



Human Trafficking

National Judicial Academy of India - Federal Judicial Center (FJC) – CEELI Institute

NOVEMBER 19-22, 2021

VIRTUAL – FACILITATED FROM THE CEELI INSTITUTE

Monday, November 15:

Welcome: Program Overview & Introduction to Faculty

Welcome to this collaborative workshop on human trafficking cases. Information about the program, faculty bios, assigned reading materials and links to the Zoom workshop sessions are accessible on **CEELI Online**. Program participants are invited to post questions and greetings on the CEELI Online program portal **discussion board**.

Available on CEELI Online

Artificial Intelligence as Evidence (120 minutes)

This session is pre-recorded and can be accessed on CEELI Online.

In the ever-changing landscape of litigation and modern forms of evidence, understanding cutting-edge topics relating to Artificial Intelligence (AI) has become essential for lawyers and judges. Topics to be covered in this 90-minute video session include the fundamentals of AI, encompassing how it works, how it is being used in the legal industry and elsewhere, and some of the issues AI implicates. In addition, the session will also address what admissibility issues are posed in introducing AI evidence and how to address those issues, as well as a description and analysis of the pertinent rules of evidence and how they apply to AI.

The Hon. Paul Grimm, Judge, U.S. District Court for the District of Maryland

Dr. Maura Grossman (J.D., Ph.D.), David R. Cheriton School of Computer Science, University of Waterloo, Ontario, Canada

Friday, November 19:

Overview: Human Trafficking (60 minutes)

6:00 PM IT | 1:30 PM CET | 7:30 AM ET

Human trafficking remains a global scourge. National governments and the world community have struggled to develop effective law enforcement strategies to detect, investigate, prosecute, and sanction trafficking-related criminal conduct. The courts play a critical role in these efforts. This introductory session will describe different trafficking modalities (sexual exploitation, forced labor, migrant smuggling), trafficking-related crimes, vulnerable populations, the structure of trafficking operations, and the components of a trafficking investigation. At the end of this session, program participants will be familiar with the ‘vocabulary’ of human trafficking and will be able to identify the types of organizations and individuals that perpetuate the trafficking trade and the methods they use to lure victims and conceal criminal conduct.



The Hon. Dr. Manfred Dauster, Presiding Judge, Supreme Court of Bavaria (München, Germany)
Barbara A. Martinez, Senior Consultant, Holland & Knight (Miami)

BREAK (15 minutes)

Human Trafficking Litigation (60 minutes)

7:15 PM IT | 2:45 PM CET | 8:45 AM ET | 7:45 AM CT (Chicago)

Trafficking cases often present complex legal, procedural, and evidentiary issues. Challenging issues and the horrors of human trafficking task judges in unique ways. During this session, we will discuss the role of the judge in trafficking-related litigation, including:

- Difficulties of presiding over a human trafficking trial
- Types of evidence in a human trafficking trial
- Related offenses and other wrongdoing
- Assessing survivor and witness testimony

At the conclusion of this session, participants will have more insight and be better prepared for the complexities and evidentiary issues in human trafficking cases.

The Hon. John Blakey, Judge, U.S. District Court for the Northern District of Illinois
Barbara A. Martinez, Partner, Holland & Knight (Miami)

Saturday, November 20:

Legal Framework: India (90 minutes)

1:30 PM IT | 9:00 AM CET | 3:00 AM ET

This session will focus on Indian legislation addressing human trafficking cases, including the Immoral Traffic (Prevention) Act of 1956 as well as relevant provisions of India's Constitution and Penal Code. Rather than reviewing the provisions of these laws in detail, we will focus on how Indian law addresses some of the challenging issues that arise in trafficking cases, including extraterritorial jurisdiction over parties and criminal conduct and the use of expert testimony. Participants will apply these principles to the workshop fact pattern and discuss how to address the challenges they present.

The Hon. Joymalya Bagchi, Judge, Calcutta High Court

BREAK (30 min)



International Instruments and Standards Addressing Human Trafficking Cases (60 minutes)

3:30 PM IT | 11:00 AM CET | 5:00 AM ET

International conventions as well as model laws and principles promote effective practices and accountability for courts and the global legal community. Trafficking-related crimes occur within national borders as well as transnationally. This session will provide an overview of the principle international conventions addressing human trafficking, including the Palermo Protocols, a supplement to the United Nations Convention against Transnational Organized Crime. At the end of this session, workshop participants will know these international instruments, understand their relevance for trafficking-related criminal cases filed in the courts of India, and be able to apply their provisions to a human trafficking fact pattern.

The Hon. Dr. Manfred Dauster, Presiding Judge, Supreme Court of Bavaria (München, Germany)

BREAK (30 min)

Vulnerable Victims/Survivors and Witnesses (60 minutes)

5:00 PM IT | 12:30 PM CET | 6:30 AM ET

Human traffickers target the defenseless, whether it is children, the poor, the undocumented, or vulnerable women. The impact of human trafficking on survivors and their families is profound. Unsurprisingly, witness testimony in trafficking cases may be incomplete, inconsistent, and lacking the traditional indicia of reliability. This session will provide human context to the legal and procedural issues that have already been addressed. We will discuss the reasons why testimony in trafficking cases is unique, tools courts can use to safeguard reluctant and fragile witnesses, and the role of the judge in preserving the dignity of trafficking survivors.

The Hon. Dr. Manfred Dauster, Presiding Judge, Supreme Court of Bavaria (München, Germany)

Barbara A. Martinez, Partner, Holland & Knight (Miami)

Dr. Pravin Patkar, Director and Founder, Prerana (Mumbai)

Sunday, November 21:

Judicial Management of Complex Criminal Cases (75 minutes)

10:00 AM IT | 5:30 AM CET | 11:30 PM ET | 7:30 PM AK on Sat. November 20 (Anchorage)

Effective case management strategies are always important but are especially so for complex criminal cases. Judges must be actively engaged in human trafficking cases, beginning as soon as the charges are framed and continuing through pretrial proceedings and trial. At the conclusion of this session, participants will be able to identify and sequence at least 8 important case management tasks, facilitate cooperation between prosecution and defense on evidence disclosure and scheduling, and identify the types of legal issues that can be resolved before trial commences.

The Hon. Timothy Burgess, Chief Judge, U.S. District Court for the District of Alaska



BREAK (30 min)

International Cooperation: MLATs and Other Evidentiary Issues (75 minutes)

11:45 AM IT | 7:15 AM CET | 1:15 AM ET | 12:15 AM CT (Minneapolis)

Human trafficking has no borders. A criminal case filed in India may implicate evidence across the globe. The UN Convention against Organized Crime was drafted to encourage and facilitate international cooperation in the prevention, detection, and prosecution of transnational crime. India is also a signatory to the Palermo Protocols that require governments to, among other things, combat human trafficking by promoting international cooperation. Judges have the responsibility and authority to use mechanisms such as mutual legal assistance and extradition to share evidence and facilitate criminal investigations. This session will address best practices in transnational judicial cooperation.

The Hon. John Tunheim, Chief Judge, U.S. District Court for the District of Minnesota

MID-DAY BREAK (90 minutes)

Trafficking: Cybercrime-Related Issues (60 minutes)

2:30 PM IT | 10:00 AM CET | 4:00 AM ET

Cybercrime has become an integral part of many human trafficking schemes, especially those with a transnational component. During this session we will discuss how traffickers use the internet, computer networks, and digital devices to facilitate trafficking, the use of social media and online fraud, and the emerging 'cyber-sex' trade. At the end of this session, participants will understand the intersection between cybercrime and human trafficking.

Barbara A. Martinez, Partner, Holland & Knight (Miami)

Monday, November 22:

Electronic Evidence and Digital Forensics (75 min)

6:00 PM IT | 1:30 PM CET | 7:30 AM ET

Electronic evidence is information and data stored in, transmitted by, or received on an electronic device. Evidence relevant to a trafficking investigation may be stored not only on computers, but also on handheld devices, videogames, and even "smart" household appliances. Digital evidence easily crosses international borders and can be manipulated and destroyed, often in ways that require courts to rule on expedited motions. The growing range and complexity of human trafficking has required law enforcement agencies to develop expertise in the field of digital forensics. During this session, we will discuss the impact of digital forensics on criminal litigation and the evidentiary implications of a cyber-



investigation.

Ovie Carroll, Director, U.S. Dept. of Justice Computer Crime and Intellectual Property Section Cybercrime Lab

Pulling it all Together (15 minutes)

7:15 PM IT | 2:45 PM CET | 8:45 AM ET

Ten workshop sessions addressing the many varied facets of cybercrime litigation offers an overwhelming amount of new information to process. We will take the last ten minutes of this workshop to discuss the central ‘takeaways’ for judges and reflect upon how to integrate new knowledge and practices.

Mira Gur-Arie, Director, International Judicial Relations Office, FJC (Washington, D.C.)

Claire Smearman, Senior Judicial Education Attorney, Judicial and Legal Education, FJC (Washington, D.C.)

Closing Session

7:30 PM IT | 3:00 PM CET | 9:00 AM ET

National Judicial Academy Director A.P. Sahi will close the program and offer his reflections about the role of judges in complex criminal litigation.

The Hon. A.P. Sahi, Director, National Judicial Academy (Bhopal)