other countries.

The wave of immigration from the Soviet Union quickly became a scapegoat of Israeli society, which pointed an accusatory finger at the community regarding the development of organized crime. At the same time, the development of this phenomenon was not the only product of this immigration, nor was it unique to this group. Crime in Israel during the 1990s rose at a more moderate rate than it did in the two preceding decades, and alongside crime organized by Russians, crime organized by native-born Israelis,⁴¹ Palestinians and Arabs⁴² become more prevalent and developed.

⁴⁰ While it is true that, since the establishment of the Immigration Authority and the battle against migrant workers, entering Israel has become more difficult for visitors from countries identified as migrant workers' homelands, tourists whose purposes in coming to Israel are not in question are subject to the standard policy which encourages their arrival. During the coming year, the government may change its policy regarding tourism to and from Russia so that Russian tourists visiting Israel will not need visas. Sources within the police have expressed grave concerns regarding the impact that this step is liable to have on trafficking in women in particular and on organized crime in general, though it is highly doubtful that closing the borders should be the main or central step in combating these phenomena.

⁴¹ The Shirazi, Aberjil and Abutbul syndicates are perhaps the best known, but are not the only ones active in Israel and consisting primarily of native-born Israelis.

⁴² Various phenomena lead to social labeling of minority groups as tainted by organized crime, among them jingoistic media, a public all too eager to point an accusatory finger at the authorities, but primarily the fear that the immigrants will steal their employment or cause its devaluation, frustration in the native lands about the brain drain, and a police force in the destination country of an immigration wave asking for an increased budget and having to prove that there are concrete threats on the doorstep. In turn, labeling becomes a boomerang that reverts to the society: the immigrants do not feel like conforming to local society and its values, and criminals often make use of themselves and the threatening

Even though it might appear very easy to point an accusatory finger at the immigration from Russia, the accusation is far from being accurate, not only in regard to organized crime but also in regard to sex trafficking. While it is true that the relative number of traffickers who hail from the Commonwealth of Independent States is high, they are not the ones who laid down the infrastructure for the Israeli sex industry and did not create it *ex nihilo*. In these endeavors, they were preceded many years earlier by Israeli pimps and traffickers. Russian immigrants did not determine legislation which facilitated their enterprise, and they did not dictate the authorities' policy of ignoring their existence. They exploited a hole in the fence, a hole that so many before them had exploited and many after them will. This group was able to identify a breakdown in enforcement and enjoyed a relative advantage as natives of certain countries eligible for Israeli citizenship, something that allowed them to exploit with greater ease the lack of citizenship of the women from their own countries of origin. The apathy and lack of concern that Israeli society demonstrates towards prostitution, an issue which has been hidden and then ignored since the founding of the State, have greatly facilitated the operation of pimps and traffickers.

Moreover, the classical criminal stereotype attributed to members of organized crime, as people for whom crime is the center of their lives and the main arena of their activity, is not accurate when it comes to Israeli traffickers, as the results of this study demonstrate.

image of the Russian mafia in order to intimidate the public. For further discussion of these elements see Avi Davidowitz, "The Normalization of Criminality Among Immigrants from the CIS," *Police Scenes* no. 154, March 1996; Menahem Amir, "Is There Organized Crime in Israel?" *Gates of Justice* B(3), 5761-2001, p. 321.

Throughout the 1990s, when the modern version of sex trafficking in Israel developed, the trafficker dwelt in the shadow of the Israeli pimp. In reference to the pimp, the 1994 state attorney's guidelines stated that steps should be taken only if he procured minors, created a public nuisance, committed other crimes, or forced women into prostitution. This policy, like many others, was only partially implemented, and for the most part these crimes were also almost completely ignored, even when the exceptions to the guidelines were present. When victims of trafficking started arriving in Israel from abroad, in the early 1990s, the police continued to assume that the women involved were themselves interested in engaging in prostitution, unless it was explicitly proven to be otherwise.

The few cases of trafficking that came before the court in the 1990s did not include counts of trafficking in women, a crime that was not yet included in Israeli legislation, but rather various crimes. However, by contextualizing the facts, it is possible to infer that trafficking in women was, in fact, present in these cases. Defendants at this time were a mix of people, representing different population segments, and no common thread connecting one trafficker to another is evident. During this time, women were imported to Israel from different countries, such as Brazil,⁴³ Hungary,⁴⁴ and, primarily, the former Soviet Union. In the rulings, the women were not defined as victims of trafficking, but rather as "foreign women" or "foreign residents," or the rulings simply stated that "the

⁴³ Criminal Appeal (Tel Aviv) 70793/00 *Mizrahi et al vs. State of Israel* (verdict from December 28, 2000); CA (Kiryat Gat) 1769/99 *State of Israel vs. Kessler et al* (sentence from April 12, 2000).

⁴⁴ Criminal Appeal 1578/99 *Biton vs. State of Israel* (verdict from December 17, 2001).

witnesses were deported.”⁴⁵ Thus, for example, **Ahmad Awad** abducted three “foreign residents” from a brothel in Tel Aviv, raped them, and sold them to others;⁴⁶ **Avraham Hasson** and **Shabi Mizrahi** managed a brothel in which foreign women were held;⁴⁷ **Vassily Boyago**, a migrant worker from Romania, came to Israel to work in construction for the Dankner Company, and was caught running a brothel in which undocumented foreign women were employed in prostitution,⁴⁸ and more.

In the year 2000, an amendment to the penal code was enacted, and Amendment 56 was added, which criminalized trafficking in persons for the purpose of employing them in prostitution. This amendment did not come with any explanations, and the courts were forced to define it, gradually and in stages. However, in a fair number of cases, courts

⁴⁵ I am assuming that in the overwhelming majority of the cases, foreign women in Israeli brothel are victims of trafficking. This assumption is based on the fact that women who come from poor countries, and in particular women arriving today from the CIS, can usually not buy their own plane tickets, arrange for their own passports, or get Israeli visas. To these ends, they must avail themselves of crime syndicates that procure them, arrange the necessary documents, and thus create a “debt” that the women are made to pay off later by engaging in prostitution.

⁴⁶ VR(Jerusalem) 2276/99 *State of Israel vs. Awad* (ruling from May 7, 1999).

⁴⁷ VR(Jerusalem) 3363/99 *State of Israel vs. Hasson et al* (ruling from November 14, 1999). In this case, the defendants trafficked in foreign women for the purpose of employing them in prostitution in Israel. The attorney’s office decided not to bring charges against anyone because of “policy considerations and the lack of public interest in the matter.” It is noteworthy that two years later, in 2001, Avraham Hasson committed fairly similar deeds. However, that time, the case was brought before the district court, and one of the justices wrote in the sentence that “I do not think anyone can argue with the disgust and revulsion raised by trafficking in women and causing their prostitution.” Nonetheless, the revulsion remained mere lip service, and the defendant was sentenced to only two years in prison (see: SCF 5049/02 *State of Israel vs. Hasson et al* (sentence from November 13, 2002).

⁴⁸ VR(Beer Sheva) 6265/99 *State of Israel vs. Boyago* (decision from March 8, 1999).

merely rubber stamp the multitude of plea bargains that the attorney's office presents.

It is in the context of these rulings that the definition of trafficking and a trafficker has been shaped. For example, the courts have ruled that a trafficker has committed the crime of trafficking even if the woman agreed, in principle, to trading in her body.⁴⁹ Proof of money changing hands is not necessary to determine trafficking took place as other indicators such as taking her passport, using violence against her, treating her like an asset, imprisoning her, selling her to another, taking a significant portion or her entire earnings, checking a woman or going over her body to see if she is suited to prostitution; supervising and controlling her movements and actions, as well as her productivity and earnings suffice to establish that the defendant did in fact buy ownership of the complainant. Through various statements made by the defendant it may be inferred that he purchased the the woman's body including the common practice of placing her in 'debt bondage' whereby the woman is required to work for nothing until she has "returned" the expenses of her purchase and importation to Israel.⁵⁰

Additional important rulings have been established in this field. For example, brokerage for trafficking in human beings, even if done for free, is a crime;⁵¹ that every link in the chain is part of the crime of trafficking in that it enables and facilitates it, and therefore it must be treated with

⁴⁹ VCR 291/01 *Ribai vs. State of Israel* (decision from January 22, 2001).

⁵⁰ Criminal Appeal 1609/03 *Borisov et al vs. State of Israel* (verdict from October 8, 2003); Criminal Appeal 10545/04 *State of Israel vs. Aldenko et al* (verdict from February 6, 2006).

⁵¹ Criminal Appeal 7757/04 *Burstein vs. State of Israel* (verdict from February 23, 2005).

severity even if the case at hand does not involve actual trafficking but rather some activity that allows it to occur.⁵² The 5767-2006 Statute Forbidding Trafficking in Human Beings (Amendments to Legislation) adopted some of the rulings formulated through cases over the years 2000 and 2006.⁵³ At the same time, legislation and rulings on the matter of trafficking in women have not gone far enough, and still fall short of the U.N. Protocol.

Israeli law has expanded the definition of trafficking to include anyone who takes part in the trafficking chain, be it a cashier, driver or trafficker. It establishes that they must be held liable in order to eradicate the entire chain. However, words are one thing and actions are another. The vast majority of rulings in trafficking cases, written before the new law was enacted, cited the norm that every link in the chain must be punished, but failed to uphold that standard that the courts themselves had determined. To the extent that the persons function was deemed to be lower or secondary, the court tended to be more lenient and hand down lighter sentences. Regarding actual traffickers, there too the punishments are not heavy. While the Supreme Court has, from time to time, instructed

⁵² VCR 3234/06 *State of Israel vs. Brechman et al* (decision from May 1, 2006) regarding the “chain policy.” See VCR 1351/04 *Konofaliyov vs. the State of Israel* (decision from February 22, 2004); VCR 2878/03 *Gordon vs. State of Israel* (decision from April 3, 2003).

⁵³ The Statute Forbidding Trafficking in Human Beings sought to create a framework that would unite all legislative amendments concerning trafficking. While it expanded the definition of the crime of trafficking and laid down a number of important amendments regarding this matter, the victims’ rights were pushed aside in the legislative process. Among the important amendments regarding the traffickers made into law are Section 377(1) 3 which rules that a trafficking broker, whether with remuneration or for free, is equal to the trafficker of the same individual, and Section 377(1) 4 which rules that trafficking in human beings is constituted by the buying or selling of a person or making other deals over a person, whether with remuneration or for free.

district courts to hand out stiffer sentences, these instructions have been accepted only at the rhetorical level but not implemented in practice. In actuality, many cases end in plea bargains resulting in lighter sentences.

THE ISRAELI TRAFFICKER: A PROFILE

It is difficult to draw up specific categories for so large and varied a group of people. Sometimes, it seems that the only thing they have in common is the particular criminal offense in which they chose to engage. So, for example, among the various defendants we find **Armand Reidler**, an Israeli karate champion who achieved impressive results in international competitions and was even a world champion runner-up;⁵⁴ **Hagai Mamman**, an outstanding athlete who coached the goalies of the Beitar Jerusalem soccer team;⁵⁵ **Vadim Zaslavsky**, an engineering student at the Technion–Israel Institute of Technology.⁵⁶ Despite the varied backgrounds, we tried to establish common characteristics, such as sex, origin, previous occupation, physical and mental condition, and other data. This chapter present our findings.

Age, Origin and Sex

Age

The average age of traffickers is 40. Some of them are very young: **Yaniv Azran**, a soldier doing his compulsory army service was 20 years old when he became a driver and general assistant for the trafficker Shlomi Fadalon;⁵⁷ **Stanislav Kuperman**, in the course of a plea bargain, was

⁵⁴ CF (Tel Aviv) 1123/03 *State of Israel vs. Lipshin et al* (sentence from January 29, 2004).

⁵⁵ SCF (Beer Sheva) 959/04 *State of Israel vs. Normatov et al* (judgment from September 18, 2006).

⁵⁶ CF (Haifa) 355/03 *State of Israel vs. Zaslavsky* (sentence from April 22, 2004).

⁵⁷ VR (Haifa) 1207/01 *State of Israel vs. Fadalon et al* (decision from January 31, 2001).

convicted of aiding attempted trafficking at the age of 22;⁵⁸ the youngest of them, **Oren Meshulam**, started running his trafficking business at the age of 19.⁵⁹ Others have been older: **Luba Polonsik**⁶⁰ and **Mordechai Reuvenov**⁶¹ trafficked in women at the age of 58.

Origin

The vast majority of traffickers – at least 70% – were born in the USSR. Virtually all the trafficking victims as well were imported to Israel from the CIS, though not necessarily from the countries from which their traffickers hailed.

The fact that the traffickers come from the same cultures and speak the same language as their victims significantly facilitated their recruitment. Traffickers were mostly Israeli citizens, enjoying full citizenship rights, and were familiar with local law and culture, which enabled them to control the victims to produce maximal earnings. At a later stage, when they were arrested and tried, they appealed to the court's mercy on the basis of being new immigrants, claiming that they dealt in trafficking only because of the difficulties associated with their immigration and acculturation.

Some of the traffickers made further use of their origin to escape punishment: it was easier for them than for other criminals to flee Israel

⁵⁸ CF (Tel Aviv) 1012/04 *State of Israel vs. Kuperman* (sentence from October 13, 2004).

⁵⁹ CF (Tel Aviv) 10003/01 *State of Israel vs. Meshulam* (decision from December 30, 2001).

⁶⁰ VR (Tel Aviv) 90411/04 *State of Israel vs. Atabayev* (decision from February 17, 2004).

⁶¹ SCF (Tel Aviv) 1241/02 *State of Israel vs. Reuvenov* (sentence from January 18, 2004).

when they felt the noose tightening around their necks. Their familiarity with smugglers and document forgers aided them greatly, as did the fact that they could, with relative ease, immigrate back to the country whence they came, build a new life for themselves there, or, in fact, continue their old ways back home.⁶²

Sex

Two hundred and ninety one of the traffickers were men (89.5%), and 34 were women (10.5%). The next chapter extensively analyzes the characteristics of the Israeli female trafficker.

“We would have expected a woman to understand the horror of acts such as these”: Women Traffickers

Women and Crime: General

Women who break the law suffer a double stigma because of the crime they have committed and because they have deviated from traditional feminine roles. While criminologists have, since the 18th century, warned that the liberation of women would result in the rise of women committing crimes, the scope of women’s crime remains limited.⁶³ The female criminal is represented according to traditional gender roles: non-violent and marginal to the crime - often her function is to help the male criminal and cover for him. Women are left at the margins of the criminal

⁶² Vide VR (Haifa) 3678/04 *State of Israel vs. Livshitz* (decision from April 13, 2004), which states that an individual named Victor, the defendant’s partner in crime, fled Israel after being indicted.

⁶³ Anat Gur, *Profile of the Female Criminal: Unique Characteristics and Appropriate Treatment and Rehabilitation*, The Authority for Inmate Rehabilitation at the link http://www.shikumasir.org/index.php?page_id=30&tat=39&tat_tat=43

world, while crime that is more violent, profitable and significant was and still is in the man's sphere. In April 2007, there were 330 female inmates compared with 20,995 male ones.⁶⁴

Most crimes committed by women are crimes against property or fraud, or crimes attendant to prostitution. Women who killed usually did so after having been abused. A sampling of cases demonstrate that women who enter the world of crime have themselves once been victims of abuse of one kind or another, are more likely to be suffering from mental illness, make many suicide attempts, and commit acts of self-harm. More than half are addicted to drugs while 70% of them have no permanent address other than prison.⁶⁵

Similarly, in organized crime, the number of women is relatively low. This may be due to the fact that among criminals, women are thought of as belonging primarily to the private realm. There is also a perception that women will break more easily under police interrogation or under pressure from rival criminals.⁶⁶ From time to time, women do become part of organized crime, when their domestic partners, brothers, or in-laws are in detention or in prison, or are on the run from the police. In such cases, the woman stands in for the man in the organization, and acts on his behalf. When he returns to the "business," the woman reverts to her former status.

⁶⁴ Data taken from the Prison Service at the link <http://www.ips.gov.il/NR/exeres/8567058B-D139-476D-8A5A-5031EAECA96C.frameless.htm?NRMODE=Published>

⁶⁵ Gur, *ibid.*

⁶⁶ Menahem Amir, "Women in Organized Crime," *Police Scenes* 177, 34, May-June 2000.

At the same time, one should not view all the behaviors of women committing such crimes only through the prism of an exploitive and oppressive patriarchy. Even when a woman has been a victim of serious crime, she remains the one who has chosen to become active in the criminal world and not only to passively acquiesce.⁶⁷

Women Trafficking in Women: General

The study includes only 34 women whose cases came before the courts. It would seem that the real number of women aiding traffickers behind the scenes is significantly larger, but they are not tried. So, for example, the wife of **Meir Malka**, for example took an active role in intimidating the trafficking victim, but, to the best of our knowledge, she was not indicted for this;⁶⁸ the wife of **Charlie Assiag** inspected the naked bodies of the women he bought, to make sure they were free of scars, but she was not tried;⁶⁹ and more. Police officers whom we interviewed were also aware of this phenomenon:

“Two prostitutes became traffickers, and they had a partner. But the women were behind the scenes. They were the contact with the countries of origin... The wife of trafficker S. would make contact with the Soviet Union to track down women. She’s a native of Russia, she herself was once a prostitute. She married him, had kids. But [the system] is considerate of women. In the case of S., for example, she was released despite solid evidence against her. There were three kids at home. If the court feels like it, it finds a way.⁷⁰

⁶⁷ Noya Rimalt, “When Women Become Violent,” *Crime* 10 2002, pp. 277, 295.

⁶⁸ VR (Haifa) 4615/04 *State of Israel vs. Malka* (decision from August 19, 2004).

⁶⁹ VR (Beer Sheva)21830/02 *State of Israel vs. Zegayer et al* (decision from August 25, 2002).

⁷⁰ Interview with Commander Moran Yudelewitz from September 6, 2007.

And indeed, as we demonstrate below, the court tends to release women who have children, though, in at least one case, judges advised that the time has come to also try the women who cooperate behind the scenes:

Unfortunately, as is evident from the testimony of the complainant before us, many women take part in this business, whether as the domestic partners or mothers of the various pimps and brokers, or as partners in some other way. They would also seem to benefit from the large amounts of money made in this business. In parentheses, we would like to note that it is possible that the time has come also to try the women who aid and abet the main culprits of these crimes.⁷¹

It is possible to identify three main groups of women who committed crimes in this area:⁷² women who had themselves once been prostitutes (19.3%), women who trafficked together with their domestic partners (41.9%), and women who trafficked together with other family members (23.5%). At times, these groups overlap, such as when women who were once trafficking victims become traffickers themselves, together with their domestic partners who are also traffickers (6.4%). Only three women (8.8%) trafficked in women under different circumstances.

There is also a type of “middle class” between prostitutes and traffickers. Usually, it is one woman in the brothel who still works as a prostitute, but because of her long service or because the trafficker trusts her for some other reason, her status is considered more “senior” than that of the other women, and she enjoys extra privileges, such as being allowed to keep a larger portion of the proceeds or being allowed to leave the brothel

⁷¹ CF (Tel Aviv) 1123/03 *State of Israel vs. Lifshin et al* (sentence from January 29, 2004).

⁷² Of 34 women traffickers, data were available for 31.

without supervision.⁷³ This status carries benefits and also obligations including supervising the other women, informing the trafficker of intentions to flee, informing of rule violations, familiarizing the new women with the rules of the brothel, etc.

Only three of the female traffickers were born in Israel⁷⁴ while all the others were native to the CIS. Most had no criminal background, and those who did had criminal records relating to prostitution. Only rarely did the court refer to the general topic of women trafficking other women. This, for example, is what the court stated when rejecting the female defendant's plea for leniency because she was a single parent of a six year old daughter:

As for the defendant being a single mother of a six year old girl: Indeed, our heart goes out to that child who, at such a young age, has been caught up in so difficult a situation. However, the fact that the defendant is a mother cannot excuse her from the threat of punishment. We encounter cases of traffickers and, in many cases, women who serves as their "helpmates," whether as "clerks," "guards," "brokers," "cashiers," etc. Sometimes, the women are wives or girlfriends of these male traffickers, and sometimes even

⁷³ In Israel, she is sometimes referred to as "the Queen," and in English-speaking countries as "the Bottom Lady" or "the Main Lady." For more on the subject, see Reynolds, p. 26. See, for example, the Rashkovan matter, where a trafficking victim falls in love with the trafficker, is appointed by him as a receptionist in his brothel, and, later on, is tried for the joint obstruction of justice in his case: Criminal Appeal 263/06 *Rashkovan vs. State of Israel* (verdict from June 6, 2007).

⁷⁴ SCF (Tel Aviv) 1119/01 *State of Israel vs. Dvir* (sentence from November 26, 2001).

their mothers. If we treat these functions lightly, we will be impeding the difficult battle against trafficking in women.⁷⁵

Nevertheless, for the most part, the court tends to stress the women's marginal role: **Hannah Kessler** "fulfilled her husband's instructions, and those of another individual named 'Moshe,' and her role was to answer the telephone and to manage the complainant's work schedule";⁷⁶ **Natalia Goyman** was defined by the court as "a sort of secondary messenger."⁷⁷

Some of the police officers noted in their interviews that the women were more evil and aggressive than the men, but this claim is not necessarily accurate. There is no doubt that female traffickers are often cruel towards other women: **Irina Fishman** forbade one woman to sleep for three days because she had been late in cleaning the massage parlor;⁷⁸ **Marianna Polkova** beat a victim as punishment for having tried to commit suicide;⁷⁹ **Larissa Argenter** demanded that her sex slaves clean her home when they were not entertaining clients, and made barter deals with the women's sexual services for various products and services she purchased.⁸⁰ Nonetheless, male traffickers in women have been known to be equally vicious. What is at work is this: the moral judgment we apply against a woman who has dared shatter the gender roles assigned to her is

⁷⁵ CF (Tel Aviv) 1182/03 *State of Israel vs. Jane Doe* (sentence from April 7, 2005).

⁷⁶ CF (Kiryat Gat) 1769/99 *State of Israel vs. Kessler et al* (sentence from April 12, 2000).

⁷⁷ CF (Tel Aviv) 1030/01 *State of Israel vs. Goyman* (sentence from June 6, 2001).

⁷⁸ VR (Tel Aviv) 92978/02 *State of Israel vs. Fishman et al* (decision from January 9, 2003).

⁷⁹ VR (Beer Sheva) 21830/02 *State of Israel vs. Zegayer et al* (decision from August 25, 2002).

⁸⁰ VR (Tel Aviv) 91307/03 *State of Israel vs. Argenter* (decision from June 3, 2003).

even harsher when the crime is trafficking in women, because she abused members of her own sex, and instead of exhibiting empathy for their plight and identifying with them she joined the abusers and exploiters. Such moral judgment was applied by the Haifa District Court in the case of **Sharon Gelfond**:

As we came to pass sentence on the defendant, we considered not only the heinousness of the crime but also the fact that defendant is herself a woman. We would have expected a woman to understand the horror of acts such as these, particularly since the defendant is about the same age as Natalia. Natalia also had a young child, whom she left in her homeland so that she could come to Israel to make a living. It is hard to express in words the contemptibility to which the defendant sank when, as a woman, she exploited her fellow woman of her own free will, and made a living off the body of another female.⁸¹

Women Who Traffic Together with a Domestic Partner

41% of women who trafficked in women did so together with a domestic partner. Their role was often more marginal and behind the scenes, yet significant nonetheless: translating, recruiting, supervising the brothel when the partner was away, reporting “disciplinary infractions,” and more. They were not always put on trial.

In most cases, both partners hail from the CIS. In two cases that went to trial, the men were Israeli born, and the women served as the cultural bridge between their partners and the world of trafficking by putting their partners in touch with relevant sources, helping to recruit women and serving as interpreters between their partners and their victims. **Olena**

⁸¹ CF (Haifa) 212/01 *State of Israel vs. Hayon* (sentence from February 25, 2003).

Kozmenkova, aged 24 and the mother of an infant, translated for the women held in the “family” brothel which her husband, Tal Giladi, managed together with his parents.⁸² She was convicted of aiding in the maintenance of a brothel. **Tatiana Prova** resided in Israel illegally, under circumstances that are not entirely clear, and trafficked in women together with her domestic partner, an Israeli citizen named Aryeh Begel.⁸³

In some cases, men try to avoid punishment by placing the blame on their domestic partners. **Oren Horesh** claimed that he was dragged into trafficking by his girlfriend who engaged in prostitution and lived with him for a period of time⁸⁴ while **Aryeh Begel** claimed that his partner was the one who introduced him to the trafficker, and that he became involved in this crime because of her.⁸⁵

A particularly interesting case is the matter of **Yulia Shomrenko Weicherman**. She arrived in Israel illegally, and, after coming here, entered into a fictitious marriage with a Jew. In 1991, she acquired citizenship by virtue of the Law of Return.⁸⁶ Shortly thereafter, she became the domestic partner of another individual, Genady Bosolowitz, the head of a crime syndicate who, among his other criminal pursuits, also trafficked in women. In August 2004, when Bosolowitz was abroad,

⁸² SCF (Tel Aviv) 1095/02 *State of Israel vs. Giladi et al* (sentence from September 30, 2003).

⁸³ VR (Haifa) 4319/01 *State of Israel vs. Begel et al* (decision from October 1, 2001).

⁸⁴ SCF 1240/02 *State of Israel vs. Horesh* (sentence from May 29, 2003).

⁸⁵ VR(Haifa) 4319/01 *State of Israel vs. Begel et al* (decision from October 1, 2001); Criminal Appeal 1978/02 *Begel vs. State of Israel* (verdict from May 2, 2005).

⁸⁶ VR (Jerusalem) 7033/04 *State of Israel vs. Bosolowitz* (decision from December 1, 2004).

she stood in for him at work, and transferred sums of money to his associates based on his instructions. The court notes that Yulia “had been exposed” to Bosolowitz’s activities and was intimately familiar with the details of the business, and, among other things, would explain to the women the conditions under which they would be employed in prostitution, and accompany them to various government offices.⁸⁷ She expressed her opinion of some of the women held by Bosolowitz as follows: “They’re all like that. You take them out of the garbage, and they forget that they only got hit here.”⁸⁸

Despite her active involvement in sex trafficking, the court ruled that her activity did not reach the level of trafficking in persons or membership in a criminal organization. In the end, of all the counts pending against her, including managing a criminal organization, only the charges relating to her fictitious marriage held weight - those being using a forged document and obtaining something by deceit. The court was satisfied with time served, and further imposed a suspended sentence and a fine of 20,000 NIS,⁸⁹ despite the fact that in astoundingly similar and less serious cases, the court had convicted defendants of trafficking, or, at least, of abetting.⁹⁰

⁸⁷ In this case, Immigrant Cards were forged for the women as part of the trafficking scheme. The benefits attendant the so-called “absorption basket” went to the traffickers, and the women were sent to engage in prostitution. However, in order to receive their “benefits,” the women were, from time to time, required to turn to various government offices.

⁸⁸ VR (Jerusalem) 7033/04 *State of Israel vs. Bosolowitz* (decision from December 1, 2004).

⁸⁹ CF (Jerusalem) 774/04 *State of Israel vs. Bosolowitz* (sentence from March 20, 2003).

⁹⁰ Vide, e.g., CF (Haifa) 386/03 *State of Israel vs. Mordchowitz* (judgment from August 9, 2004): for 200 NIS, Alexander Berg, one of the defendants in this

In at least two cases, the trafficker had herself been the victim of abuse at the hands of the primary criminal. **Yelena Yermalyev** committed the acts attributed to her in the indictment only because she was afraid of her violent domestic partner. She met him shortly after immigrating to Israel, and, after living together for two years, he began to be physically, emotionally and economically violent towards her, to the point that she fled to a battered women's shelter together with her 9 year old daughter from a previous marriage. A short time later, she came back to him, then attempted to leave him again, but returned to him due to fear of him. The court's impression was that Yelena did not exhibit criminal tendencies, and that the reason for her entanglement lay with her domestic partner who exploited her dependence on him.⁹¹ In her interrogation, she described his behavior towards her and the other women:

Q: What would happen if a woman refused anal sex or an orgy?

A: There were girls who wanted to, but if they refused Gabi would send me to them so that I could threaten them that if they didn't do what the client wanted he would fuck them over with a beating... He would also beat me in front of the girls and the children, so he was really showing them what would happen to them if they didn't do what the client wanted. Several times he threatened me with a knife and held it to my throat (interrogator's note: the suspect shows

case, drove the women to the location where they were sold, and would seem to have been otherwise passive as the deal was being made. Because of this ride, he was convicted of abetting trafficking, the reasoning being that he knew what was going on around him. This was enough to convict him.

⁹¹ SCF (Tel Aviv) 1148/03 *State of Israel vs. Yermalyev et al* (sentence from June 8, 2004).

me a mark on her left shoulder that she says was caused by Gabi holding his knife to her).⁹²

However, even when the woman is not a victim of violence, she may still be acting under duress. In the matter of D., who trafficked in women together with her husband, the probation Service noted that despite her being intelligent and responsible, she –

suffers from low self-esteem, with signs of dependency and a desire to please the people around her... According to her, she did what her husband asked of her without knowing the precise nature of his occupation, and she also claims that she did not know that her husband was making money by pimping for prostitution.

In our opinion, because of her fear that he would reject and abandon her and her powerlessness in standing up to him, she opted for a passive stance in their couples dynamics, and preferred not to know and to turn a blind eye to his operations.

Prostitutes Who Became Traffickers

In many ways, it is possible to compare a life of prostitution to life in a “total institution” as described by Erving Goffman in his essay “On the Characteristics of Total Institutions.”⁹³ These institutions impose barriers on social relationships with the outside world, whether through physical means (thick walls, steel doors, armed guards at the entrance, closed-circuit TV filming the exterior and the interior of the institution and more), or through social ones (particularly the labeling of women

⁹² VR (Tel Aviv) 92541/03 *State of Israel vs. Yermalyev* (decision from October 23, 2003). For another case of abuse of a woman trafficker, see SCF (Tel Aviv) 1119/01 *State of Israel vs. Dvir* (sentence from November 26, 2001).

⁹³ *Asylum: Essays on the Social Situation of Mental Patients and Other Inmates* 1961.

working in prostitution). The brothel is primarily designed to fulfill the sexual needs of the men who enter it and to financially enrich the owners. Beyond this, nothing matters. To that end, the brothel is a total institution, and it comes complete with the typical markers:⁹⁴ a welcoming “ceremony” that includes humiliation and degradation for the new inmate, sometimes stripping him, and usually changing his name; verbal or physical violence on the part of the staff towards the inmate; the necessity of begging and pleading for the smallest things that are easily acquired in the outside world, such as a cigarette; the inmate is never alone, and always within someone’s hearing range, whether the staff’s or some other inmate’s; sexual, physical, and emotional abuse are not unusual; there is a whole system of “house rules” that grant privileges that are otherwise seen as self-evident rights, such as the right to go to the bathroom; a change in the inmate’s social image and moral understanding; the right to receive visitors and to go out is utterly denied, at least at the beginning; there are a large number of “inmates/employees” and a limited supervising staff; the purpose of the staff is not to instruct, check, or guide, but rather to provide surveillance to make sure that the individuals do their job properly; the ban on giving the inmates information about staff plans, while consistently excluding the inmate from decisions that have bearing on his future; he will receive some of the rights after he leaves the institution, but the period he was there will forever remain a time when he was dead to the world, civilly, mentally, and emotionally. A whole system of punishments and rights is used to

⁹⁴ In his essay, Goffman does not refer to the brothel or other places where women are held captive in the private sphere, e.g., by violence within the family, but only to more familiar total institutions, populated primarily by men, such as prisons, army camps, concentrations camps, etc.

extend or somewhat curtail the time the inmate spends in the total institution, but the closer the release date comes, the more anxious he feels; he is not necessarily glad to re-enter the world he longed for in the past, because he is afraid he will not be able to fit in again in the company of “normal” people who have not experienced a similar life.

When a woman is trafficked for prostitution, her captor, i.e. the person who manages the brothel, is the most powerful figure in her life. His actions and beliefs mold her personality. True, he is the source of her degradation, but her life also depends on him: her basic right for a shower, food, a kind word, depend on him and on him alone.⁹⁵ The more cut off she is from the world around her, the more she clings to the only relationships left to her – women in the same situation and the trafficker. Without other human contact, she will try to find some humanity in her traffickers. In the absence of another point of view, she will start to see the world through her trafficker’s eyes. And, in the absence of alternatives, she will understand that, unless she wants to remain a victim forever, it is best that she join forces with her traffickers. From here to her crossing the lines of the law, the distance is short. From now on, not only will the woman be able to traffic in other women, but she may at times demonstrate greater cruelty towards them than the other traffickers, so as to sever herself absolutely from the victims’ world, and to draw a clear line between them and herself.

⁹⁵ For an analysis of the characteristics of women in captivity (brothel, violent family, and other situations), see Judith Lewis Herman, *Trauma and Recovery*, 1992.

In psychology, this phenomenon is known as **the Stockholm Syndrome**.⁹⁶ This syndrome is created when a person is held by others against his will, yet that person slowly develops empathy and identification with his captors. The syndrome stems from the captive's desire to identify with the powerful, dominant element, and it is accompanied by a fear of people who want to help him. Patty Hearst, an American citizen, was captured by a radical group called the Symbionese Liberation Army, and later joined its ranks, whereupon she participated in an armed bank robbery. She was later tried for this crime. She defended herself by claiming to be a victim of the Stockholm Syndrome, however it did not avail. Hearst was given a prison sentence, but the term was later commuted by the President of the United States. She describes her existence at the time she was a hostage, a large period of which she was jailed in a closet, as follows:

When they let me out of the closet, I thought I was doing what they wanted by parroting their clichés and slogans, without believing them. But then... a numb kind of shock set in. To save my sanity and balance, and to function from one day to the next in this new environment, I had to learn to act mechanically, like a disciplined soldier, to do what I was told, to suspend my disbelief. [...] Their reality was different from anything I had known until then, and in those days it became my reality too.⁹⁷

⁹⁶ The source of the term is an event which took place in August 1973 during the bank robbery in Stockholm, Sweden. For several days, four bank employees were held hostage in the bank's vault by an armed robber. The captives who were interviewed after their release identified with their captor, and were even afraid of the rescue teams.

⁹⁷ Cited by Judith Lewis Herman, *Trauma and Recovery*, 1992.

Ludmilla Kramenko was transported to Israel as a victim of trafficking.⁹⁸ The court determined that among all the traffickers in women who were convicted in that case, she played the most important role. She served, as the court termed it, as the women's "induction officer." Kramenko forced a minor to claim she was 19 years old, and told her that if she refused, she would have to work for free; she took the women's documents away from them, tore them up and threw the pieces in the garbage; and for the most part, she treated the women harshly and abused them. The indictment against her included trafficking, intimidation and other crimes, and she was convicted. Kramenko was sentenced to seven years in prison and a two-year suspended term.

Anna Irkova was trafficked in Israel and then deported without receiving any rehabilitation. When she returned home to the enormous difficulties presented by life in Uzbekistan, she attempted to return to Israel.⁹⁹ Her plane ticket to Israel, offered to her by a local recruiter of trafficking victims, was contingent on her bringing along two other women. She accepted the deal.

Simona Baloda, a poverty-stricken single parent, was raising her four and a half year old son and her 21 year old daughter under very difficult economic circumstances. She herself worked as a prostitute and stripper,

⁹⁸ CF (Tel Aviv) 1055/02 *State of Israel vs. Kramenko et al* (sentence from March 29, 2004). The sentence does not refer to the fact that she was a victim of trafficking herself, and she is described as "an uninvited guest from the Commonwealth of Independent States." Because she is an "uninvited guest," the court refuses to ask for a Probationary Services report on her behalf. We learned that she had been a trafficking victim from our interview with Superintendent Shuki Baleli.

⁹⁹ CF (Beer Sheva) 1040/04 *State of Israel vs. Irkova* (sentence from March 21, 2005).

until she began to manage a brothel where trafficking victims were held. During the punishment phase of her trial, she presented her dire situation to the court:

I didn't have a choice. I had to do these things, not because I wanted to make a fortune... I didn't open a [massage] parlor in Bnei Berak,¹⁰⁰ but at the Central Bus Station. The police would come by all the time, I didn't know it was illegal – the police let it happen. I am sorry I got into this, it was a long time ago... If I go to prison now, my son won't have either a mother or a father.¹⁰¹ (weeping)

The court decided her case as follows:

It is true that she has been convicted of pimping, but she is not high on the criminal ladder, having herself been a prostitute. In a way, this was a 'promotion.' She was "promoted" in part. If she could, she would not lead this kind of life, because she is getting no enjoyment out of it.

The court took a dim view of the Probationary Services report, according to which the defendant showed no empathy towards the complainant, and instead adopted the view of her attorneys which held that her way of life prevented her from feeling this sort of empathy, and that her mental, economic and family situation all pointed to the need to pass a lenient sentence on her.

Victims Who Traffic Together with Their Domestic Partners

Some women engage in sex trafficking after having been trafficked themselves while others traffic in women together with a domestic partner. A small group does both- they are victims of trafficking who join

¹⁰⁰ Translator's note: ultra-Orthodox Jewish city near Tel Aviv.

¹⁰¹ SCF (Tel Aviv) 1055/05 *State of Israel vs. Katz et al* (sentence from July 17, 2006).

up with the trafficker as a domestic partner, and jointly manage the business. This situation serves as a double illusion: they have returned to an industry that exploited them in the past, this time from a position of strength, and they share this position of strength with a partner who has already proven himself to be powerful in the field. In our study, we found only two such women, though, as we have stated above, it would seem from our interviews with the police that their number is higher. Women in this situation tend to operate behind the scenes; they primarily assist in recruitment from their homeland and in translation, and therefore it is hard to track them down.

Marina Polkova is a perfect example of this group.¹⁰² A native of Ukraine, and an only child of divorced parents, she suffered extensive burns to the right side of her body in early childhood. According to her, the scars damaged her self-esteem and her social standing during her childhood and adolescence. She arrived in Israel to work as a waitress, to help pay medical expenses of her ailing mother. When she arrived, she was trafficked into prostitution, and was the victim of many violent sexual attacks by clients. During this period she met **Hani Zegayer** and became his domestic partner, out of what she described as “self-interest”: a desire to extricate herself from her sorry situation. Together, they managed a brothel that held trafficked women. She was violent with the women under her control, and, as became clear from their testimony, she “managed the [massage] parlor and set the tone.”¹⁰³ According to the court’s ruling, she did not make any money as a trafficker, but, from time

¹⁰² CF (Beer Sheva) 966/02 *State of Israel vs. Zegayer et al* (sentence from May 1, 2005).

¹⁰³ VR (Beer Sheva) 21830/02 *State of Israel vs. Zegayer et al* (decision from August 25, 2002).

to time, her companion would send her mother a sum of no more than 300 NIS. Her attorney claimed that her status was no different from that of the trafficking victims, because she did what she did out of fear of her partner. During her detention, a psychiatric evaluation of her was made; it concluded that she was suffering from personality disorder with anti-social tendencies as a result of being locked up, but that she was not mentally ill. A day before her sentencing, she disappeared.

The Independent Women

The smallest subgroup among women traffickers consists of those who were neither prostitutes themselves nor trafficked together with their partner. There were only three women in this category, i.e. 8.8% of all female traffickers. However, here, too, dire economic straits pushed them to enter the world of crime and trafficking. **Natalia Ro'eemee** divorced her husband. Her son from her first marriage had come to Israel, but was unable to attain legal status, and was deported. Her father lived alone in Russia, and was usually in the hospital.¹⁰⁴ Her mother died when Natalia was in detention.

Sofia Kotchik, a 44 year old divorcée, was raising her son and, until her arrest, was also taking care of her mother who suffered from heart disease. Since emigrating from the CIS, she worked as a hospital nurse. In 1993, she and her then-husband tried to open a private senior citizens home. It operated for four years, but then encountered financial difficulties. Her husband defrauded her, and fled with all the money.

¹⁰⁴ SCF (Tel Aviv) 1053/04 *State of Israel vs. Ro'eemee* (sentence from April 21, 2005).

When suppliers lodged a complaint with the police, she was tried and was sentenced to community service.¹⁰⁵ Later on, she began to traffic women.

“He was a good father and a good husband and I still love him”: The Trafficker’s Family

Most of the traffickers have at some point in their lives established a family. Often, the family unit exists apart from the trafficking and knows nothing about the trafficker's criminal activity. In this case, his family serves as a source of support and strength. By contrast, there are families that are almost preordained to traffic, and some families even take an active part in the trafficking.

Marriage

68.4% of the traffickers are married or living with a domestic partner,¹⁰⁶ 20.1% are divorced, and 11.5% are single.¹⁰⁷ As noted above, some of the women cooperated in trafficking with their companions. Married life is not seen by the traffickers as a barrier to having sexual relations with their victims: so, for example, **Semyon Dushker**, was tried with his wife

¹⁰⁵ SCF (Tel Aviv) 1148/03 *State of Israel vs. Yermalyev et al* (sentence from June 8, 2004).

¹⁰⁶ However, 13 men in this group are on their second marriage, and one is on his third.

¹⁰⁷ Of all the traffickers who are part of this study, data on this topic were available for 149 of them.

and lover, both of whom assisted him in his business.¹⁰⁸ Furthermore, he would also rape his trafficking victims.¹⁰⁹

One of the police officers interviewed defined the married life of traffickers in women as follows:

They're married to women from the CIS, and I can tell you with absolute certainty that they know very well what their husbands do, and they turn a blind eye, even when they know he's fucking the girls. I know because the wives are also interrogated. Why do they go along? They don't have any kind of religious tradition, no family values, no shame. Except for jealousy – that they've got. The man is liable to kill anyone looking at his wife.¹¹⁰

Whether the women were fully aware of their companions' actions, including rape and sodomy, or didn't know a thing, they often came to court, and tearfully stood by their man's side asking the court for leniency. Their statements in court at the sentencing stage, and expert opinions submitted by the Probationary Service about the traffickers that would sometimes describe their wives too, served as the basis for our study of companions who were themselves not involved in trafficking.

Concerning **M.**, it was noted that “the wife of the defendant testified that the defendant is devoted to his family and cares for it greatly. His absence from home has hurt his children, especially his ten year old son. According to her, the crimes of which the defendant has been convicted

¹⁰⁸ CF (Beer Sheva) 910/02 *State of Israel vs. Dushker* (sentence from January 20, 2003). The court noted at the beginning of the sentence that “defendant number four was the wife of defendant number one, and defendant number three was known as his lover.”

¹⁰⁹ The rapes were not included in the indictment against him, but may be inferred from the judgment and the sentence (above).

¹¹⁰ Interview with Superintendent Eli Kaplan from August 13, 2007.

represent a one-time stumble on his part, and there is no doubt that he will keep to the straight and narrow in the future.”

The wife of **S.** did not know about his occupation: “She told us that prior to his arrest, he told her he worked as a cab driver. After his arrest, M. confessed his crimes to her, crimes she knew nothing about.”

K.’s ex-wife told the court that “I have known the defendant since childhood. We went to school together in Russia. We immigrated to Israel together. He is a very supportive and attentive father to our daughter, and even after we split up he helped us out financially and in any other way he could. He has been at her side for every important event in her life. He even arranged her Bat Mitzvah last year.”

The wife of **Shmuelov** came to court to testify to the difficult life her husband had led even before he was convicted of trafficking, and told the court: “He is a wonderful human being, a good father, the children love him, despite all the difficulties he has had in his life.”¹¹¹

In one case, probation services report described how the legal proceedings against a trafficker opened the eyes of the wife and allowed her to reexamine the relationship and to consider taking steps which would probably not have occurred to her beforehand:

She is a housewife. Based on **A.**’s testimony and that of his family members, it would seem that for a long period of time he led a double life. On the one hand, he preserved the façade of normative functioning within his family, making extensive use of lying and deceiving. On the other hand, he led a marginal life as a pimp for prostitution, maintaining

¹¹¹ CF (Tel Aviv) 1158/01 *State of Israel vs. Shmuelov* (sentence date January 16, 2002).

contact with marginal society, and having an intimate relationship with one of the women he owned. From speaking with his wife, we are under the impression that she is a somewhat dependent individual. However, we were also under the impression that today, unlike our impression of her during her husband's detention, she is drawing upon reserves of strength to cope with her situation and her life. Today, she is thinking about breaking up the relationship. She expresses a great deal of anger towards A. and his involvement in the crime that has resulted in this criminal case.

Nonetheless, A.'s wife was present at the court hearings, and at the sentencing stage asked the court for leniency.

Children

41.9% of the traffickers who were fathers had one child; 27.9% had two; 18.2% had three; 10.7% had four; and one trafficker of women had six.¹¹²

In addition, the wives of three traffickers were pregnant at the time that their domestic partners were engaged in trafficking. In some of the cases, the children were partners in the trafficking business; **Jackie Yizdie** worked at the Tropicana brothel together with his son Golan; over the years, the brothel housed hundreds of trafficking victims. He had another son with one of the women in the brothel.¹¹³ **David** and **Yehuda Bonofil**, father and son, trafficked in women together.¹¹⁴ **Isak Argenter** brought a trafficking victim to his daughter's home; she, in turn, gave the woman

¹¹² Of all the traffickers who are part of this study, data regarding children were available for 93 of them.

¹¹³ The information about Yizdie was gathered in interviews that volunteers with the Hotline for Migrant Workers did with various trafficking victims between 2000 and 2003.

¹¹⁴ CF (Tel Aviv) 1151/03 *State of Israel vs. Bonofil et al* (sentence from January 20, 2003).

old clothes and told her that she would be living at the family's home in Netanya. To the best of our knowledge, no legal steps were taken against the daughter, and these facts were mentioned only in passing in the legal proceedings against her parents.¹¹⁵ And so on.

Sometimes, the traffickers are couples raising young children, and their attorneys try to use this to release at least one partner, claiming that prolonged detention might cause the children great harm, and leave them without adequate care.¹¹⁶ In proceedings about extending her remand, **Diana Kramer** claimed that she was still breastfeeding her infant, and should therefore be set free.¹¹⁷ Similar claims have been made in cases involving single mothers.¹¹⁸

The subject of the children never fails to come up during the sentencing phase. Some of the sex traffickers latched onto their children as if grasping the horns of the altar, and tried to ask for the court's mercy on the grounds that a prolonged prison sentence would hurt the children.

¹¹⁵ SCF (Tel Aviv) 1085/03 *State of Israel vs. Argenter* (sentence from November 20, 2003).

¹¹⁶ See, e.g., VR (Beer Sheva) 22753/02 *State of Israel vs. Krakavy et al* (decision from December 5, 2002). “*The respondent and her husband – respondent number one – have two young children who have been staying with various relatives since their parents’ arrest. The detention of both the mother and the father is liable to cause very grave damage to their two young children.*” VCR 5163/03 *Argenter vs. State of Israel* (decision from June 16, 2003). “*During a hearing before the district court, the claim was made that the defendants’ arrest had left their five year old daughter without real care and supervision. I am afraid that this issue – the fate of the minor child – was not adequately examined by the lower court. Therefore, with the agreement of the parties, the Probationary Services and/or Social Services are hereby requested to check the situation of the minor child with the greatest urgency.*”

¹¹⁷ VR(Haifa) 4808/04 *Kramer vs. State of Israel* (decision from June 10, 2004).

¹¹⁸ Vide, e.g., SCF (Tel Aviv) 1055/05 *State of Israel vs. Katz et al* (sentence from July 17, 2006); CF (Tel Aviv) 1182/03 *State of Israel vs. Jane Doe* (sentence from April 7, 2005).

Rafik Ashorov's claim was that he had two children in boarding school who need him, and that his domestic partner is pregnant¹¹⁹ whereas **Nathan Farfel**'s son suffers from mental retardation,¹²⁰ and **Moshe Yitzhak**'s son from cerebral palsy.¹²¹

Other Patterns of Cooperation in Trafficking Within the Family

There are other patterns of cooperation between family members over the issue of trafficking in women: **Yoram** and **Reuven Salomon**, brothers, trafficked for prostitution with their cousin **Shahar Feigenbaum**.¹²² While Reuven Salomon's wife was busy recruiting women in the CIS; **Hagai** and **Avraham Mamman**, brothers, were business partners in trafficking.¹²³ The extended Giladi family – the divorced parents **Gila** and **Yoel Giladi**, their son **Tal Giladi** and his wife **Olena Kozmenkova** jointly managed a brothel called Nikita, where victims of traffickers were held, at least one of whom was a minor.¹²⁴

¹¹⁹ CF (Tel Aviv) 1169/04 *State of Israel vs. Ashorov* (sentence from May 9, 2005).

¹²⁰ VCR 9759/03 *State of Israel vs. Farfel* (decision from November 6, 2003).

¹²¹ CF (Jerusalem) 5086/02 *State of Israel vs. Yitzhak et al* (sentence from November 30, 2003).

¹²² CF (Tel Aviv) 1152/02 *State of Israel vs. Salomon* (judgment from March 3, 2004).

¹²³ SCF (Beer Sheva) 959/04 *State of Israel vs. Normatov et al* (judgment from September 18, 2007).

¹²⁴ VR(Tel Aviv) 91283/02 *State of Israel vs. Giladi* (decision from June 26, 2002). According to the testimony of the mother, Gila Giladi, her function in managing the brothel had been central, or, as she put it, "she was the one who made the decisions." At the end of the proceedings, because of evidentiary difficulties, as happen so frequently in trafficking cases, the case ended with a lenient plea bargain.

In some of the countries of origin, and especially in Ukraine, there is a specific pattern of mother-and-daughter trafficking. In many cases, the daughter, usually a trafficking victim, returns to the cycle of trafficking as a trafficker, or a “queen.” She cooperates with her mother in recruiting additional women. The daughter returns to the destination country where she is already familiar with the relevant parties in the sex industry. In the destination country she reports to the pimp on rules infractions by other women and she often displays greater violence towards them than the pimp himself.¹²⁵ Her mother remains in the country of origin, recruiting women, who are sent to the daughter. The mother makes all the necessary arrangements for the flight: tickets, passports, etc.¹²⁶ A study done on this subject in Ukraine revealed that the mothers were usually aged 42-57, unemployed except for their criminal activities, and with no more than a high school education. The daughters were usually 20-25 years old, and had a child aged 2-5 who would remain in the country of origin under the supervision of his trafficker grandmother. Criminal networks take a positive view of this type of mother-daughter activity because it ensures close cooperation, secrecy, flexibility and the efficiency so necessary to any merchandizing network.

In Israel, this kind of cooperation happened in at least in two cases which resulted in indictments against the daughter, but not the mother. **Yulia Shomrenko Weicherman**, a Ukrainian citizen, came to Israel, and worked with her mother to recruit Ukrainian women for prostitution in

¹²⁵ Ibid., p. 23.

¹²⁶ For more on this pattern, see Sergey Krivosheev, Vitaliy Kuts, Vasilii Sobolev, *Review of the Mechanisms, Means and Law Enforcement Response to Trafficking in Persons in Ukraine*, IOM, 2001, pp 22-23.

Israel. During this period, she was living as the domestic partner of an Israeli citizen, and, as stated previously, he was later convicted of running a criminal organization, a charge of which Yulia was acquitted.¹²⁷ In the second case, **Marianna Poliakova**, also a Ukrainian national, operated in a similar manner: she lived in Israel with her Israeli companion, Hani Zegayer, and together with him operated a brothel that held trafficking victims. Her mother would recruit the women for them.¹²⁸

“This is a normative guy from a normative family”: What They Did Prior to Trafficking

As noted at the beginning of this study, traffickers in women are not necessarily career criminals for whom criminality is a way of life. Close to half of them come from completely normative backgrounds, had normal jobs, and did not have any prior criminal record (47.3%). A quarter of them had some kind of criminal background (26.7%), and a quarter had criminal records involving prostitution and trafficking in women, or additional and similar court cases pending against them (25.8%).¹²⁹ Traffickers in women are not necessarily serial criminals for whom crime is their main or only occupation.

Traffickers in Women with Normative Backgrounds

Ninety nine of the traffickers studied did not have a known criminal past and were employed in normative occupations before joining the world of

¹²⁷ VR (Jerusalem) 7033/04 *State of Israel vs. Bosolowitz* (decision from December 1, 2004).

¹²⁸ VR (Beer Sheva) 21830/02 *State of Israel vs. Zegayer et al* (decision from August 25, 2002).

¹²⁹ Of 209 traffickers about whom data were available on this topic.

trafficking. **Felix Aldenko** ran a candy shop at the Opera House;¹³⁰ **Boris Shimishiashvili** was a cab driver;¹³¹ **Shlomo Shmuelov** worked in the food service industry for El Al at Ben-Gurion International Airport;¹³² **Markiel Mirzokandov** worked as a trainer in a gym;¹³³ and other similar cases were found. Some of them tried to end their involvement in trafficking before being apprehended by police: **Yann Normatov** was arrested just as he was about to start a course for bank tellers at Bank Hapoalim in Shfayim;¹³⁴ **Sofia Kotchik** returned to her former job taking care of the elderly;¹³⁵ and many more similar examples were found.

A Criminal Past

The police officers interviewed by us were of varying opinions regarding the criminal past of the traffickers. There were those who claimed that most traffickers had no criminal past, others claimed that the traffickers engaged in crime primarily in their homelands but also in Israel, and yet others claimed that there was a lot of intelligence available regarding some of them, but that in practice they were clean of prior convictions or have been convicted only of lesser charges. It is probable that these differences are the result of the vast human variety represented by the traffickers. Nonetheless, it would seem that the higher ranking the

¹³⁰ VCR (Jerusalem) 1991/04 *Ilitzenko vs. State of Israel* (decision from March 9, 2004).

¹³¹ CF (Tel Aviv) 1012/04 *State of Israel vs. Shimishiashvili* (sentence from November 10, 2005).

¹³² SCF (Tel Aviv) 1158/01 *State of Israel vs. Shmuelov* (sentence from January 16, 2002).

¹³³ CF (Beer Sheva) 992/04 *State of Israel vs. Mirzokandov* (sentence from February 15, 2005).

¹³⁴ Interview with Superintendent Moran Yudelewitz from September 6, 2007.

¹³⁵ SCF (Tel Aviv) 1148/03 *State of Israel vs. Yermalyev et al* (sentence from June 8, 2004).

trafficker was within the criminal organization, the higher the probability that he had a criminal past, though not necessarily a criminal record. That is to say, there was a lot of information available to the police about him, but he had not come before the courts. By contrast, cashiers, drivers and guards often came from completely normative backgrounds.

Thus, for example, **Mark Guyman**, whom the police, upon his arrest, characterized as “one of the heads of organized crimes in the field of trafficking in women in Israel,”¹³⁶ had no criminal record at the time of his arrest for trafficking. However, several years prior, he was involved in a case where he was found carrying a Japanese knife.¹³⁷ By contrast, **Mordechai Reuvenov** had a long history of pimping and trafficking already under his belt, and the court noted that it was clear that the individual in question had chosen crime as a way of life:

The matter before us concerns an appellant who first became familiar with criminal proceedings in 1991 when he was found to have maintained an establishment for the purposes of prostitution. In that case, the court took a lenient stance in terms of punishment. However, that punishment seems to have left no mark on the appellant, as on three separate occasions in 1996 he was found to be involved in the very same types of crimes. When this occurred again in 2001 and 2002, the court had no choice but to sentence the appellant to a long prison term. If further proof were necessary that the appellant views prostitution and trafficking in women as a way of life and a way to make a living, the fact that he went back to his old ways just a few days after having been acquitted by the District Court on the current matter is instructive. This time, he was sentenced to 12 years in prison. What we learn from all of this is that we are dealing

¹³⁶ The Israel Police website, published on May 19, 2002.

¹³⁷ CF (Ashdod) 2312/00 *State of Israel vs. Guyman* (unpublished).

with an individual who, long ago, made a conscious decision to rake in a fortune by committing criminal acts.¹³⁸

“He’s in terrible health”: Mental and Physical State

Health

Thirty eight traffickers used health to buttress their statements during the sentencing phase of the trial. Twenty eight of them spoke of their own health, eight about the health of a family member, and in two cases claims were made both about the trafficker and a member of his family. The claims regarding the traffickers themselves varied: Edward Kunin suffered from advanced muscular dystrophy, an incurable disease and he stated that imprisonment would be difficult both for him and for the Prison Authority.¹³⁹ Victor Shulkin was ill with both diabetes and hepatitis.¹⁴⁰ Igor Katz had psoriasis, arthritis and high blood sugar and his psoriasis deteriorated during his detention, as he had difficulty getting appropriate treatment.¹⁴¹ Reuven Rabee’ee had had his gall bladder surgically removed before his arrest.¹⁴² Lior Kessler was found to have a tumor on his left lung, and he began to receive radiation treatments.¹⁴³

¹³⁸ Criminal Appeal 735/05 *Reuvenov vs. State of Israel* (verdict from June 13, 2007).

¹³⁹ Criminal Appeal 4444/06 *Kunin vs. State of Israel* (decision from August 10, 2006).

¹⁴⁰ SCF (Tel Aviv) 1055/05 *State of Israel vs. Katz et al* (sentence from July 17, 2006).

¹⁴¹ CF (Tel Aviv) 1030/05 *State of Israel vs. Katz* (sentence from January 30, 2006).

¹⁴² VCR 291/01 *Rabee’ee vs. State of Israel* (decision from January 22, 2001).

¹⁴³ VCR 2315/99 *State of Israel vs. Kessler* (decision from January 6, 2000).

Regarding Sascha Bayigson the court simply and laconically stated that “he is in terrible health.”¹⁴⁴

Mental State

A small number of traffickers used their mental state to explain how they ended up in the world of trafficking. So, for instance, **Avraham Benoliel** had been in therapy for a number of years before trafficking, and had been discharged from the army for mental health reasons.¹⁴⁵ **Hayimov Bechor** was a paranoid schizophrenic who had been hospitalized three times and was therefore eligible for benefits from the National Insurance Institute of Israel.¹⁴⁶

In other instances, the detention and the legal proceedings created mental difficulties for the traffickers. In the matter of **Tal Zohar**, his attorney claimed that “the defendant cannot survive being detained, he is not capable of functioning under harassment and he doesn’t sleep at night because he is constantly crying. In fact, during his detention, he has completely lost his human image.”¹⁴⁷ The female trafficker **S.** is described by the by the Probationary Services report as follows

Our impression is that because of her involvement in these legal proceedings, her mental state is not good. According to

¹⁴⁴ CF (Tel Aviv) 1216/04 *State of Israel vs. Ro’eemee et al* (sentence from June 16, 2005).

¹⁴⁵ CF (Tel Aviv) 6889/95 *State of Israel vs. Benoliel* (sentence from October 13, 1996). According to arguments made by his attorney, the defendants parents sold their apartment in order to finance psychiatric treatment for him, and therefore, when he needed dental work, he preferred to traffic in women rather than ask them for help to pay for it.

¹⁴⁶ SCF (Tel Aviv) 1060/02 *State of Israel vs. Ilinsky* (sentence from July 21, 2002).

¹⁴⁷ SCF (Tel Aviv) 1084/03 *State of Israel vs. Zohar* (sentence from November 4, 2004).

her, because of deep feelings of shame and anxiety about her reputation, she shuts herself up at home. She finds it difficult to leave home for work, she doesn't sleep at night and she has no appetite. During our meetings with her, we took noted serious emotional distress, and referred her to a psychiatrist for treatment. At present, she is on anti-anxiety medication and under psychiatric supervision.

At the same time, defendants would make use of spurious claims concerning their mental health in order to delay court hearings as much as possible. In such a manner, one sex trafficker managed to fool an entire psychiatric team from a mental health facility in the south of Israel. In an expert opinion requested by the court, the team submitted the following about him:

He has not worked for the last number of years. Likewise, there has been regression in terms of his interactions with other people: he has lost almost all social contacts, and he is not in touch with his ex-wife or children. He states that for the past four or five years, he has been hearing a voice that gives him advice and talks to him. Under the influence of this voice, he has twice attempted to put an end to his life. A few days before being admitted, he stopped sleeping at night, and his mood plummeted. He sought help and was hospitalized at this facility.... He seems sad and deeply absorbed in thought. At times, he seems to be suffering from hallucinations. He has shared with us delusional thoughts concerning outside influences, occasionally has mentioned self-destructive contents. He does not demonstrate insight into his own condition. His powers of judgment are impaired... In his current state, he is not able to stand trial because he is suffering from active psychosis... In our estimate, his judgment was severely impaired when he committed the crime. He has been cynically manipulated and

exploited by criminal elements and he is not responsible for the act with which he is charged.¹⁴⁸

However, in an opinion submitted one month later, the tone was quite different:

After we received the video-taped material of his interrogation, the whole team was in shock: we saw a completely sane human being, measured and calm, who displayed no signs of mental illness. There were no impairments of affect, behavior, thought or self-control, impairments that must be present in a patient suffering from a prolonged schizophrenic process. All treatment was immediately halted, except for Benzodiaphine to which he has been addicted for many years. In order to remove any doubts from our minds, he was given psychological testing (attached to this opinion) which also indicates intentional masquerading. He was released from the ward after an additional period of observation during which he showed no signs of mental illness. He is responsible for his actions, and is fit to stand trial.¹⁴⁹

That defendant fled Israel before being sentenced, and, to the best of our knowledge, has not been located to date. **Mordechai Reuvenov** tried a similar strategy: he claimed that he had been attacked with an axe during the trial and lost his memory and therefore could not assist in providing effective counsel for himself. A neurologist from Hadassah Hospital in Jerusalem, appointed by the court as an expert witness to test the defendant's memory, claimed that the defendant could, in fact, assist in his own counsel.¹⁵⁰ **Dan Tabib** checked himself into Psychiatric Ward B at Tel Hashomer Hospital outside Tel Aviv, but at the same time was

¹⁴⁸ Expert opinion from March 1, 2004, regarding the trafficker **Z**.

¹⁴⁹ Expert opinion from March 30, 2004, regarding the trafficker **Z**, *ibid*.

¹⁵⁰ CF (Magistrate–Tel Aviv) 926/96 *State of Israel vs. Reuvenov* (judgment from November 21, 2002).

busy obstructing the course of justice and tried to smuggle complainants scheduled to testify against him out of the country.¹⁵¹

“I’ve never heard of a prostitute who doesn’t want to”: The Traffickers’ Attitude to Women

The attitude of sex traffickers towards women was measured using two primary criteria: firstly, their attitude to the survivors in the course of the trafficking in the event that there was direct contact between them, and, secondly, their attitude towards the crime they committed as this was expressed particularly in the expert opinion provided by the Probationary Services.

Attitude Towards Survivors While Trafficking

Traffickers in women are not always in direct contact with their victims. Often, there are several layers of intermediaries between the two parties. When there is direct contact between the trafficker and his victim, a wide range of behaviors is possible. It would seem more difficult in this than in any other aspect addressed by this position paper to find threads common to all the traffickers. **Peter Sobolov** raped a trafficking victim and forced her to have sexual relations with his son.¹⁵² **Dov Avraham** used to beat the women with a rod and a wooden stick, and with a Hebrew-Russian dictionary, because they weren’t learning Hebrew quickly enough.¹⁵³ By contrast, there were traffickers of another sort: **Felix Aldenko** used to

¹⁵¹ VR (Tel Aviv) 91712/06 *State of Israel vs. Tibbet* (decision from May 29, 2006).

¹⁵² CF (Beer Sheva) 902/01 *State of Israel vs. Sobolov et al* (sentence from August 2, 2001).

¹⁵³ VCR 8458/04 *Avraham vs. State of Israel* (decision from September 22, 2004).

come to the women's birthday parties and chip in to buy them presents.¹⁵⁴ **Mordechai Dan** demanded his victims' silence should they be arrested, and, in return, he would bring their passports to prison. He also remembered to bring them yogurt and cigarettes.¹⁵⁵ **Tal Zohar** would take the women in his possession to restaurants with his friends.

Traffickers rape their victims, sometimes almost distractedly, portraying the rape as consensual relations, a kind of "entrance exam" or "prostitution tutorial." When the prosecutor asked **Alexander Makayesky** if he had sodomized the complainant, while using force against her, he answered, "I've never heard of a prostitute who doesn't want to."¹⁵⁶ **Semyon Dushker** claimed that he and his victims had "small love affairs," and he went on to specify: "And I say, 'Why not?' I set the table, and put out some champagne. It was a little love affair, and everyone got it."¹⁵⁷ **Sascha Malokandov**, who was charged with trafficking and rape, said to his victim when they were confronted: "We made love."¹⁵⁸

The women, too, because of ignorance of local law and their apprehension to stand up for their own rights, do not view these sexual relations as rape. A police officer, testifying before the Parliamentary

¹⁵⁴ VR (Jerusalem) 4593/03 *State of Israel vs. Aldenko* (decision from July 16, 2003).

¹⁵⁵ SCF (Tel Aviv) 1141/04 *State of Israel vs. Ofer* (judgment from October 3, 2006).

¹⁵⁶ CF (Beer Sheva) 904/03 *State of Israel vs. Zaletzky* (judgment from December 5, 2004).

¹⁵⁷ CF (Beer Sheva) 910/02 *State of Israel vs. Dushker*, p. 89 of the protocols.

¹⁵⁸ CF (Tel Aviv) 1075/03 *State of Israel vs. Malokandov* (judgment from July 22, 2004).

Committee on Trafficking in Women, presented the problematic nature of the victims' perception rape as follows:

The girl says to me: "It's not rape. I'm like his car, don't you see? He's just bought me, he does what he wants, he puts the key in and drives off. It's the same thing." This is how they see it. This is their view of the world.¹⁵⁹

Additionally, the definition of the crime of rape in this context is often a matter of dispute among police officers, prosecutors, traffickers and their attorneys. One of the policemen interviewed stated that all cases investigated as trafficking must also be examined for evidence of rape:

In 100% of the cases they [the suspects of trafficking] were interrogated [about rape]. That is a fact. It's unpleasant to say it, but you know how they checked the women out. They were all interrogated because this is how they tested the merchandise, which means that they all committed rape. Mark Guyman, for example, used the same method, and that's how we caught on to him: he'd put on a videotape showing people having sex with animals, and then he'd rape the women. There were a lot of women who told us the same story without knowing his name, and that's how we caught him. At the level of the indictment, rape is included in about 30% of the cases. The attorney's office usually waives these charges. Their attitude to the victim is that of "whore" and that's the way it looks, because if she's a whore then it's OK to rape her. She's not seen as the victim of a crime. Even women [in the attorney's office], and I say this regretfully, treated them that way, and it's even more painful when it's coming from a woman.¹⁶⁰

The problem is that in many cases the crime of rape is not included in the trafficker's indictment even though the facts point clearly to the crime

¹⁵⁹ Protocols of the session of the Parliamentary Investigating Committee of June 19, 2002.

¹⁶⁰ Interview with Superintendent Eli Kaplan of August 13, 2007.

having occurred.¹⁶¹ In other cases it is removed when the sides strike a plea bargain. Fifty three traffickers were presented with indictments that included raping the trafficking victims. Of these cases, 28 ended in a plea bargain, but in only four cases did the charge of rape stand: in 18 cases, the crime of rape was erased, and in six other cases it was changed to unlawful consensual sexual relations.

Attitude to Their Crime

The great majority of traffickers expressed remorse for the crimes they had committed, but found it difficult to empathize with their victims, and sometime even viewed themselves as victims of circumstance. Regarding trafficker **A.**, the Probationary Services had this to say:

In the cognitive realm, distorted patterns of thought are readily apparent. These minimize the significance of the exploitation that is intrinsic to his occupation as pimp and the extent of the damage he caused to the women he owned. In the emotional realm, the difficulty of expressing empathy towards certain figures in his life and towards the women who worked for him as prostitutes is evident... He has taken responsibility only for running an escort service, and has difficulty assuming responsibility for the range of activities, especially the charges of trafficking in women... His difficulty in empathizing with the victims was obvious.¹⁶²

¹⁶¹ Thus, for example, in the matter of Hanan Rintowitz, the court noted that “in honor of Tatiana’s birthday, respondent number two gave himself a present: when he came to her that day, he had sexual relations with her, without asking her what she wanted, as if she were his inanimate object.” Nonetheless, the indictment included only charges of trafficking, pimping, and extortion with intimidation. VR(Tel Aviv) 92946/02 *State of Israel vs. Tal* (decision from January 23, 2003).

¹⁶² CF (Tel Aviv) 1013/04 *State of Israel vs. Rafielov* (sentence from December 27, 2004).

The women, too, receive similar opinions from the Probationary Services. This is what was written in the matter of Jane Doe:

She had difficulty taking responsibility for her actions and to recognize the seriousness [of her crime]. Her attitude reflected an instrumental approach, focusing on her own needs. She said that, in retrospect, she understands the legal significance of the crime, but in our opinion this is only a recognition of the external limits of familiar behavior without any internalization. In our conversation with her, there was no emotional reference made to the crime and its implications. She did not express a desire or a need for a process of self-examination... She did not succeed in relating to her own responsibility for the crimes in any way, or in understanding the gravity of her behavior.¹⁶³

“They would sell their own mother for money”: The Economic Situation of the Traffickers in Women

Virtually all of the traffickers engage in the crime for financial reasons: some are interested in growing rich while others are struggling to make a living and are looking to provide the bare minimum for the sake of their families.

Even though people tend to think that traffickers in women are making a fortune, this is not always true. Some don't properly estimate management expenses of running this kind of illegal operation; others are quick to spend the money they have made or themselves become victims of extortionists who demand protection money. Then there are the unlucky ones who are arrested before their business has had a chance to show a profit. This chapter deals with the economic situation of

¹⁶³ CF (Tel Aviv) 1182/03 *State of Israel vs. Jane Doe* (sentence from April 7, 2005).

traffickers before they began trafficking, the economic hardships they encountered while trafficking and their economic situation following trafficking.

The Economic Situation of Traffickers Prior to Trafficking

As noted above, many traffickers were occupied in normative jobs before entering the world of trafficking. Some of them indicated bankruptcy as the reason they started trafficking, while others never found steady jobs prior to arriving in Israel. **Semyon Dushker** worked as a driver on an ice cream distribution route, and then at a Paz gas station until “new owners showed up who got rid of all the shift workers.”¹⁶⁴ **Alexander Makayevsky** suffered serious financial losses because of debts incurred by the furniture company he owned.¹⁶⁵ **Maxim Kabanov** complained that when Israel was flooded with foreign workers in 2000, he could not cope with the competition in the construction business, so he opened a pub which subsequently closed and left him deep in debt.¹⁶⁶ **Victor Shulkin** had a deli that became mired in debt¹⁶⁷ while **Abba Mordechai** started to traffic in women when his croissant café at the Negev Mall in Beer Sheva closed.¹⁶⁸ **Shimon Biton** worked as a peddler at itinerant bazaars, selling

¹⁶⁴ The protocol of the interrogation of Semyon Drushker in CF (Beer Sheva) 910/02 *State of Israel vs. Dushker* (interrogation from September 30, 2002), p. 81 of protocol.

¹⁶⁵ A document attesting to this was submitted by Makayevsky’s accountant to the court in the sentencing phase of his trial in CF (Beer Sheva) 904/03 *State of Israel vs. Zaletsky et al* (sentence from February 1, 2005).

¹⁶⁶ CF (Beer Sheva) 987/04 *State of Israel vs. Kabanov*, protocol dated November 15, 2004.

¹⁶⁷ CF (Tel Aviv) 1055/05 *State of Israel vs. Katz* (sentence from July 17, 2006).

¹⁶⁸ CF (Beer Sheva) 1000/03 *State of Israel vs. Abba et al* (sentence from July 12, 2004, for defendant number one).

fruits, vegetables and flowers¹⁶⁹ and **Alexander Shreifer** was the business manager of a company employing many engineers and support staff.¹⁷⁰ **Mordechai Reuvenov** was once a policeman.¹⁷¹ According to their sentencing statement, **Sergei** and **Irena Shechtman** “when they came to Israel, worked at various jobs, including cleaning. They wanted their children to have an excellent education, complete with piano lessons, and they racked up large debts buying the women with loans which they have not yet paid off”¹⁷² These are just a few of many similar situations.

“I didn’t do the arithmetic right”: The Economic Difficulties During Trafficking

Traffickers in women in the destination countries are liable for expenses not incurred by traffickers in the countries of origin or transit. Except for the traffickers who limit themselves to importing women and selling them to others, those who run brothels encounter quite a few expenses. This is how one trafficker, appearing before the Parliament, described it:

You have to understand that the brothel owner also has significant expenses in order to keep the business going. People here are not aware that someone who maintains an apartment which also functions as a brothel is spending about 40,000 NIS a month on advertising. If the owner of the apartment knows that a brothel is being run out of the apartment, then for the apartment which would normally

¹⁶⁹ VR (Beer Sheva) 20702/01 *Biton vs. State of Israel* (decision from April 24, 2001).

¹⁷⁰ VR (Haifa) 4299/01 *State of Israel vs. Shreifer* (sentence from October 14, 2001).

¹⁷¹ SCF (Tel Aviv) 1241/02 *State of Israel vs. Reuvenov* (sentence from January 18, 2004).

¹⁷² CF (Tel Aviv) 1097/01 *Shechtman et al* (sentence from October 18, 2001).

bring in \$500 or \$600, he will ask \$5,000, because he's taking advantage of the situation. They also have municipal taxes and electricity bills like everyone else, and in order to make any money, they have to get themselves to the point where they're making a profit.¹⁷³

Another trafficker complained about his many expenses, and also about the hypocritical attitude of the authorities to his business:

I have expenses. I didn't do the arithmetic right. I'm left with about 1,000 NIS per day. Out of this I have to pay rent, municipal taxes and water. I'm accused of running a [massage] parlor and that's illegal. If it's illegal, why does the municipality collect taxes from me? And talk about taxes! Between 3,500 and 4,500 NIS every two months. It says right there that it's a [massage] parlor, it doesn't say that it's a synagogue. So it's OK with the municipality, but it's not OK with the police?¹⁷⁴

In addition to the expenses of managing and operating the brothel which the traffickers have no compunctions talking about openly, there are other expenses as well: the traffickers who import the women often encounter difficulties in selling their human merchandise and are often forced to sell

¹⁷³ Protocol of the Parliamentary Committee Investigating Trafficking in Women from July 29, 2003, p. 5.

¹⁷⁴ Protocol of the Parliamentary Committee Investigating Trafficking in Women from June 16, 2002, p. 11. However, until he arrived to testify before the committee, he had indicated that addiction was his main reason for continuing to traffic, alongside the economic consideration: "*I'm not in the escort business any longer. I'd like to say that, from a personal point of view, whoever has been in the business has a very, very hard time leaving it. It's been said that it's a kind of addiction, because after you've been in this business no normal job gets your adrenalin flowing like this one, not to mention the amount of money you can make in this business if you're successful. Though, lots of people don't make money in the business, and run up terrible debts.*" (Protocol of Parliamentary Investigating Committee from July 29, 2003, p. 8.)

at prices lower than expected.¹⁷⁵ Sometimes, the women are harmed in the desert by Bedouins, or are arrested either by the Egyptian or Israeli police, and the investment made in them, amounting to tens of thousands of dollars, suddenly goes down the drain.

The traffickers who purchase the women and operate the brothels incur many other expenses. In addition to having to pay for electricity, water, municipal taxes and advertising, they also run an entire network of employees, including cashiers who collect the money from the clients, security personnel who keep undesirable elements out, drivers who ferry women to clients' homes and sometimes even people to construct clever hideaways. In one case, a group of traffickers brought a Moldavian citizen, Adrian Tchobany, to Israel especially to build hidden compartments for the women behind the brothel walls.¹⁷⁶ Traffickers have to pay for birth control (though the majority collect the cost from the women) and pay off policemen to warn of upcoming raids.¹⁷⁷ Women

¹⁷⁵ See the difficulties selling the women encountered by the defendants in the Normatov case: SCF (Beer Sheva) 959/04 *State of Israel vs. Normatov et al* (judgment from September 18, 2006).

¹⁷⁶ CF (Tel Aviv) 40067/06 *State of Israel vs. Tchobany* (sentence from September 17, 2006). Still, it would seem that Tchobany himself, in working for the traffickers, was also a trafficking victim, and the court took this into consideration during the sentencing phase.

¹⁷⁷ From the testimony of women who were victims of trafficking we hear, time and again, that their traffickers often knew when the next police raid was happening, and would hide the women in another location a day before the scheduled raid. The Internal Affairs Division of the police has, to this day, failed to cope with this phenomenon, because of a lack of understanding of the victims' situation. It is unrealistic to expect the women to lodge a complaint with the IAD, and other means must be used. There are only a very few cases in which indictments have been issued against such police officer. See, for example, CF' (Tel Aviv) 40067/07 *State of Israel vs. Zalai* (hearings in the case are still ongoing).

may be abducted by rival traffickers,¹⁷⁸ or become victims of extortion¹⁷⁹ or robbery.¹⁸⁰ Likewise, the traffickers themselves sometimes fall victim to stings:

There are lots of people who lose money. Someone offers a [massage] parlor owner to take four or five girls. The owner takes a bank loan for \$20,000-\$30,000, rents an apartment and hires services. After a couple of hours, the girls disappear, they're gone. Whoever sold him the girls told them that they'd work there for a day or two and then come back to him. So all the money's gone. Go figure out who set you up like that... No one's is going to pull something like that on me. That's not going to happen. But there are a lot of people who go through hell.¹⁸¹

In the final analysis, it seems that the trafficker's job is not a simple one. In addition to the social opprobrium, the job is marred by many other problems. This is the summary of an individual who claimed to be representing a "consortium" of different people in the sex industry interested in regulating it:

Just as in every other industry, there are the successful endeavors and the not-so-successful ones. Many people have the idea is that in order to make money from prostitution all you have to do is to decide to be a shitty human being and

¹⁷⁸ See, for example, VCR 4963/05 *State of Israel vs. Arahipov* (decision from May 29., 2005).

¹⁷⁹ See, e.g., CF (Tel Aviv) 4268/05 *State of Israel vs. Shweger* (judgment from June 18, 2006).

¹⁸⁰ See, e.g., CF (Tel Aviv) 1077/02 *State of Israel vs. Suliman et al* (judgment from January 7, 2004).

¹⁸¹ Protocol of the Parliamentary Committee Investigating Trafficking in Women dated June 18, 2002. Still, it should be noted that, in some cases, the woman comes with a "warranty." Thus, for example, in the matter of Burstein: one of the defendants said that "they should check really carefully if the girl ran away, and if it's true, he'd give all the money back because she came with a one-month warranty." VR (Haifa) 4893/02 *State of Israel vs. Burstein* (decision from November 27, 2002).

then the millions come rolling in. That's a far cry from reality. It's a complicated business. To create a good brothel is a lot harder than creating a good bakery. First of all, you're working with people, and working with people is always tough, plus it's illegal. Beyond the fact that you're liable to be hounded by the authorities, there are also criminal elements and dealing with them is tricky and complicated.¹⁸²

Furthermore, to a large extent they feel the need to show off their newly acquired riches, and to waste large sums on goods and services they could not afford beforehand. This is how one police officer described the financial situation of traffickers:

What's the economic situation of the defendants like? Mid to high. You don't have to feel sorry for them. They were living at the level of two cars, a nicely kept up home. But the deal was that they'd put money into a marble floor, for example, but the home would be in a not-so-great neighborhood, like Holon. It's a question of mentality. A minority were rich, specifically the Israeli ones, in fact. They blew a lot of money. When money comes in so easily without working, you also let go of lots of it without any second thoughts. In photo albums we confiscated during arrests, you always see them with girls at exclusive restaurants, blowing thousands of shekels. Not on an apartment or a trip abroad, but on physical and material stuff like food, massages and spas.¹⁸³

Another police officer responded as follows:

What's the economic situation of the defendants like? Totally normal. I never saw anyone richer than normal, and I never saw anyone poorer than normal. Normal people. I never saw anyone who owned a villa with a pool, or even just a villa. All of them live in normal apartments in normal

¹⁸² Parliamentary Investigating Committee dated June 18, 2002.

¹⁸³ Interview with Superintendent Eli Kaplan dated August 13, 2007.

apartment buildings. There's a lot of money rolling around, but they don't really have anything to show for it. Easy comes – easy goes. There was one trafficker who drove a Mercedes, but then he started using drugs, and the money went fast.¹⁸⁴

Their Situation After Trafficking

During the sentencing phase of their trials, virtually all of the traffickers claimed to be in dire financial straits, and based their pleas for leniency on this claim. For example, in the matter of **Anatoly Semanchuk**, the Probationary Services noted in the expert opinion they presented before the court that the defendant arrived at his interview on foot because he couldn't afford to pay for the ride, and it was apparent that he was hungry.¹⁸⁵ Prolonged detention usually makes their financial situation worse, because they're not working¹⁸⁶ and because of attorneys' fees. In some of the cases, one cannot help but compare the traffickers to the fox in Aesop's fable: they enter the vineyard hungry and leave it hungry.

The financial situation of traffickers often contributes to the fact that frequently the courts do not issue a verdict of legal redress for the victims, or set it at very low sums. Often, the women are awarded compensation by the courts which is then not paid by the traffickers. However, it should be noted that traffickers are at times represented in court by first-rate lawyers, not by public defenders, even though they are

¹⁸⁴ Interview with Superintendent Shuki Baleli dated August 13, 2007.

¹⁸⁵ CF (Haifa) 3091/04 *State of Israel vs. Semanchuk* (sentence from February 9, 2005).

¹⁸⁶ When it comes to trafficking, the rule is remand until trial; the exception is being freed on bail.

eligible for representation.¹⁸⁷ We are left wondering: if the traffickers can afford the fees of such well-reputed attorneys, why can't they afford the compensation awarded to their victims?

¹⁸⁷ According to the 5756-1995 Statute on Public Defenders, Section 18(a)(1), "a defendant or someone suspected of committing a crime who meets the criteria of Section 15(a)(1) through (6) of the Statute on Criminal Justice" is eligible for representation. In the case of traffickers, they are suspected of a crime that carries a prison sentence of ten or more years.

Additional Data

Military Service

Given the significant number of natives from the former Soviet Union among the traffickers, and the fact that many of them arrived in Israel after the age of military service, there is very little data on the topic of military service by traffickers. Nonetheless, in twenty cases, military service was brought up in the sentencing phase, whether in a positive light by the defense attorneys, to stress their clients' normative and law-abiding behaviors, or in a negative light by the prosecution, to note the traffickers' criminal behavior during their military service.

The first group, traffickers who did regular army service, consisted of 14 people. Two traffickers served in the Russian army and nine served full military service in the Israel Defense Forces. For some of them it was noted that "they fought in all of Israel's wars."¹⁸⁸ Three of them were disabled veterans: **Shahar Feigenbaum** served in the Haruv Elite Commando Unit, was wounded, and recognized as an IDF invalid;¹⁸⁹ **Yitzhak Ofer** suffered a 37% disability as a result of being wounded during his military service;¹⁹⁰ and **Yann Normatov** complained that his

¹⁸⁸ See, e.g., the claims during the sentencing phase in the matter of Mordechai Dan and Kumrieh Yehoshua in SCF (Tel Aviv) 1141/04 *State of Israel vs. Ofer et al* (sentence from November 8, 2006).

¹⁸⁹ CF (Tel Aviv) 1152/02 *State of Israel vs. Salomon et al* (judgment from March 3, 2004).

¹⁹⁰ SCF (Tel Aviv) 1141/04 *State of Israel vs. Ofer et al* (sentence from November 8, 2006).

detention was interfering with his receiving the treatments he needed as an IDF invalid.¹⁹¹

By contrast, for five others, the military was merely the beginning or continuation of a problematic way of life: **Yaniv Azran**, for example, showed violent tendencies during his military service, and even trafficked in women at that time¹⁹² whereas **Golan Kazamel** was court-martialed for desertion, and participated in the uprising of Military Prison No. 6.¹⁹³

Where They Live

About half of the traffickers lived in the center of the country:¹⁹⁴ 11 in Tel Aviv (nine of them in the south of the city), 10 in Bat Yam, eight in Holon, five in Lod, four in Rishon Letzion, two in Netanya, two in Ra'anana and two in Nes Tziona. The others lived throughout Israel.¹⁹⁵ At the sentencing phase, **Mar'ee Attiah** told the judges that he wanted to go back to his village in the Galilee because “nothing good ever happens here.”¹⁹⁶

¹⁹¹ VCR 935/05 *State of Israel vs. Normatov et al* (decision from February 21, 2005).

¹⁹² VR (Haifa) 1207/01 *State of Israel vs. Fadalon et al* (decision from January 31, 2001).

¹⁹³ CF (Beer Sheva) 8113/99 *State of Israel vs. Kazamel* (sentence from July 9, 2000).

¹⁹⁴ Of the traffickers who form part of the study, data on this topic were available for 100 people.

¹⁹⁵ Of the others, 7 lived in Beer Sheva, 4 in Jerusalem, 3 in Ofakim, 5 in Haifa, as well as in Sderot, Kiryat Shmona, Acre, Shoham, Upper Hatzor, Baka el Garbiyeh, Ma'aleh Adumim, and more.

¹⁹⁶ SCF (Tel Aviv) 113/03 *State of Israel vs. Hefetz et al* (sentence from June 14, 2004).

Hobbies and Volunteering

Traffickers sometimes make contributions to the community, or perform some type of volunteer service. These activities, as well as their hobbies, are either mentioned before the court during the sentencing phase or come up by chance during the testimony of the women against them.

Dov Avraham was a volunteer with the police force¹⁹⁷ and kept an iguana in his spare time.¹⁹⁸ **Eli Ackerman** made monetary contributions to Bar and Bat Mitzvah celebrations in the south of Israel and helped organize them while also involved in other unspecified volunteer activities.¹⁹⁹ **Eli Ben Ami** contributed money to a staff party of the non-profit organization on behalf of prison workers, to a Hanukkah party of the federation of new immigrants from France, North Africa, and French-speakers in Israel, and to a parents' party at the Deganya school.²⁰⁰ **Jackie Yazdi** gave significant sums of money to charity, according to him: "It says you have to give 10% to charity? Well, I give even more than 10%. A large part of the little I make goes to charity."²⁰¹

¹⁹⁷ VCR 8458/04 *Avraham vs. State of Israel* (decision from September 22, 2004).

¹⁹⁸ SCF (Tel Aviv) 1141/04 *State of Israel vs. Ofer* (judgment from October 3, 2006). One of the witnesses in the case testified that "Motti would show up every day between noon and 1pm, approximately, stick around for a while, and then leave the [massage] parlor. Then, he'd show up again around 8 in the evening, so that Dov could leave because he had to go home to feed his iguana."

¹⁹⁹ CF (Beer Sheva) 902/01 *State of Israel vs. Sovalov et al* (sentence from August 2, 2001).

²⁰⁰ CF (Beer Sheva) 902/01 *State of Israel vs. Sovalov et al* (sentence from August 2, 2001).

²⁰¹ Uriyah Shavit, "The Brothel Is Over," *Ha'aretz Supplement*, November 2, 2001.

“You weigh, you consider, you measure”: Punishment Considerations in the Courts

During World War II, the Danish police helped the Jewish community of Denmark escape the Nazis and flee to Sweden. The Germans, upon discovering the involvement of the Danish police in the flight of the Jews, suspended the activities of the Danish police force for nine months. Every station was manned by one civilian who kept a record of crimes committed, but no other steps were taken to combat lawlessness.

For a criminologist who lived there at the time, the situation presented a rare opportunity to examine how a society copes with the absence of police supervision.²⁰² His findings were simple but are very instructive concerning the power of deterrence: the extent of instrumental crimes, committed for financial gain rose considerably, while that of expressive crimes (assault, rape, violence) stayed the same.

The crime of trafficking is, in essence, an instrumental crime, even if at times attended by expressive crimes. The traffickers took advantage of a loophole in the law and of the indifference of the courts for their own financial benefit. The number of traffickers rose dramatically during the 1990s because the traffickers knew that, in all probability, they would not be called on to give an accounting for their deeds, or they would pay the small penalty of no more than a few months imprisonments at most, and incur almost no economic sanctions. When the rate of enforcement rose, the phenomenon shrank noticeably, but also changed form.

²⁰² S. Giora Shoham and Gabriel Shavit, *Crimes and Punishments: An Introduction to Penology*, 1990, p. 87.

The great majority of trafficking cases investigated by the police come before the courts. Sometimes, the case is over even before a single witness has testified or a single piece of evidence has been presented, as the sides arrive at a plea bargain. The sentences depend more than anything on the panel of judges and the prosecutor handling the particular case and are still low for the most part, and depend on the panel of judges and the prosecutor handling the particular case more than on any other factor. The minimum sentence determined by law, one quarter of the maximal sentence), is seen simply as a starting point. Sometimes, the count of trafficking in persons is erased from the indictment, to the satisfaction of both the prosecutor and the defense attorney, and with the court's consent, and the defendant avoids even the minimal sentence, or sometimes the minimal sentence is meted out but some of it is in the form of a suspended sentence.²⁰³

When the judge sits in judgment, he examines the nature of the crime attributed to the defendant, the defendant's role in the general scheme and his personal circumstances. Thus, sentences handed down in trafficking cases usually consist of three parts: in the first part of the sentence, the court describes the crime committed, and the role played by the defendant in it; in the second, it condemns the crime of trafficking, and the traffickers themselves, and cite the widespread ruling that **every** link in the chain must be broken; but, in the third, it looks at the extenuating circumstances of the defendant, and quite often finds such circumstances aplenty – his familial and economic situation, the minor role he played in

²⁰³ For more on rulings in the crime of trafficking in human beings, see Nomi Levenkron, *And He Waited for Justice and Lo! Bloodshed: Trends of Justice in Crimes of Trafficking in Human Beings*, 2006.

the crime as only driver or cashier, and so on. After this, the court sentences the defendant to a light punishment, far from the maximum determined by the legislator, and oftentimes significantly below even from the minimum. This is how a judge in a district court handling trafficking cases presented the way that factors are weighed in sentencing to the Parliamentary Committee on Law, Constitution and Justice:

The traffickers in women who sit in the courtroom, you look at them and you see their attitude to the witnesses who appear, to the complainants who, because of them, went through hell, and the cynicism that oozes out of them, the coarseness, the brutality – I'm making generalization here that perhaps I shouldn't be doing, but it's almost always that way. It's one of the lowest, most contemptible, most disgusting areas of crime. I don't think these people – and I say this with a certain degree of irresponsibility – are likely to be rehabilitated.

The general picture is really one of the lowest forms of human life. At the same time, there are those who have families, and little children, they do, when they come to us they're totally devastated, and you have to sift through the miserable portrait they present to you, and see what part of it is real. But you also have to take personal circumstances into consideration in sentencing. Sentencing is not only a deterrent, and is not standardized, it's personal, individualized. When you lower the sentence, you have reasons for doing so: you weigh, you consider, you measure.²⁰⁴

Such “measuring” acts, in the vast majority of cases, in the defendant's favor, as it examines his difficult life and his minor role in the chain. His victim, who generally does not testify against him and whose voice is not heard in court, cannot present the full extent of the defendant's deeds, and

²⁰⁴ Statement of Justice Bracha Ofir Tom, hearing of the Knesset Committee on Law, Constitution and Justice, dated August 1, 2006.

without her testimony, it is even easier for the court to issue a lenient sentence to the defendant.

However, the courts' consideration of victims who themselves became traffickers is important and desirable, though not always present. Nonetheless, their consideration of every individual factor prevents the courts from relating to a reality in which women are sold like inanimate objects.

To this day, the sentence for the crime trafficking has been astoundingly light. Usually, a defendant in a trafficking case or in a case of attendant crimes is sentenced to a 3.5 year active prison term. It seems that the punishments for female traffickers are especially light. As far as we could ascertain, there were only four sentences of more than one year in prison.²⁰⁵ At the same time, a comparison of trafficking in foreign women in Israel in 2007 with the situation in this area in the year 2000, may and must arouse distressing reflections regarding the battle of the State of Israel against trafficking, a battle that occurs to "the sound of the tune of defeat" at almost every stage through the court system. If, despite the

²⁰⁵ Sofia Kuchik was given a four year active prison term (SCF (Tel Aviv) 1148/03 *State of Israel vs. Yermalyev et al* (sentence from June 8, 2004); Natalia Ro'eemee was given a five year active prison term and an additional year in another case against her (SCF 1053/04 *State of Israel vs. Ro'eemee et al* (sentence from April 21, 2005) as well as CF (Tel Aviv) 1216/04 *State of Israel vs. Ro'eemee* (sentence from June 16, 2005); Oksana Babiva was sentenced to a two year term (SCF (Nazareth) 1175/01 *State of Israel vs. Babiva*, (sentence dated February 20, 2002). The stiffest sentence handed down against a women was that given to Ludmilla Kremenko, who was given a seven year active prison term, CF (Tel Aviv) 1055/02 *State of Israel vs. Kremenko et al* (sentence dated March 29, 2004). The first two women were independent, i.e., worked without the involvement of a domestic partner, and had themselves not been prostitutes in the past, while the latter two (Babiva and Kremenko) were themselves victims of trafficking.

insufferable sound of sentences handed down to traffickers, the scope of the crime has nevertheless shrunk (as presented in the next chapter), why did the State of Israel avoid taking these steps in the 1990s? And what is the extent of the responsibility of Israel towards women who were trafficked within its borders during the last fifteen years, with unremitting violations of the human rights, and the authorities' ignoring of the violations throughout most of this period? Has the time not come to put an end to the current complacency of the Israeli authorities concerning other traffickers?

“THEY’VE CHANGED THEIR FORMAT”: CHANGES IN THE IMAGE OF THE TRAFFICKER FROM 2006 ONWARDS

Among all bodies dealing with trafficking, there is agreement that the scope of “classic” trafficking in foreign women for prostitution has lessened in recent years, and the number of cases is smaller than ever. One policeman described the situation thus:

In the past year, you don’t see it anymore. There is no activity around brothels. The phenomenon has decreased dramatically. We were recently in Eilat and in the north, for we are a national unit permanently stationed in the center, and there is nothing here. I won’t tell you it never happens, because I would be lying, but it is rare. Otherwise, we would know about it. I talk to a lot of people. People ask, “Where did all the pretty whores go?” I don’t know if there are even a few hundred, maybe there are a hundred [victims of trafficking]... We see there is a reduction. It’s a fact that they’re afraid. Once, in 1997, when we knocked on a door, they would tell us, “Hello, I own the house.” Today, that doesn’t happen. Today, the red light districts are gone. For instance Soncino – gone. The fancy places are no more. Today there is a “sauna” – a room for two hours.²⁰⁶

However, it is still too early to eulogize Israel’s traffickers in human beings. They’re alive and well and working, though, to quote Justice Bracha Ofir Tom, “they’ve changed their format.”²⁰⁷ However, even today, the enforcement authorities are not learning the new and

²⁰⁶ Interview with Superintendent Shuki Baleli dated August 13, 2007.

²⁰⁷ Statement of Justice Bracha Ofir Tom at a hearing of the Knesset Committee on Law, Constitution and Justice dated August 1, 2006.

developing patterns quickly enough, and are not coming up with appropriate responses.

Internal trafficking of Israeli women for prostitution has developed and grown in the last two years, alongside the trafficking in labor which has gone unchecked since migrant workers began arriving in Israel in the early 1990s. The new statute to combat trafficking abolished the previously dichotomy between sex trafficking of women from the CIS and “all other cases.” It determined that slavery and forced labor which had previously been considered merely oppression and exploitation of migrant workers, were now considered trafficking. In other words, when a person loses his freedom, even if he has not been bought or sold, and without having been expressly imported from abroad for the purpose of this crime, a criminal act of trafficking has been committed. Even if the purpose is care giving, or using body parts for implantation into another person, this constitutes trafficking. Within that definition, even Israeli citizens may be considered victims of trafficking if the authorities manage to prove that they lost their freedom, and that their bodies and the products of their labor became the property of another. The effect of the legislation during its first year was limited, if it existed at all.

Internal Trafficking in the Sex Industry

The U.N. Protocol Against Trafficking, as well as the new statute legislated in Israel in 2006, allow for the recognition of internal trafficking in Israel for prostitution or for any other purpose.²⁰⁸ Today,

²⁰⁸ Based on the formulation of the previous statute, it was possible then too to try someone for internal trafficking, but then too the statute was applied only and exclusively vis-à-vis foreign victims of trafficking who were trafficked within Israel a second time after having been imported from abroad.

although trafficking in foreign women has been greatly reduced in Israel, the sex industry continues to flourish. Although it is possible that client demand has dropped a bit, as a result of the media's exposure of the subject of trafficking, or because "all the pretty whores are gone," nevertheless, it is still present. The Israeli sex industry today consists more and more of Israeli drug addicts and minors.

Concerning drug addicts, it is hard to argue against the fact that they are not mistresses of their own bodies and wishes, and that anyone who makes use of them – whether a pimp or a client – is hardly concerned with their free will or its absence. At the same time, it is up to the legal authorities to internalize the fact that women who are addicted to drugs cannot give consent to pimping their bodies. In the majority of cases, they are controlled by others who take the lion's share of their earnings and they are unable to leave the cycle of prostitution. Therefore, patterns of enslavement and trafficking are created in the vast majority of cases in which the women are drug addicts and controlled by a pimp. These women must be recognized as victims of trafficking without minimizing the importance of help that must be extended also to other women working in prostitution who are not trafficking victims.

Minors, too, are often unaware of their rights; it is easier to frighten them with threats that may not be as effective with adults. They aren't sure whether prostitution is a crime or not, and sometimes are afraid to turn to the police lest the police inform their parents and acquaintances of their doings, or lest the pimp extract his revenge. In such situations, when the range of possibilities open to them steadily grows narrower to the point where they have to stay in prostitution, the pimp again becomes a

trafficker in human beings, and they – victims of internal trafficking - without the pimp having paid a dime for them to anyone.

Similarly, a new, additional pattern that has formed recently is the trafficking of Israeli women to other countries. In at least two cases thus far, people have been tried for transporting Israeli women to countries abroad for the purpose of prostitution there.²⁰⁹

It is still not clear who the people behind these patterns are, but there is no doubt that the number of victims of internal trafficking in Israel is steadily on the rise.²¹⁰

Trafficking in Human Beings Not for the Purpose of Prostitution

Since the early 1990s, patterns of trafficking for other purposes, not just for prostitution, have developed in Israel: the trafficking of migrant workers in agriculture, construction and care giving, trafficking in organs, and more. At the same time, the penal code, until recently, did not include

²⁰⁹ SCF 1097/07 *State of Israel vs. Sabag* (hearings in the case are still ongoing); CF (Tel Aviv) *State of Israel vs. Kizner et al* (hearings in the case are still ongoing).

²¹⁰ This trend in internal trafficking is familiar around the world: in Germany in 2004, 5% of the victims that were located were German citizens. In 2005, that number had already risen to 18% of victims located – 225 women (“The 2005 German Federal Police Report on the Trafficking of Human Beings,” translated courtesy of the Heinrich Böll Institute). In Holland, too, there is internal trafficking, primarily in the context of pimps, known as Lover Boys – men who capture the heart of the woman or girl through endearments, affection and love, and then finally pimp them out. Young women who become victims of trafficking in Holland usually come from a background lacking in love, a warm home, and support. In 2002, 4% of those thought to be victims were Dutch. In 2003, they already made up 12% of all victims. *Trafficking in Human Beings*, Fourth Report of the Dutch National Rapporteur, 2005, p. 56.

explicit prohibitions in these fields. The legislator was satisfied with general sections of the law according to which anyone who exploits migrant workers can be tried, and sections that forbid oppression, withholding passports and similar charges.

Since the statute banning trafficking in persons was legislated in 2006, the situation has changed, at least in theory if not in practice. The police have started to internalize, at least to some extent, that migrant workers can also be the victims of trafficking. Nonetheless, we are still a long way off from the Israeli public and the enforcement authorities internalizing these different patterns of trafficking. In contrast to traffickers of women for prostitution, whom it is easy and convenient to abhor, traffickers in construction and slavery are respectable companies, decent folks, usually without criminal records, without a blot on their names. They are viewed as normative citizens, and it would seem that, because of this image, the police find it difficult to investigate and prosecute them. Moreover, the state itself is at times actively complicit in this type of trafficking. So, for example, Justina Fernandez, a victim of trafficking from India, was brought to Israel by a pair of Indian diamond dealers after a government decision to allow them and their like to import one worker and one cook from their homeland, to cook for them according to the dictates of their religion.²¹¹ Her passport was taken away from her, and she was held in her employers' home as a slave for many years. Such a pattern of trafficking exists in other countries as well, when citizens of foreign countries bring in workers from their homelands for their own use.

²¹¹ Government decision no. 3021, dated January 6, 2005, as amended in a government decision dated July 31, 2005, laid down the criteria by which it is possible to import migrant workers to Israel who are not included in the general quotas determined by the government.

Eventually, a pattern of trafficking, slavery or forced labor develops in the relationship between the employer and his victim.²¹² When the countries of origin are replete with enslaving terms of employment, and, in the target countries, the employer is a citizen or has legal status and is employing someone who has no legal status or whose status depends on the employer, the development of such exploitation is only a question of time.

We may still be willing to attribute harsh and exploitive patterns of employment to Indian diamond dealers. However, that changes when discussing Israeli citizens seen as normative, on whose integrity we are loath to cast doubt or at least find it very difficult to do so. For example, at the agricultural village of Ben Zakkai, Thai workers were found living in inhuman conditions in geese pens in December 2006.²¹³ They worked continuously for 22-23 hours a day, seven days a week, as they were

²¹² So, for example, the domestic partner of the Thai ambassador to Sweden was convicted of bringing with her a domestic worker to California. When they arrived, the employee's passport was confiscated, and she was made to work 20 hrs. a day, six days a week. The court sentenced the defendant to an eight year prison term. This sentence was given already in 1999, and constitutes an important milestone in American jurisprudence in terms of combating this phenomenon of trafficking. See *U.S. vs. Sapuwan Veerapool*, 312 F.3d 1128, 2002 U.S. App. In another case that took place in Washington, a family from Cameroon recruited two young Cameroonian women for domestic work. The women arrived because of the promise that working for the family would allow them to study in the United States and to save money. However, when they came to the USA, the family forbade them to leave the house, and put them to work 14 hr. days. The two women finally fled their employers' home, one after two years, and the other after five. In 2001, three members of the family were tried for having committed the crime of forcing labor, were found guilty, and were sentenced to prison terms ranging from five to nine years. Likewise, they were ordered to pay compensation of \$100,000. See *U.S vs. Louisa Satia*, 68 Fed. Appx. 4282003 U.S. App.

²¹³ Ruthie Sinai, "They Force-fed Geese for 20 Hrs. and at Night, Slept Next to the Carcasses," *Ha'aretz*, December 10, 2006.

required to force-feed the geese every four hours. They had taken out loans of \$9,000 in their country of origin which they were required to repay. The two brothers who employed them were indicted on charges of cruelty to animals because of their treatment of the **birds**.²¹⁴ Regarding their treatment of the Thai workers, the brothers have not been required to give an accounting to this day, nine months after the events in question. In another case, a complaint which is still being investigated by the police was lodged against a businessman with a diplomatic posting on the suspicion that he kept a migrant worker in conditions of enslavement and that he sexually assaulted her.²¹⁵ There has been no indictment to date in this case either.

We find it difficult to view these people as traffickers in human beings. We see them as “one of us,” as part of normative society, and find it hard to investigate them, to try them, and to remove the façade of legitimacy behind which they hide. But, they’re there: alive and well and active, trafficking in other people or holding them under conditions of enslavement or forced labor. As a group, the only thing that can be said of them is that their normativity has served them as a shield to this day. We can but hope that the enforcement authorities succeed in shattering this shield in the very near future.

²¹⁴ CF 1343/07 (Rishon Letzion) *State of Israel vs. Lagaziel et al* (hearings in this case are still ongoing).

²¹⁵ Tamar Traubman, “Instead of Domestic Work – Rape and Slavery,” *Ha’aretz* August 13, 2007, p. 1A.

AFTERWORD: ON THE BANALITY OF EVIL

Most of Israeli sex traffickers to Israel from countries of the former Soviet Union during the 1990s. On their arrival, the trafficker encountered economic difficulties, and in the context of these he fell, perhaps –as he may claim- against his will into trafficking for prostitution. He is not always a hardened criminal, and sometimes this is the first crime for which he is being held culpable and even the first crime he has committed.

He claims he is not a central link in the chain of trafficking, and the court tends, to a great extent, to accept this claim. It seems that in the Israeli reality, particularly as represented in a long list of questionable plea deals, there is almost no central link, or in other words, in Israel there is lively sex trafficking industry, but no traffickers. There are cashiers, drivers, security staff, those who provide the women with clothing, those who advertise and guide clientele to brothels, but no “real” traffickers in women.

In court, the accused expresses regret for his actions. He presents himself as a small cog in a major machine, a victim of difficulties, either financial or personal. The court, usually, accepts his explanations and is lenient in sentencing. And so, even as the judges compete rhetorically in their denunciation of the trade, most sentences remain light. The accused benefits doubly by being foreign-born: while engaged in trafficking, he uses his connections in his native land, his familiarity with its culture, and his command of the Russian language, to further his “business.” But if he

must testify in court, he appeals to the judges' mercy as a new immigrant who has encountered sorry circumstances, economic or social, due to his move from his native country to Israel. And they soften his punishment.

Anyone searching for absolute evil in this account of trafficking in women is probably disappointed. Mostly, little fish and not whales have been tried in Israel. But we ought not allow this claim of being “a small cog” to influence the courts. Even if we accept the claim as correct, and those tried in Israel are only small cogs, each cog is necessary for the larger machine to work, for “without little fish, whales could not survive.”²¹⁶

Recommendations

A number of steps can be taken to implement the findings of this position paper. First, punishment must be more severe. No undue weight should be given to extenuating circumstances. These are not unusual, but general: most traffickers in women have families whose economic situation are worsened by their detention, and sometimes there are problems of physical or mental health. Also, when they stand to judgment, they try to minimize their part in the trafficking. These claims of personal difficulties and of being a small link in the chain must be categorically rejected, except in cases of victims of trafficking who become traffickers themselves. In such cases, more stress should be placed on rehabilitation.

Second, a program of re-education and rehabilitation must be developed for the traffickers. The recidivism rate of traffickers shows that only

²¹⁶ CF (Tel Aviv) 1123/03 *State of Israel vs. Lifshin et al* (sentence dated January 29, 2004).

appropriate rehabilitation can remove traffickers from the cycle of crime. It seems that threat of imprisonment is not enough. Such a program is best fitted to those who were themselves victims, but not only to them. True, sometimes a rehabilitation plan and a long prison sentence interfere with each other, but we must take into account that existing programs are not necessarily appropriate for the trafficker profiled in this paper, and we must construct a program better fitted to his requirements.

The third and last finding is that the main link, the one to concentrate on in the battle against the sex industry, is the client, not the trafficker. Given the current circumstances, in which basic economic forces drive the industry, criminalizing the clients will abate at least some of the demand, and thus lessen the economic profitability for the trafficker.

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