



Human Trafficking Plus Crypto Scamming Equals Crypto Slavery: Solving the Crytoslavery Crimes Dilemma

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ARTICLE INFO	ABSTRACT
<div><div>Received: 24 Jan 2025 Accepted: 06 Feb 2025 Published: 21 Mar 2025</div></div> <div><p>Cite this article as:</p><p>Kattamuri, N., & Klein, A. (2025). Human Trafficking Plus Crypto Scamming Equals Crypto Slavery: Solving the Crytoslavery Crimes Dilemma. International Journal of Research in Humanities and Social Studies, 12(1), 16-30.</p><p>DOI: https://doi.org/10.62557/2394-6296.120104</p></div> <div><p>Copyright: © 2025 The author(s). This article is licensed under a Creative Commons Attribution-Non Commercial 4.0 International License.</p></div>	<p>This paper examines the emerging rise of “cryptoslavery,” our term that combines two crimes: human trafficking into and forced slave labor in cryptocurrency scam operations. Predominantly occurring in Southeast Asia, victims are lured by fraudulent job offers and coerced into executing cyber scams under brutal, inhumane conditions. These schemes exploit the anonymous nature of cryptocurrency with technological advancements, including artificial intelligence coupled with slavery, generating trillions in illicit revenue annually. The research highlights the vulnerabilities arising from digital illiteracy, weak regulatory frameworks, and systemic corruption, which facilitate the proliferation of cryptoslavery. It also examines existing international legal frameworks, such as the Palermo Protocol, to provide foundation and propose a multi-pronged strategy to combat cryptoslavery. This includes improving local and regional prevention efforts, enhancing law enforcement training, fostering international cooperation via a thematic court and strengthening protections for victims to prevent their re-victimization. By addressing the root causes comprehensively, this research aims to eradicate cryptoslavery and safeguard affected populations.</p>

HUMAN TRAFFICKING PLUS CRYPTO SCAMMING EQUALS CRYPTO SLAVERY: SOLVING THE CRYPTO SLAVERY CRIMES DILEMMA

There is an unnamed global human trafficking crisis occurring that has victims scammed by fraudulent job offers only to be enslaved in online scam centers mostly in Southeast Asia. First comes the advertisements for high-paid jobs, often in areas where few prospects are available.¹ Some scam centers are focused on cryptocurrency scams, globally purloining USD 7.8 billion in one year.² In these scam centers the defrauded

job seekers are forced by depredations and torture into committing “cyber scams on an industrial basis.”³ Interpol issued an “orange notice” regarding this problem terming it “human trafficking fueled fraud.”⁴ An “orange notice” is a “warn[ing] of an event, person, object, or process representing an imminent threat or danger to persons....”⁵ The world was made aware of this situation via the Interpol Notice but unless the notified are already aware of the general genre, this warning is not effective as we have no understanding of the totality of this unnamed dual crime of global human trafficking and forced cryptocurrency scamming.

¹INTERPOL issues global warning on human trafficking-fueled fraud(7 June 2023). Retrieved March 6, 2024 from <https://www.Interpol.Int/News-and-Events/News/2023/INTERPOL-issues-global-warning-on-human-trafficking-fueled-fraud>.

²Chainanalysis 2022 crypto crime report. (February 2022) Chainanalysis. Retrieved March 6, 2024, from

<https://go.chainanalysis.com/rs/503FAP074/images/Crypto-Crime-Report-2022.pdf>
³ Supra Note 1.
⁴ Id.
⁵ INTERPOL2024. Interpol About Notices. Fact Sheet Retrieved March 6, 2024, from <https://www.interpol.int/en/How-we-work/Notices/About-Notices>

These dual scams have two distinct victims: the defrauded job seeker and their cryptocurrency theft victims. We are witnessing the evolution of a new type of crime that is the combination of human trafficking and forced cryptocurrency scamming. This has been called cyber-crime, but that term or the phrase “human trafficking fueled fraud” does not capture the reality of these combined criminal acts. This work will purpose and utilize the term “cryptoslavery” to combine these two crimes into one category for accuracy, reference, and establishing a new crime title. Each aspect of this new crime will be examined in turn. However, we will begin with an overview discussing cryptocurrency as this is the first syllable of the term cryptoslavery.

CRYPTO CURRENCY OR CRYPTO FOR SHORT AND WHAT IT IS?

Cryptocurrency has grown exponentially in popularity since the COVID-19 Pandemic.⁶ The term cryptocurrency is an often-used term but what is it? Cryptocurrencies are encrypted “private digital currencies that have no backing and whose value fluctuates relative to a monetary unit of account depending on supply and demand...”⁷ Cryptocurrency is named after the cryptographic techniques that permit the saving and spending of crypto coins.⁸ These crypto coins come in several types. Bitcoin is an example of a true cryptocurrency. Stablecoin is another type of private digital currency that is pegged to a currency or is backed by collateral.⁹ USD Tether is an example of stablecoin pegged to a relatively stable priced item, in this case pegged to a currency such as the US Dollar or a commodity perhaps gold.¹⁰

Tether, a stablecoin, accepts dollars from individuals looking to trade cryptocurrency and then credits their digital wallets with an equivalent amount of Tether. Once the Tethers are received, users can transfer them to cryptocurrency exchanges and use them to speculate on the prices of Bitcoin, Ether, or any of the many other cryptocurrencies available. This concept has gained popularity because traditional banks are often reluctant to work with cryptocurrency companies, especially those

based overseas. For years, critics have consistently argued that Tether Holdings lacks sufficient assets to uphold its 1-to-1 exchange rate, suggesting that the coin could essentially be fraudulent. The purported size of Tether’s dollar reserves is so substantial that it would be risky to assume the dollars are real. One of Tether’s former bankers stated that its top executive had been putting its reserves at risk by investing them to earn potentially hundreds of millions of dollars of profit for himself. John Betts of the Puerto Rico Tether bank stated, “[E]ven their own banking partners don’t know the extent of their holdings, or if they exist.”¹¹

This sort of private currency is traded worldwide with little regulation.¹² Cryptocurrency payment systems are gaining acceptance and utilized globally. This ubiquitous payment method is seen as a benefit; that is, there is no state or central bank involvement. The obverse side of that coin is that cryptocurrency is subject to vast abuse by states, tax avoiders, and criminals. States such as the DPRK have stolen millions of dollars’ worth of cryptocurrencies.¹³ Tax avoiders use the pseudonymous nature of cryptocurrency to avoid all manner of taxes.¹⁴ The criminals are scammers seeking to exploit people by false sales, false accounts, and other types of fraud using forced labor to reach the money of the scammed people. This latter misuse will be our focus. Cryptoslavery is so lucrative that a combination of human slavery with the crypto coin fraud has rendered nearly 250,000 souls throughout Southeast Asia into bondage under brutish conditions in various cartel compounds greedily seeking riches by the various crypto currency scams.¹⁵

The pandemic compelled a shift from in-person to online activities, including schooling, work meetings, social interactions, and commerce. This transfer increased online transactions, emails, and phone calls. While criminals benefitted from these conditions, the pandemic has profound negative effects, disrupting the education

¹¹ Crypto Mystery: Where’s the \$69 Billion Backing the Stablecoin Tether? - Bloomberg

¹² Sonkson, Clark. Cryptocurrency regulation in ASEAN, East Asia, and America: To Regulate or Not to Regulate. (2021) Washington University Global Studies Law Review, Vol. 20(1), 171-200.

¹³ “FBI Identifies Cryptocurrency Funds Stolen by DPRK.” FBI, 22 Aug. 2023, Retrieved March 12, 2024 from www.fbi.gov/news/press-releases/fbi-identifies-cryptocurrency-funds-stolen-by-dprk.

¹⁴ Baer, Katherine, et al. “Crypto Poses Significant Tax Problems-and They Could Get Worse.” IMF, 5 July 2023, www.imf.org/en/Blogs/Articles/2023/07/05/crypto-poses-significant-tax-problems-and-they-could-get-worse.

¹⁵ pig butchering?: Scammers using slaves in Southeast Asia to rob... (2023, December 29). <https://www.news.com.au/world/asia/pig-butchering-scammers-using-slaves-in-southeast-asia-to-rob-billions-from-victims-in-cryptocurrency-scam/news-sto-rob-5e23e83f4e0dbd4c3f82d1ffdf562212>

⁶ Crypto assets and central bank digital currencies: Potential Implications for Developing Countries. UNCTAD. (2023, April 5). Retrieved from March 7 2024 from <https://unctad.org/publication/crypto-assets-and-central-bank-digital-currencies-potential-implications-developing>

⁷ Id.

⁸ Vaidhyathan, Jaya. “What Is Cryptocurrency and How Does It Work?” Forbes, Forbes Magazine, (2024), Retrieved March 7, 2024 from www.forbes.com/advisor/in/investing/cryptocurrency/what-is-cryptocurrency-and-how-does-it-work/.

⁹ “What Is a Stablecoin?” Coinbase, Retrieved March 13, 2024 from www.coinbase.com/learn/crypto-basics/what-is-a-stablecoin. Accessed 14 Mar. 2024.

¹⁰ Id.

of "...up to 1.6 billion children..." globally, marking the largest international educational disruption in recent history.¹⁶ Children requiring special learning services, those living in poverty, and those speaking English as a second language have lost more from the pandemic educational changes.¹⁷ With more people online, it makes it harder for governments to track every single signal and every online activity.

THE SLAVERY IN CYRPTOSLAVERY

Slavery is an ancient evil as old as humankind. In the third millennium, Ur-namma established laws in Mesopotamia regulating slaves' interactions in society.¹⁸ Similar laws regarding slaves were found in India in the first millennium and China under the Tang Code.¹⁹ The current version of slavery or the current phrase "human trafficking" deals with "a crime that involves compelling or coercing a person to provide labor or services...."²⁰ Slavery, whether ancient or modern, remains a human disaster for the enslaved.

With the growth of the computer age, the number of people utilizing these machines has increased geometrically. Use also exposes the user to criminals both domestic and international. Many times, the use of the computer is the source for criminals to select the victims. The convenience and comforts of one's home "...unfortunately enables cyber criminals to entice, deceive, and exploit users without meeting face-to-face."²¹ The security of the user's home and the anonymous nature of the cybercriminal combines to create the recruitment of the future cryptoslave. The nature of the targeted future slave has changed as well. "Online scam operations have altered the profiles of trafficking victims. While cases have usually involved individuals with limited access to education and who are engaged in low-wage work, victims of online scam operations are now commonly well-educated and

computer literate."²² Based on this new expanse, billions of people are potential slaves.

As of 2002, there have been little over 10 thousand people trafficked across the ASEAN countries. With technological advancements, criminals have evolved as well. The surge in online activities during COVID-19 has led to a rise in digital fraud, spanning from romance scams to cryptocurrency frauds²³. The shift to online interaction due to COVID-19 provided fertile ground for scammers, who found many opportunities in the digital realm. In 2022, this trend is expected to escalate further, fueled by the expanding digital markets in ASEAN, which now boasts 460 million internet users.²⁴ The region's internet users are particularly vulnerable due to digital illiteracy and insufficient data safety measures.

The People

Cryptoscams target real, tangible people and one of those victims was Kim Wan. Journalist Kim Wan began receiving emails informing him his personal information was being shared in a Telegram chatroom. Upon entering the chatroom, he discovered its anonymous participants had gotten ahold of his personal information and were posting private photos of him and his family along with threatening messages to hunt him down. Though anxious, but undeterred, Kim went on to lead a special task force on covering what turned out to be one of the worst cases of sexual exploitation in South Korean history.²⁵ Between 2019 and 2020 at least 74 women, including 16 teenagers, were ensnared in what authorities called "virtual enslavement." One of the biggest online sex trafficking rings in South Korea, "the Nth Room" ended in 2020 when the ringleader was sentenced to over 40 years in prison. The Nth Room functioned on the encrypted messaging platform Telegram using private information to blackmail dozens of women and children into performing sexually explicit acts on camera, with thousands of users paying cryptocurrency to watch. Through the Telegram app, the ringleader sold access to various levels of torture with prices ranging from \$187 to \$1,200 for exclusive access. The operation was extensively staffed with those who oversaw customer screening and financial transactions.

¹⁶ The use and abuse of technology in human trafficking in Southeast Asia. (n.d.). *ASEAN-Australia Counter Trafficking*. Retrieved June 22, 2024, from <https://www.aseanact.org/story/use-and-abuse-of-technology-in-human-trafficking-south-east-asia/>

¹⁷ The Effect of COVID-19 on Education - PMC (nih.gov)

¹⁸ Pirie, Fernanda. *The Rule of Laws*. Basic Books, p. 20-21, 2021.

¹⁹ Id. at p. 48 and p. 92.

²⁰ "Human Trafficking." United States Department of Justice, 13 May 2023, www.justice.gov/humantrafficking. Last accessed 28 May 2024.

²¹ "The Use and Abuse of Technology in Human Trafficking in Southeast Asia - ASEAN-Australia Counter Trafficking." ASEAN, 30 Nov. 2022, www.aseanact.org/story/use-and-abuse-of-technology-in-human-trafficking-southeast-asia/. Last accessed 28 May 2024.

²² Aridati, Indira Zahra, and Melinda Martinus. "Tackling Technology Abuse and Human Trafficking in ASEAN." *East Asia Forum*, 20 Feb. 2024, eastasiaforum.org/2024/02/20/tackling-technology-abuse-and-human-trafficking-in-asean/.

²³ Martimus, Melinda & Aridati, Indira. (2024, February 20). *Tackling technology abuse and human trafficking in ASEAN / East Asia Forum*. <https://eastasiaforum.org/2024/02/20/tackling-technology-abuse-and-human-trafficking-in-asean/>

²⁴ Martimus, Melinda & Aridati, Indira. (2024, February 20). *Tackling technology abuse and human trafficking in ASEAN / East Asia Forum*. <https://eastasiaforum.org/2024/02/20/tackling-technology-abuse-and-human-trafficking-in-asean/>

²⁵ Everything to Know About the Nth Room Case in 'Cyber Hell' - Netflix Tudum

Over 260 thousand people transferred funds to gain access.²⁶ Those who participated in the network paid as much as 1.5 million won or \$1,360 to view abusive videos and images.²⁷ Unfortunately, “[T]here is currently no law that would let police confiscate any cryptocurrency collected by Mr. Cho [ringleader of the Nth Room]. New laws pertaining to [crypto seizure] may take a year to enact.” However, several corporations like KuCoin, Huobi and Binance have vowed to provide South Korean police with data that could help identify people who paid to access the Nth room and its associated chat rooms.²⁸ While this is one example of a social media platform being used to elicit money there are many other ways criminals and their victims take money from people.

In August 2022, author Zeke Faux received a text from someone named Vicky Ho. Initially their conversation seemed ordinary, but it took a turn when Ho began discussing Bitcoin, claiming to have earned over \$18 thousand weekly. Ho persuaded Faux to use Tether, another cryptocurrency, praising its advantages over traditional methods like bribing bankers or using money mules. Tether’s appeal lies in its instant transactions and lack of recourse for refunds, requiring no personal details such as names or addresses. Its stable value, unaffected by hourly fluctuations, reduces apprehension among potential victims and simplifies management for criminals, especially in today’s heavily online environment and the rise of Artificial Intelligence (AI).²⁹

AI has exacerbated the difficulty in distinguishing between authentic and fraudulent elements, particularly within cryptocurrency initiatives. The multitude of factors involved provides criminals with opportunities to exploit AI’s capabilities creating convincing deep fakes for impersonation, generating sophisticated phishing materials, automating social engineering attacks, and even crafting malicious smart contracts.³⁰ AI tools like ChatGPT and similar technologies enable criminals to scale these activities to a level significantly more pervasive than current levels.³¹ Leveraging these

advancements, criminals can perpetuate their schemes seamlessly, taking advantage of cryptocurrency and informal payment systems that facilitate international transactions.³² AI crypto coins are a type of cryptocurrency that incorporates artificial intelligence technologies into their operations. Unlike conventional cryptocurrencies, AI crypto coins study market patterns, make predictions and execute automated trades using machine learning algorithms and natural language.³³ AI crypto may seem non-traditional, but they carry familiar risks. Recognizing these old but supercharged scams empowers users to anticipate them, urging crypto enthusiasts to familiarize themselves with prevalent scams: social media frauds, Ponzi schemes, rug pulls and romance scams, also the dubbed pig.³⁴ From 2022 to 2024, the Asia-Pacific region experienced a 1,530 percent increase in deepfake fraud, prompting several countries — including Malaysia, Singapore, and Indonesia — to issue warnings about deepfake scams. This technology helps scammers conduct investment fraud, create deepfake pornography, and carry out schemes impersonating police officers, celebrities, and family members. Europol highlighted that Large Language Models (LLMs) like ChatGPT help scammers craft more authentic-sounding messages to gain victims’ trust and persuade them to invest “faster, much more authentically, and at a significantly increased scale.”³⁵

Victims across Asia are often deceived with promises of legitimate jobs, only to be trafficked into scam compounds where they endure severe abuse, including forced labor and torture, while being coerced into scamming others. These human trafficking operations in Southeast Asia are generating nearly \$3 trillion in illicit revenue annually. What began as a regional crime has now escalated into a global human trafficking crisis. Since 2021, the United Nations estimated that up to 120 thousand people could be held captive in Myanmar and another 100 thousand in Cambodia.³⁶ This widespread fraud has led to substantial financial losses. These scams

²⁶ #341: Korea’s Nth Room: 260k Men Paying to Violate, Rape, and Torture Middle School Girls On Telegram Podcast Summary with Stephanie Soo (shortform.com)

²⁷ Leader of S Korea ‘sextortion’ ring jailed for 40 years | Crime News | Al Jazeera

²⁸ Can Police Seize Nth Room Crypto? Int’l Exchanges Agree to Cooperate (cryptonews.com)

²⁹ Faux, Z. (2023). *Number Go Up*.

³⁰ Toppa, S. (2024, June 19). *Crypto scams evolve with AI, posing new threats to investors*. TheStreet Crypto: Bitcoin and Cryptocurrency News, Advice, Analysis and More. <https://www.thestreet.com/crypto/markets/crypto-scams-evolve-with-ai-posing-new-threats-to-investors>

³¹ Johansson, Eric. (n.d.). *How crypto scammers are embracing new AI technology*. DL News. Retrieved July 5,

2024, from <https://www.dlnews.com/articles/people-culture/how-crypto-scammers-are-embracing-new-ai-technology/>

³² The use and abuse of technology in human trafficking in Southeast Asia. (n.d.). *ASEAN–Australia Counter Trafficking*. Retrieved June 22, 2024, from <https://www.aseanact.org/story/use-and-abuse-of-technology-in-human-trafficking-southeast-asia/>

³³ What are artificial intelligence (AI) crypto coins, and how do they work? (cointelegraph.com)

³⁴ Be Warned, AI Crypto Scams Are on the Rise (coindesk.com)

³⁵ <https://www.csis.org/analysis/cyber-scamming-goes-global-unveiling-southeast-asias-high-tech-fraud-factories>

³⁶ Magramo K. (2024, March 28). *Gangs netting up to \$3 trillion a year as Southeast Asia human trafficking becomes a global crisis, Interpol says* | CNN. <https://www.cnn.com/2024/03/28/asia/southeast-asia-interpol-scam-human-traffic-king-crime-intl-hnk/index.html>

resulted in about \$3.5 billion in losses in the United States, while Canadians lost around \$413 million and Malaysians more than \$750 million.³⁷

Reports have indicated that Indonesian victims have been recruited from Aceh, Java, Jambi, Jakarta, North Sumatra, and West Kalimantan regions of the country. Once recruited, they are often transported to Medan province then flown to Preah Sihanouk. A sixteen-year-old Chinese national reportedly crossed a mountain range at gunpoint. In September 2022, three Chinese nationals were found dead after a boat carrying 41 people sank while crossing to Preah Sihanouk. In Vietnam, a Vietnamese man was allegedly smuggled across the Cambodia-Vietnam border by armed traffickers. A group of seven Malaysians reportedly crossed via boat to Thailand before being transported to Cambodia via the land border. And a Thai woman described how she was promised a job at a hotel and was enticed to travel from her hometown in Aranyaprathet to Sa Kaeo province in Thailand, which borders Cambodia. She stated she spent a night in a hotel along the border before crossing to PoiPetCity, Cambodia³⁸, which is famous for its large casinos, which is extremely popular as a gambling destination and is a key crossing point between two countries³⁹.

Technological advancements and the surge in online activities during COVID-19 have led to a rise in digital fraud, such as romance and cryptocurrency scams. The expansion of digital markets and the increase in internet users in ASEAN, now totaling 460 million, have made people more vulnerable to these scams due to digital illiteracy and weak data safety. There are concerns about the legitimacy of Tether's dollar reserves and claims that its reserves have been mismanaged for personal profit. Author Zeke Faux was approached by someone who recommended using Tether for its advantages in discreet and instant transactions, which is appealing to criminals. The rise of AI has further complicated the detection of fraud by enabling the creation of convincing deep fakes, phishing schemes, and other sophisticated attacks, making it easier for criminals to exploit cryptocurrency and informal payment systems. AI crypto coins use artificial intelligence technologies to analyze market patterns, make predictions, and execute trades through machine learning and natural language processing. Despite their advanced features, they are still subject to traditional cryptocurrency risks, including common

scams like social media fraud, Ponzi schemes, rug pulls, and romance scams. In Southeast Asia, human trafficking operations have escalated into a global crisis, generating nearly \$3 trillion annually. Since 2021, the UN estimates up to 220,000 people are held captive in Myanmar and Cambodia. Victims from Indonesia, China, Vietnam, Malaysia, and Thailand are often deceived with fake job offers and then trafficked into abusive conditions where they are forced to participate in scams.

The Solution?

The scourge of cryptoslavery has descended upon the world but most egregiously in Southeast Asia (SEA). This region is highlighted since the head of Interpol, Jurgén Stock, has stated that the slavers are "netting...close to \$3 trillion in illicit revenue annually."⁴⁰ Collaterally, cybercriminals are likely to perceive Southeast Asia as a relatively low-risk and high-gain operational environment.⁴¹ A myriad of questions come to the fore, but we will focus on this question: can cryptoslavery be stopped? We will begin to address how these dual crimes occur with proposals to modify or eliminate those specifically identified situations. This is more an awareness of the problem and draws upon our current understanding of the cryptoslavery world. To conclude we will introduce our new concept to end cryptoslavery to bolster our modifications. This effort will require a "whole of humanity" approach.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and more commonly referred to as the Palermo Protocol⁴² was an important international step. This protocol augments the three other protocols supplementing the UN Convention Against Transnational Organized Crime. The other protocol of instant import to this work is the Protocol Against the Smuggling of Migrants by Land, Sea, and Air (Smuggling Protocol).

³⁷ Reddick, James. (2024, May 13). *Southeast Asian scam syndicates stealing \$64 billion annually, researchers find*. <https://therecord.media/southeast-asian-scam-syndicates-stealing-billions-annually>

³⁸ *PoiPet travel guide—PoiPet travel tips*. (n.d.). Retrieved November 8, 2024, from <https://www.Asiakingtravel.com/attraction/poiPet>

³⁹ <https://www.aseanact.org/wp-content/uploads/2024/05/202405-LSCW-Cyber-scams-and-HT-report-design.pdf>

⁴⁰ Magramo, Kathleen. "Gangs Netting up to \$3 Trillion a Year as Southeast Asia Human Trafficking Becomes a Global Crisis, Interpol Says." CNN, Cable News Network, 28 Mar. 2024, www.cnn.com/2024/03/28/asia/southeast-asia-interpol-scam-human-trafficking-crime-intl-hnk/index.html.

⁴¹ Douglas, Jeremy, and Neil J. Walsh. "Darknet Cybercrime Threats to Southeast Asia." Key Findings, UNODC, 21 Feb. 2021, www.unodc.org/roseap/uploads/archive/documents/darknet/index.html.

⁴² Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

The preambular language of the Palermo Protocol is quite plain as regards the purpose declaring that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,...⁴³

This protocol was added to the UN Convention Against Transnational Organized Crime as there was not a single document dealing with all aspects of human trafficking.⁴⁴ Having this protocol and implementing it are significant advancements as we look to the practical implementation to end crytoslavery.

When dealing with complicated issues such as crytoslavery there are many possible responses to deal with this dual menace human scourge. A multipronged effort is clearly needed with a minimum of a specific regional effort such as in the SEA region but, ideally, a global effort to end the scourge of slavery especially in this new and virulent form. Undoubtedly, this effort to end crytoslavery will require acknowledgement of the situation, understanding of the people and money involved, awareness of the corruption factor at every stage, careful investigations, multilateral efforts to confront and contain the slavers, careful collection of the evidence involved in this criminal behavior, and prosecution of the criminal “slaver gangs” who conduct these enterprises. The rights of crytoslaves are a daunting query for research as they are often criminally tried for their participation in the cryptocrimes they were forced to perform. Regrettably, this topic is well beyond the scope of the current work, but it will engender a short comment later.

HOW CRYPTOSLAVERY BEGINS

At the 18-21 March 2024 Asia-Pacific Regional Meeting on Child Labour and Forced Labour it was stated that “[p]overty levels, a lack of access to social protection, funding shortfalls and low levels of compliance were all recognized as root causes of forced labor....”⁴⁵ Given these root causes many people are searching for employment through various media platforms, but “simultaneously predatory recruiters and traffickers also use these avenues to identify vulnerable and

marginalized individuals.”⁴⁶ Promises of good paying jobs have trapped people from around the globe such that no country is safe from this effort. Deception is the tool of choice employed by these miscreants to ensnare victims to the point of procuring false travel documents for and charging excessive recruitment fees, travel costs, or both to the victim. Such deception makes identification of the crytoslaves nearly impossible. A general level of awareness could help to prevent some people from becoming crytoslaves. The actual numbers of crytoslaves are difficult to pinpoint as the estimates vary considerably but are estimated by some agencies to be in the millions.⁴⁷

PREVENTING RECRUITMENT: LOCAL AND REGIONAL EFFORTS

This multipronged effort to stop crytoslavery must begin with comprehending and stopping the recruitment of the crytoslaves. Targeting the recruitment process could disrupt or at least crimp the flow of slaves to the SEA and other areas. Persons in positions of formal or informal authority in the local community, teachers, religious leaders, and relatives must be aware of the possible recruitment and assist the targeted population from making an unwise choice. Slowing and stopping the flow of crytoslaves will involve local law enforcement, border controllers, national police, and prosecutors. These state agents are the law enforcement professionals most likely to observe both the recruitment and transport of the future crytoslaves. Aspirational efforts include courts, most likely local or regional, but possibly international, and these will need to be available for prosecution of the accused, and these courts must be above corruption, beyond intimidation, and secure in persons, papers, and buildings. Guaranteeing these courts ability to function can be at the state level but preferably at the regional, or international levels

⁴³ Id. Preamble.

⁴⁴ Id.

⁴⁵ “Asia-Pacific Partners Revitalize Collaboration to Tackle Child Labour and Forced Labour in the Region.” International Labour Organization, 26 Mar. 2024, www.ilo.org/resource/news/asia-pacific-partners-revitalize-collaboration-tacklechild-labour-forced-labour

⁴⁶ Department of State, Trafficking in Persons Report, p. 58, June 2022

⁴⁷ “Hundreds of Thousands Trafficked into Online Criminality across Se Asia | UN News.” United Nations, United Nations, news.un.org/en/story/2023/08/1140187#:~:text=Criminal%20gangs%20in%20southeast%20Asia%20are%20using%20torture,the%20UN%20rights%20office%20%28OHCHR%29%20said%20on%20Tuesday. Accessed 12 July 2024.

See also: “Casinos, Cyber Fraud and Trafficking in Persons for Forced ...” UNDOC ,United Nations Office on Drugs and Crime, 9 Sept. 2023, www.unodc.org/roseap/uploads/documents/Publications/2023/TiP_for_FC_Summary_Policy_Brief.pdf.

“Casinos, Cyber Fraud and Trafficking in Persons for Forced ...” UNDOC ,United Nations Office on Drugs and Crime, 9 Sept. 2023, www.unodc.org/roseap/uploads/documents/Publications/2023/TiP_for_FC_Summary_Policy_Brief.pdf.

Local efforts will be critical to halting the recruitment and transportation of the victims. In the Palermo Protocol this recruitment and transportation is the action aspect of modern slavery.⁴⁸ Active interdiction is possible during these two phases of the modern slavery crisis. Certainly, the aforementioned local groups need awareness and training about the “slaver’s” techniques and efforts in the recruited counties to stop the exodus of their citizens to these cryptoslave locales, especially in the SEA region. Focusing on one action aspect⁴⁹ of the cryptoslavery enterprise, that is recruitment, preventive actions have already begun and can continue as the awareness of this criminal enterprise expands. Even this modest success is muted by the “...growing awareness of the scam centers’ recruiting ploys among potential victims in China and Southeast Asia has forced the syndicates to search further afield, targeting countries and regions where most people may not yet know about them.”⁵⁰ Success may have expanded the problem.

Beyond the local authorities and law enforcement professionals, education of the national legislators and executives is required. While legislation and judicial action will eventually develop, the need is to stop recruitment today. As seen in many reports about cryptoslavery this is a regional catastrophe requiring action at that level. While a global effort would be efficacious a regional response could begin the long road to ending cryptoslavery.

PREVENTING TRAVEL INTO CRYPTOSLAVERY

Of equal importance to recruitment stoppage is the interdiction of these recruited future slaves during their travels to the dens of inequity, especially those in the SEA region. Even if the cryptoslavery recruitment process is disrupted or crimped there will still be travelers proceeding to their forced labor encampment. Awareness of trafficking and subsequent crimes is imperative, however, beyond this awareness is training backing up the awareness. Providing or strengthening

training is covered in Article 10 of the Palermo Protocol and provides “[t]he training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers.”⁵¹ Training should focus on the ability to spot both the trafficked individuals and the “slavers.” This training must be made available to those working in or around the trafficked. Law enforcement, immigration officials and other governmental authorities are the obvious choice to be given training as the first level of observation and possible prevention. The Palermo Protocol acknowledges this need, but others involved in transportation could be made aware of this issue and trained. An obvious group to have this training is the travel industry including air crews, airline service personnel at the ticket counter, the back shops for maintenance, and others encountering these travelers such as airport security. With airport security there are two opportunities to observe and stop the movement of potential slaves. From the ingress into the air travel system to the arrival at the destination these professionals will have many chances to observe and hopefully stop the transportation of the victims.

Yet there are several concerns about this protective security personnel performing the task. Specifically, there are various modes of transportation other than aircraft, there is a lack of training to “identify protection sensitive responses”⁵² as acknowledged by the UN Office of the High Commissioner for Human Rights (OHCHR), and the lack of visa and other travel requirements inside regional organizations such as ASEAN. Like other regions, ASEAN citizens can travel without a visa in that region so there is less likelihood of being intercepted by the border guards and airport security.

Other modes of travel could thwart efforts at the airports and interior borders. Smuggling including human trafficking has made great strides in avoiding locales where discovery of the trafficking is made and expected. According to the UN OHCHR, due to the inter-regional modes of transportation there is a “lack of protection sensitive screening” especially due to the speed at the movement control points for regional members. Coupled with the training deficiencies of border guards to identify and respond to those being trafficked, a “speedy” border crossing or other movement control center process, the guards may not see or understand the human trafficking situation.

Some good news has been the movement of the dual criminal entities becoming more public. The cryptoslaves may become more identifiable as this dual criminal enterprise moves out of the shadows and into passing “... themselves off as legitimate business

⁴⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons> Article 3 (a) The definition includes “the recruitment, transportation, transfer, harbouring or receipt of persons,...”

⁴⁹ Mammadova, Nargiz, and Lois Bosatta. *Cryptocurrency and Combatting Modern Slavery in the Financial Sector*, University of Nottingham, Nottingham, 2022.

⁵⁰ Peter, Zsombor. “Southeast Asian Scam Hubs Drawing Global Scrutiny as Reach Grows.” *Voice of America, Voice of America (VOA News)*, 23 Dec. 2023, www.voanews.com/a/southeast-asian-scam-hubs-drawing-global-scrutiny-as-reach-grows-/7409758.html.

Success in the SEA region may have expanded the problem globally

⁵¹ Palermo Protocol, Art. 10.

⁵² UN News 29 Aug 2023

entities or even philanthropic organizations.”⁵³ While hopeful of this move into the public sphere being a better chance to rescue trafficked victims; this can be problematic as these criminal entities are making so much money that they feel confident in their ability to buy protection from corrupt officials and politicians.

The Crypto Scam

Although the actual numbers of cryptoslaves is nearly impossible to estimate, the number of cyber scams is on the increase.⁵⁴ This increase in cyber fraud and theft is greatly facilitated by the so called “scam farms” located throughout Southeast Asia. Scam farms “...are large-scale operations where criminals set up call centers to defraud individuals and businesses. These operations employ advanced technologies and social engineering tactics to deceive victims, often leading to substantial financial losses.”⁵⁵ These scam farms are populated by forced labor, usually trafficked persons. Forced labor refers to “... situations of exploitation, that a person cannot refuse or cannot leave because of threats, violence, coercion, deception, or abuse of power.”⁵⁶ According to the ILO, the SEA region has the highest number of slaves of any region in the world.⁵⁷

The scam farms work a new form of crypto fraud called “pig butchering” as it “resembles the practice of fattening a hog before slaughter.”⁵⁸ The cryptoslave established a relationship with the victim over an extended period, sometimes over many months, then provided investment advice before asking the victim to purchase cryptocurrency. Because of this long-term relationship and careful grooming, “... there are countless stories of victims losing their entire life saving to these schemes.”⁵⁹

Preventing the Crypto Scam

Regionally, especially in the southeast Asia area, the nations must enforce the law, end the corruption, and

prosecute the perpetrators. The “slavers” must be made aware that investigation, indictment, and prosecution are not only possible but likely. Alone the threat of prosecution may not seem to reduce this dual criminality, but convictions are beginning to occur.

Enforcing the law is not easy but is made even more difficult when the amount of money involved is in the trillions of US Dollars. Law exists to protect people and to regulate behaviors in society. This must be made clear to the “beat” cop to the top of the government. Crytoslavery is two crimes that have been outlawed and the cryptoslaves need to be protected from the “slaver,” the recruiter, and all the other miscreants in that system. This will take agreement on the problems as well as across international boundaries. Clearly a global effort is needed but a regional effort especially in SEA would be a solid start to end crytoslavery. The immediacy should be clear and the effort forthcoming. ASEAN has made a start with the convention entitled “The ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP).”⁶⁰

Recently more action has begun when the Thai Attorney General conducted a modern slavery conference in Bangkok. “On 1 March 2024 over 90 participants gathered in Bangkok and online from government, private sector and NGOs to discuss the structural drivers of modern slavery in Thailand and explore ways to respond collectively to this multi-sectoral challenge.”⁶¹ A great beginning but a beginning only as additional action is required.

There are simple ways that citizens can assist the authorities to prevent the functioning of these crypto scam centers. Suppliers of goods and services must be aware of what they might observe in their business transactions. Transportation providers of all sorts are a group ideally situated for spotting human trafficking or other miscreant activities related to the dual crimes in crytoslavery. An unusual number of people being transported to an area may be further indicia of a crypto scam center. Suppliers of goods and services needed to become engaged in the international effort related to these crypto crimes so they should be trained to understand what they may be viewing during deliveries. The deliveries themselves may be indicators of criminal activity such that drivers, supervisors, and accountants

⁵³ UN News 2023/09/1141492

⁵⁴ Raywood, Dan. “Victims of Cyber Extortion and Ransomware Increase in 2024.” SC Media, 8 July 2024, www.scmagazine.com/news/victims-of-cyber-extortion-and-ransomware-increase-in-2024.

⁵⁵ X., Raxer. “Southeast Asia’s Scam Farms: A Growing Threat.” The Supply Chain Report News, The Supply Chain Report, 10 July 2024, supplychainreport.org/southeast-asias-scam-farms-a-growing-threat/.

⁵⁶ “Global Estimates of Modern Slavery: Forced Labour and Forced Marriage.” International Labour Organization, UN International Labour Organization, Sept. 2022, www.ilo.org/publications/major-publications/global-estimates-modern-slavery-forced-labour-and-forced-marriage.

⁵⁷ Id at pg. 19.

⁵⁸ Laverdure, Brian. “‘Pig Butchering’ Crypto Scams a Growing Concern.” ICBA, www.icba.org/newsroom/blogs/main-street-matters/2024/04/11/pig-butchering-crypto-scams-a-growing-concern. Accessed 10 July 2024.

⁵⁹ Id.

⁶⁰ “ASEAN Convention Against Trafficking in Persons, Especially Women and Children.” ASEAN Community, ASEAN, 15 Nov. 2015, asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children/.

⁶¹ “Thailand Leads First Modern Slavery Conference in Southeast Asia - ASEAN-Australia Counter Trafficking.” Australian Aid ASEAN, ASEAN-Australia Counter Trafficking, 12 Mar. 2024, www.aseanact.org/story/modern-slavery-th/.

may have some input when there is some aberration in the quantity, quality, or variety of deliveries and the types of deliveries. Utility suppliers may notice a large volume of water, electricity, and other such supplies being in high demand in given areas and report this observation. The point is that to engage in cryptocrime stopping one must adhere to the anti-terrorism saying in the United States, “[i]f you see something, say something!”⁶²

Cryptocurrency exchanges like KuCoin, Huobi, and Binance have pledged to help South Korean police by providing data to identify individuals who paid for access to the Nth Room and related chat rooms. Other tech companies including cryptocurrency exchange platforms like Coinbase, Meta, Match group and the anti-scam charity organization GASO announced the “Tech Against Scams Coalition” acknowledging the scams “are a pervasive issue across the entire tech landscape.”⁶³ Many organizations have come forward to help combat this global phenomenon. Eric Heintz, a Global Analyst at the International Justice Mission (IJM) worked to help human trafficking victims of pig butchering gangs. Not only do they track the gangs themselves, but they also monitor recruitment platforms such as social media, mapping out their compounds through satellite imagery, and communicate with victims.⁶⁴ Operation Shamrock, set up by Erin West, a Santa Clara County prosecutor, brought together law enforcement, social media, crypto exchanges, and traditional banks to tackle crypto scams.⁶⁵ The brutal conditions trafficking victims face on the compounds also lend additional urgency to solving the problem of romance scamming - not only are consumers being conned out of hundreds of millions of dollars each year, but the gangs behind those scams are also perpetuating a humanitarian crisis.

The good news is the cryptocurrency ecosystem is acting: In November, the stablecoin issuer Tether and the

cryptocurrency exchange OKX announced that they collaborated with the United States Department of Justice in an investigation that led to Tether freezing approximately \$225 million in USDT tokens linked to an international human trafficking syndicate in Southeast Asia responsible for romance scams.⁶⁶ Outside of the United States, a Vietnamese hacker named Ngô Minh Hiếu, worked with Zeke Faux gathering intel on pig butchering. They both interviewed victims and broke into some of the scammers' computers.⁶⁷

In mid-2024, Singapore launched CheckMate, a free WhatsApp bot that can identify scams and disinformation. CheckMate uses AI to classify messages in one of seven distinct categories, such as “scam,” “legitimate,” or “spam.” It then asks if it can include the message in a national scam database, providing up-to-date examples for public awareness campaigns⁶⁸.

The Judicial Process

Corruption is endemic in the cryptoslavery environment in SEA. Reports of corruption exist from the local officials on the street to the upper levels of government. In a recent UNODC report entitled “Casinos, Money Laundering, Underground Banking, and Transnational Organized Crime in East and Southeast Asia: A Hidden and Accelerating Threat” the authors list the challenges. They conclude,

[t]he most significant of these challenges can be observed in the case of casinos and Special Economic Zones (SEZs) which have proliferated across Southeast Asia to facilitate economic development, but have also inadvertently enabled organized crime groups to traffic illicit goods, operate illegal casinos and recently cyberfraud compounds, and facilitate industrial-scale money laundering and underground banking.⁶⁹

Corruption has permitted this economic development plan to become a criminal enterprise of global proportions. Such levels of corruption must be dealt with and can begin with the average citizen and a court system that can prosecute these miscreants.

Prosecutions are difficult enough without the endemic corruption encountered at all levels of government and business in battling cryptoslavery. If cooperative

⁶² “If You See Something, Say Something®: Homeland Security.” U.S. Department of Homeland Security, U.S. Department of Homeland Security, 4 Dec. 2023, www.dhs.gov/see-something-say-something.

⁶³ Watson, T. R., Ivan. (2024, June 17). *Killed by a scam: A father took his life after losing his savings to criminal gangs in Asia. He's not the only one.* CNN. <https://www.cnn.com/2024/06/17/asia/pig-butcherer-scams-southeast-asia-dst-intl-hnk/index.html>

⁶⁴ Team, C. (2024, February 25). Pig Butchering Gangs, Human Trafficking, and Crypto: An Analysis. *Chainalysis* .<https://www.chainalysis.com/blog/pig-butcherer-human-trafficking/>

⁶⁵ Watson, T. R., Ivan. (2024, June 17). *Killed by a scam: A father took his life after losing his savings to criminal gangs in Asia. He's not the only one.* CNN. <https://www.cnn.com/2024/06/17/asia/pig-butcherer-scams-southeast-asia-dst-intl-hnk/index.html>

⁶⁶ Team, C. (2024, February 25). Pig Butchering Gangs, Human Trafficking, and Crypto: An Analysis. *Chainalysis*. <https://www.chainalysis.com/blog/pig-butcherer-human-trafficking/>

⁶⁷ Faux, Z. (2023). *Number Go Up*.

⁶⁸ <https://www.csis.org/analysis/cyber-scammers-go-global-unveiling-southeast-asias-high-tech-fraud-factories>

⁶⁹ “Casinos, Money Laundering, Underground Banking, And ...” UNDOC, United Nations Office of Drugs and Crime, Jan. 2024, www.unodc.org/roseap/uploads/documents/Publications/2024/Casino_Underground_Banking_Report_2024.pdf.

witnesses can be found and testified, some convictions are possible. Reluctance on the part of witnesses is understandable from a prosecutor's position as there is near certainty of retaliation of some sort against those testifying. Beyond witnesses may be the cryptoslaves themselves. Slavers identify their human property with "[s]lave" tattoos, electric shock devices, and plastic bracelets. These are examples of the kinds of objects and physical abuses deployed by human traffickers to control, torture, and brand their victims...."⁷⁰ Such identity marks are solid evidence of the crime and the victims of the trafficking. These identifiers "...were later used against the criminals themselves in court, when they provided vital evidence that led to a guilty verdict for human trafficking—particularly important in complex crime that is difficult to prove."⁷¹ Evidence seized in a regular investigation such as bloodstains, saliva samples, semen, and tissue samples from skin, nails, teeth, bone, or hair, can also be used to convict the "slavers."⁷² Another opportunity should be afforded to the cryptoslaves in that they might be allowed to testify in court behind a screen or via a visual telecommunication device. Thoughtful consideration must be given to lesser included offenses of the main charges and reversion to earlier anti-slavery statutes that retain their viability.

A comment on the victims being tried as participants in this illegal cryptoslavery should be made. In fact, ASEAN has codified this in Article 14(7) of the ASEAN Convention Against Trafficking in persons, Especially Women and Children. Article 14(7) provides "[e]ach party shall, subject to its domestic laws, rules, regulations and policies, and in appropriate cases, consider not holding victims of trafficking in persons criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking."⁷³ While this convention is applicable to the SEA region, the inconsistent adaptation, enforcement, and judicial application has

hindered the progress of this treaty against trafficking in persons. Prosecutors must separate the cryptoslavers from the cryptoslaves as a needed priority and insist that the victims are not re-victimized by the legal process. Credit must be given to ASEAN for including this convention as the "... UN TIP [Trafficking in Person] Protocol does not specifically address the non-punishment of trafficking victims."⁷⁴ Noting that the United States has had such a statute adopted in 2000 entitled the Trafficking Victims Protection Act, the language is clear as it provides "[v]ictims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked."⁷⁵

Without cooperative witnesses or the actual cryptoslaves, prosecutions may need to focus on economic crimes such as tax violations, accounting irregularities, and circumstantial evidence cases.⁷⁶ Every trial is a step forward in the battle to prevent the cryptocrimes including cryptoslavery. Small victories will be needed to obtain further support for more prosecutions and other legal remedies in the effort to end cryptoslavery.

Logistic nightmares begin after successful prosecutions when the convicted must be imprisoned. The question of where and how will need to be addressed but again the mantle of corruption will be strong as the vast amounts of money are a serious enticement even for the most dedicated law enforcement and judiciary people.

The complexities of bringing the cryptoslavers to trial are not insurmountable yet the current approach as briefly outlined here is cumbersome, glacially slow, and filled with pitfalls from corruption to a weak judiciary. We will propose a new concept to begin the end of cryptoslavery and associated crimes.

⁷⁰ "Securing Evidence: The Key to Convicting Human Traffickers | Department of Political and Peacebuilding Affairs." United Nations, United Nations, 5 Mar. 2022, dppa.un.org/en/securing-evidence-key-to-convicting-human-traffickers#:~:text=Securing%20evidence%3A%20The%20key%20to%20convicting%20human%20traffickers,and%20which%20are%20crucial%20to%20securing%20a%20conviction.

⁷¹ March 09, 2022. "The Key to Convicting Human Traffickers." Forensic®, CompareNetworks, 9 Mar. 2022, www.forensicmag.com/584090-The-Key-to-Convicting-Human-Traffickers/.

⁷² Id.

⁷³ "ASEAN Convention Against Trafficking in Persons, Especially Women and Children." ASEAN Convention Against Trafficking in Persons, Especially Women and Children, ASEAN, 15 Nov. 2015, asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children/.

⁷⁴ "Protecting Victims of Trafficking: The Non-Punishment ..." Protecting Victims of Trafficking: The Non-Punishment Principle, Office of Monitor and Combat Trafficking in Persons, www.state.gov/wp-content/uploads/2023/12/Protecting-Victims-of-Trafficking-The-Non-Punishment-Principle.pdf. Accessed 26 Aug. 2023.

⁷⁵ United States, Congress, 22 USC Ch. 78: TRAFFICKING VICTIMS PROTECTION Act. 2000. Section 7101-7115. <https://uscode.house.gov/view.xhtml?path=/prelim@title22/chapter78&edition=prelim>

⁷⁶ "Circumstantial Evidence." Legal Information Institute, Legal Information Institute, Jan. 2022, www.law.cornell.edu/wex/circumstantial_evidence. "Circumstantial evidence is indirect evidence that does not, on its face, prove a fact in issue but gives rise to a logical inference that the fact exists. Circumstantial evidence requires drawing additional reasonable inferences in order to support the claim." For example, in the morning you see the driveway is wet, but you did not see the actual rainstorm. You can infer that it rained last evening. Author's example.

A NEW CONCEPT TO END CRYPTOSLAVERY

The efforts made to identify, develop awareness, and prosecute these crimes locally have matured and have had some success. A “whole of humanity” approach has been alluded to throughout this work, but this must be made more specific with a new concept.

Interpol has developed a regional cybercrime strategy for ASEAN⁷⁷ to collaboratively enhance intelligence collection on cybercrimes as it is developing regional capacity and capabilities. In the whole of humanity approach the strengthening of cooperation and the promotion of good cyber hygiene will eventually generate more cases for prosecution as well as free more cryptoslaves from their scam farm hell. Such a regional approach should alert people to the topic of cryptoslavery, assist in investigations, generate prosecutions and, if found guilty, to incarceration. Hope for the cryptoslaves should become more realistic.

The incorporation of OPDAT into the new concept of battling the twin evils of cryptoslavery would bring to bear another source of assistance and expertise as it contributes to a whole of humanity approach. OPDAT is the Office of Overseas Prosecutorial Development, Assistance, and Training in the US Department of Justice. OPDAT “... promotes the rule of law and regard for human rights by reforming foreign justice systems and supporting professional and accountable institutions consistent with international norms and standards ... OPDAT builds the capacity of ... foreign partners to combat transnational crime....”⁷⁸ The areas of core competencies for OPDAT are listed as

Task force development, Capacity building of foreign prosecutors, investigators, and judges, Promoting the rule of law and compliance with human rights standard, Promoting judicial independence, Victim assistance and advocacy [and] Technical assistance and case-based mentoring in the following areas: Counter-transnational organized crime, including gangs, Anti-corruption, Anti-money laundering and asset forfeiture, Human smuggling and trafficking... [and] Cybercrime and cybersecurity.⁷⁹

This list of core competencies covers many of the areas of need in the whole of humanity approach to end

cryptoslavery. While the primary law enforcement competencies dealing with human trafficking and the cybercrimes can help shut down both parts of the cryptoslavery crimes, the anti-money laundering, gangs' suppression, and victim assistance and advocacy are important for the elimination of the secondary effects of this crime. Key among the considerable assets directly available to OPDAT is that OPDAT personnel can utilize other Department of Justice components as well as the law enforcement assets of the Department of the Treasury and the Department of Homeland Security. OPDAT personnel are located in US Embassy's in over 40 countries to provide legal assistance to the requesting country participating legal entities from local police to the highest court. Having this sort of expertise, substantial resources, and local, regional, and global backing would make deployment of this asset a significant contribution to ending this scourge. Unfortunately, there are no OPDAT Offices listed in the SEA areas of concern. Of course this can be remedied with input from citizens, elected officials, and regional groups whether state sponsored such as ASEAN or organizations including the Mekong Group. Awareness may be lacking but this too can be overcome with the proper emphasis.

To broaden this foundation of the new concept, a regional court to try cryptoslavery crimes might be established. Such a court would enlarge the capacity for prosecution as it expands the investigative, prosecutorial, and judicial expertise. A global response could include a global court to deal with this human scourge as the criminal activities in the SEA region alone are called a threat to security.⁸⁰ The Security Council has the power to investigate threats to peace and the UN has worked with nations in the past to reduce security threats. Regional organizations may of course bring this court into being, but this has not occurred. The concept of a thematic court for the prosecution of cryptoslavery crimes could be successful if regionally or globally supported.

The United Nations has previously established a special hybrid thematic court to deal with the criminal vestiges of the Pol Pot regime. Officially the title for this court was the Extraordinary Chamber of the Cambodian Court (ECCC) for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea.⁸¹

⁷⁷Tan, James, et al. “ASEAN Cyberthreat Assessment 2021.” ASEAN Cyberthreat Assessment 2020, Interpol, 2021, www.interpol.int/content/download/16106/file/ASEAN_Cyberthreat_Assessment_2021_-_final.pdf.

⁷⁸“Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT).” Criminal Division | Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) | United States Department of Justice, Department of Justice, 6 Feb. 2024, www.justice.gov/criminal/criminal-opdat.

⁷⁹ Id.

⁸⁰Casinos, Money Laundering, Underground Banking, And ...” UNDOC, United Nations Office of Drugs and Crime, Jan. 2024, www.unodc.org/roseap/uploads/documents/Publications/2024/Casino_Underground_Banking_Report_2024.pdf.

⁸¹ “Extraordinary Chambers in the Courts of Cambodia.” Introduction to the ECCC, UN Extraordinary Chambers in the Courts of Cambodia Drupal, 2006, www.eccc.gov.kh/en/introduction-eccc.

Briefly this chamber was established by an agreement between the Government of Cambodia and the United Nations. The Chamber consisted of Cambodian judges and staff together with international judges, prosecutors, lawyers, and staff to place on trial senior members of the Khmer Rouge regime that brutally ruled Cambodia from 1975-1979.

Based upon this precedent of having already established a thematic court then establishing another thematic court for the prosecution of cryptoslavery seems possible and practical. Such a court should have wider jurisdiction, perhaps regionally or globally, to make no region safe for cryptoslavery. That wider jurisdiction would cover the crimes inherent in human trafficking and the resultant slavery and those crimes that the enslaved persons are being exploited to perform, that is, the crypto scamming side of this dual criminality in cryptoslavery.

The jurisdictional question could be broad and included at least the countries identified in the Mekong Club report and the several UN reports dealing with slavery in the SEA region. Such a court could establish the crimes to be prosecuted much akin to the International Criminal Court (ICC) then borrow heavily from existing laws, treaties, and protocols for the elements of the crimes. The ICC has done a solid job in defining crimes and establishing the elements for prosecution so some of the putative thematic court's work has been accomplished. Jurisdictional scope could be defined geographically broad to a region or even globally as well as the time frames of these crimes. Court organizations might

follow the ECCC or ICC structure to reduce the timeline for the court to become operational for prosecutions. Two organs of the ECCC are the Chambers and Judicial Offices and the Office of Administration. In Figure 1 below the graphics of the ECCC are shown.

This model from the ECCC could function as the basis for the putative thematic cryptoslavery court. All the essential departments are present in the ECCC structure so any future startup time should be significantly reduced. This model is scalable to meet the needs of the prosecution as cases develop. What may take time is defining the crimes and establishing the elements. A good start for this process is the protocols on human trafficking as well as all relevant national and ASEAN laws and regulations. Further agreement on the crimes and elements may take additional time but will be worth the effort. Borrowing from regional statues, treaties, and conventions should start the effort to end cryptoslavery.

Separately, the rules of court should include time limitations once the charges are preferred. The court should convene within 180 days of preferral but in extremely limited cases that time might be extended to one year in the pursuit of justice and the presumption of innocence. The problems encountered at the other thematic courts should be addressed as these develop but the trials should continue apace.

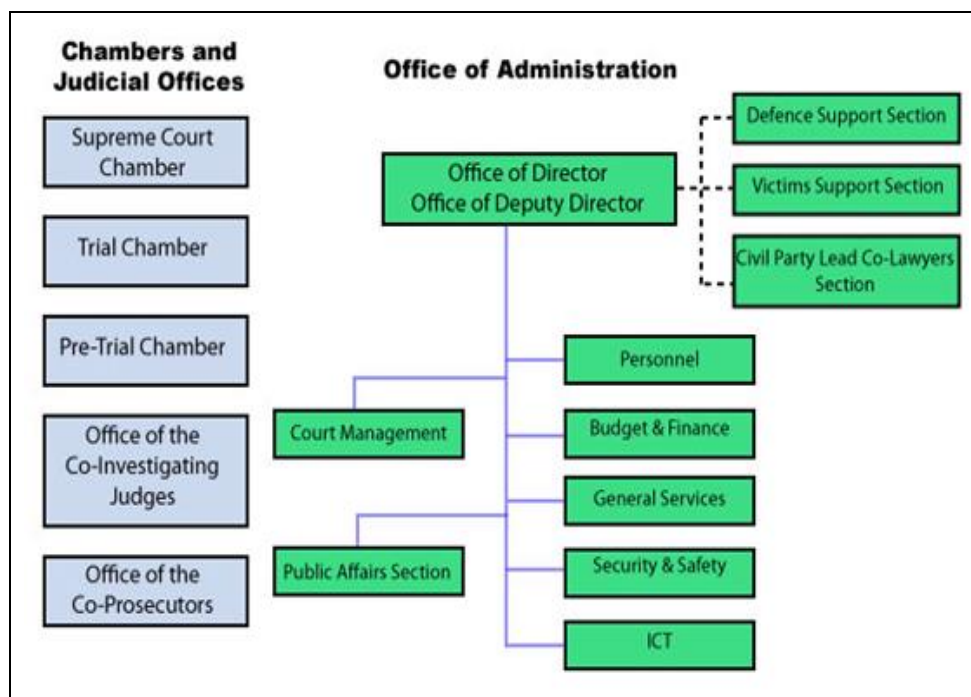


Figure 1. Organization of the ECCC.⁸²

⁸²Extraordinary Chambers in the Courts of Cambodia.” Introduction to the ECCC, UN Extraordinary Chambers in the Courts of Cambodia Drupal, 2006, www.eccc.gov.kh/en/introduction-eccc.

CONCLUSION

Cryptoslavery is a big business with large revenues. This allows for the cryptoslaverys to buy people in government, on the open market, and threaten those who work against their interests. A “whole of humanity” approach might dissipate this threat to those bold enough to speak out or highlight this problem. There are no guarantees this approach will keep people safe but the risk of not speaking out or documenting or writing about this dual crime is worse.

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