

2nd JOINT PERIOD OF ACTION DEBRIEF WORKSHOP

**BALI PROCESS WORKING GROUP ON THE DISRUPTION OF
PEOPLE SMUGGLING AND TRAFFICKING IN PERSONS NETWORKS**

BANGKOK, THAILAND
1 DECEMBER 2016

CO-CHAIRS' STATEMENT

1. The Governments of New Zealand and Sri Lanka co-chaired the 2nd Joint Period of Action Debrief Workshop under the Bali Process Working Group on the Disruption of People Smuggling and Trafficking in Persons Networks (the Working Group) in Bangkok on 1 December 2016. The workshop was co-chaired by Kapila Waidyaratne, Additional Solicitor General with the Sri Lankan Attorney General's Department and Nicola Hogg, General Manager with Immigration New Zealand.
2. Ten countries – Australia, Bangladesh, Indonesia, Malaysia, the Maldives, New Zealand, the Philippines, Sri Lanka, Thailand, and the USA – participated in the 2nd Period of Action, which ran over a period of six months (May to November 2016).
3. At the 2nd Joint Period of Action planning workshop held in May 2016, nine separate investigation plans were developed detailing parallel or joint operations for a range of crimes including maritime people smuggling and trafficking for the purposes of labour exploitation across a wide range of sectors, including fishing, construction, and domestic servitude. Criminal networks involved in the online commercial sexual exploitation of children were also targeted.
4. Much like the 1st Period of Action, there were a number of successful outcomes under this Joint Period of Action. The purpose of the debrief workshop was to discuss the outcomes were achieved, including what worked well, what did not work well, and what should be done differently under the 3rd Joint Period of Action.

Proceedings

5. The co-chairs of the Working Group, Kapila Waidyaratne, Additional Solicitor General, Sri Lankan Attorney General's Department and Head of the Trafficking and Smuggling Unit, and Nicola Hogg, General Manager, Compliance, Risk and Intelligence Services (CRIS), Immigration New Zealand warmly welcomed participants to the debrief workshop.
6. The co-chairs opened the workshop by expressing condolences on the death of King Bhumibol, recognising that his loss would be deeply felt by the people of Thailand.

7. The co-chairs reflected on the successes of the Working Group since its inception two years ago. The 1st Joint Period of Action in 2015 was a milestone under the Bali Process as it was the first initiative of its kind. This year the Working Group carried out the 2nd Joint Period of Action as the region continues to face threats from criminal networks operating across the region. The bar, however, was raised higher this year with ten countries working together to develop joint investigation plans for a series of parallel investigations.
8. The co-chairs welcomed presentations on the results achieved under the 2nd Joint Period of Action. Countries reported on several successes, including:
 - **Indonesia – Australia – New Zealand:** The arrest of three offenders involved in maritime people smuggling by the Indonesian National Police, including the organiser of the venture, notorious people smuggler known as Captain Bram. Other key players involved in the venture were also identified, located, and interviewed. Indonesian authorities also launched a money laundering investigation.
 - **Malaysia – Thailand:** Additional arrests and charges were laid in connection to the mass graves discovered in 2015 along the Thailand-Malaysia border. Bilateral meetings are continuing between Malaysia and Thailand to share information and further the investigation.
 - **Maldives – Bangladesh:** The arrest of five individuals involved in the trafficking of Bangladeshi men to the Maldives for the purposes of labour exploitation in the service sector. Six new investigations were launched in the Maldives and seven additional victims were rescued.
 - **Sri Lanka:** An arrest by Sri Lankan authorities in the case of a 14 year old girl trafficked to Saudi Arabia for domestic servitude. The investigation is ongoing and authorities are looking to gather further information through a mutual legal assistance request.
 - **Thailand and US:** Close cooperation between Thai and US law enforcement under the newly established Thailand Internet Crimes against Children (TICAC) task force. Leads led to six foreigners being arrested for violating Thai pornography and child sex trafficking laws. Evidence obtained during these investigations is currently being reviewed to identify additional targets and victims.
 - **Philippines – US:** The arrest of four females and one male involved in the online commercial sexual exploitation of children in the Philippines. The investigation was launched in the Philippines after law enforcement authorities made arrests in the US and authorities passed intelligence over to the Philippines National Bureau of Investigation, Anti-Trafficking Division. Two victims were rescued.
 - **Thailand – Indonesia:** Eleven additional arrests and 35 warrants issued by Thai authorities in the ongoing investigation into trafficking aboard foreign fishing vessels operating in Indonesia. Bilateral cooperation also led to the identification of five additional victims.

- **Philippines – New Zealand:** The identification of 10 employers in New Zealand by the Philippines Overseas Employment Authority (POEA) with repeat abuse or contractual violations lodged against them in POEA databases. Information on the 10 employers is being shared with New Zealand authorities. Charges were also laid against three individuals for illegally recruiting Filipino workers for overseas employment without proper licence or authority.
9. The co-chairs of the Working Group were extremely pleased with the results of the 2nd Joint Period of Action and commended participating countries for their efforts. The co-chairs pointed out that these outcomes were an illustration of what could be achieved when countries work together.
10. In the afternoon session, participants were open about the challenges they faced in undertaking joint/parallel investigations, their observations about lessons learnt, and their ideas about how to move forward. Some common challenges included:
- difficulties in achieving consistent communication with counterparts;
 - difficulties in achieving coordination with counterparts;
 - turnover within agencies / and the changing of focal points;
 - limited human resources within agencies;
 - differences in priorities between counterparts;
 - misunderstandings between counterparts;
 - lack of coordination among agencies at the national level;
 - not knowing what information can be obtained by either formal or informal approaches to cooperation; and
 - limited flexibility to deal with or make information requests (e.g. default towards using formal mutual legal assistance).
11. The co-chairs noted that the Working Group would look to address some, if not all, of these challenges under the 3rd Joint Period of Action. This would be done in part by working together with the United Nations Office on Drugs and Crime (UNODC) to implement a series of workshops to support participating countries in their parallel investigations. UNODC explained that the first workshop would be focused on developing intelligence led investigations. Invitees would include Working Group participants as well as additional participants from ASEAN countries.
12. The co-chairs announced that the planning workshop for the 3rd Joint Period of Action would be held on 28 February 2017 in Kuala Lumpur, Malaysia. The UNODC workshop would be held from 1-2 March 2017, also in Kuala Lumpur.
13. During the 3rd Joint Period of Action planning workshop, participating countries would again work together to develop joint investigation plans for a series of parallel investigations. Parallel investigations involve two or more investigation teams simultaneously targeting the same people smuggling or trafficking syndicate through coordination in participating countries.

Recommendations and next steps

14. Recommendations for the 3rd Joint Period of Action included:

- ensuring the parameters of the investigation are understood by all agencies involved;
- ensuring more tightly focused operational activities;
- preparing clear investigation plans;
- strengthening engagement with INTERPOL;
- communicating through informal / direct communication in the first instance to increase speed and efficiency rather than through formal mutual legal assistance requests;
- using multiple channels to achieve consistent communication (e.g. telephone, email, Skype, WhatsApp);
- establishing a WhatsApp group for communication purposes;
- using focal points to gather information on other cases; and
- providing assistance to the requesting state to connect with other agencies.

15. Participants also recommended that investigations included under the 3rd Joint Period of Action attempt to explicitly include a 'follow the money' element to assist in their investigation and prosecution efforts (e.g. as anti-money laundering and asset recovery tools and techniques have proven to be an effective way to target, disrupt and prosecute those involved in criminal activities).

16. Participants shared their initial thoughts on which countries they might want to work with under the next Joint Period of Action. Sri Lanka and Malaysia suggested inviting Cambodia, India, and Nepal to join the Working Group and participate in the 3rd Joint Period of Action. The co-chairs agreed to approach these countries to gauge their interest.

New co-chair arrangements

17. At the end of the workshop, Sri Lanka stepped down as co-chair and New Zealand thanked Mr. Waidyaratne for being a dedicated and hardworking partner. The New Zealand co-chair noted that Sri Lanka's dedication to the Working Group had been demonstrated, not just through their leadership, but also through the results achieved under both Joint Periods of Action. Sri Lanka noted that they would remain a committed member of the Working Group.

18. Malaysia was welcomed as the next co-chair of the Working Group. The Royal Malaysia Police (RMP) take over from Sri Lanka in 2017 to co-lead the Working Group activities, including the 3rd Joint Period of Action, for a two year period. New Zealand announced it would remain on for an additional year to support their new co-chair, after which it will hand over our responsibilities to another committed and capable country or organisation.