

HALTING PEOPLE SMUGGLERS – EPISODE 10

SEASON 2

INTRODUCTION

Europol Narrator

WARNING – this episode contains descriptions that some listeners may find distressing.

Gabor Sztankovics, Europol

I remember that this was a sunny morning, when the report claims that this refrigerator lorry was found close to the Hungarian border, and, it was not clear how many people may have died in this cargo bay.

Bernhard, Burgenland Regional Criminal Police Office

I did this job since 2002 - human smuggling - and in my time I have experienced many difficult situations throughout my service. This event has certainly left its mark on me as a human being.

Dr. Gabor Schmidt, Office of the Prosecutor General of Hungary

The human smuggling OCGs have to be taken very seriously, and no authorities should spare the time to detect these OCGs.

Europol Narrator

Welcome to the Europol podcast, the official podcast of the EU agency for law enforcement cooperation. In this series, we shine a light on some of the biggest operations Europol has supported, and how we continue to fight crime.

Today's episode: Halting People Smugglers

CONTEXT OF THE CASE

It's the mid-2010s, and Europe is experiencing a major refugee crisis following the escalation of the war in Syria. Hundreds of thousands of people, fleeing desperate circumstances, are seeking shelter

and refuge in EU Member States. While authorities saw this as a humanitarian crisis, organised crime groups saw an opportunity. And so, a criminal market for migrant smuggling services sprang up. Multiple smuggling routes, using often-dangerous transport methods, began to be exploited by organised crime groups. The price set by the criminals was in the thousands, forcing travellers to call in money from friends and family – for a journey they may not even survive.

In this episode, we are going behind one of the saddest and most difficult cases of the refugee crisis. This is the story of the Burgenland Corpses Discovery.

THE TRAGIC EVENT IN BURGENLAND

Gabor Sztankovics, Europol

Most of the people were walking along the West, the Balkan route through Serbia, reaching the Hungarian border. And at the time, this OCG were operating from Kecskemét, which is between the Serbian border and Budapest half way.

Europol Narrator

It is a summer night in August 2015, and a group of 71 refugees – 59 men, 8 women and 4 children - are waiting for a clandestine ride across the European border. The ride is facilitated by an OCG – that's an Organised Crime Group.

Gabor Sztankovics, Europol

The OCG were sending the cars from Kecskemét to the Serbian border, and from the Serbian border to Budapest using the M5 motorway. And then from Budapest the M1 the motorway to Austria.

Europol Narrator

A criminal group has agreed to take these people across the border, on an 8-hour drive from Serbia into the EU, in the back of a refrigerated truck. The price per passenger is thousands of euros.

Gabor Sztankovics, Europol

And this was just a normal trip starting from I think 5:00 from Kecskemét, going down 6:00, 7:00, pick up the people and transport them from the Serbian border.

Europol Narrator

However, this journey was doomed to end in tragedy. Typical of the types of organised crime groups involved in migrant smuggling, the smugglers had lined their pockets and had hired a cheap and unsafe vehicle to transport these people.

Trapped in the back of the sealed lorry, the oxygen supply was not enough for the 8-hour trip. The vehicle was airtight, and breathing soon became difficult for the 71 souls on board.

As the lorry travelled through Hungary and towards Austria, they started banging on the sides of the truck, shouting to the driver that they were in danger. However the driver keeps driving, despite the desperate pleas of the people in the back of the truck. Eventually, the banging slowed, and then stopped. One-by-one, the refugees suffocated to death as their oxygen ran out. The criminals could have prevented these deaths. Yet they chose to do nothing.

None of those who got into the back of that truck would reach their planned destination. Seventy-one lives, the youngest just six, were ended in one night.

THE DISCOVERY IN BURGENLAND

Europol Narrator

This terrible sequence of events was one of the most tragic moments in the refugee crisis. The journey ended when the truck was abandoned in a part of Austria called Burgenland, giving this case its name: The Burgenland Corpses Discovery.

Bernhard, Burgenland Regional Criminal Police Office

Okay, my name is Bernhard. I'm the head of the investigation unit at the Burgenland Regional Criminal Police Office and responsible for smuggling, human smuggling and prostitution.

Europol Narrator

This is Bernhard, from the Austrian Police. And it's at his desk where the investigation into this tragedy begins.

Bernhard, Burgenland Regional Criminal Police Office

This case began for me in the midday hours of the 27th of August 2015. On this day, officers from the Potzneusiedl motorway police station reported to our office that they had noticed a refrigerated lorry on the hard shoulder of the A4 motorway, in part of a construction site area from which presumably

human secretion was leaking from the side of the lorry. After opening the rear truck door, they saw many bodies in this lorry.

Europol Narrator

Police in Bernhard's department were responding to public reports of a possibly abandoned lorry and a horrific smell in the area. The gruesome discovery of the bodies inside was shocking.

Bernhard, Burgenland Regional Criminal Police Office

It was already known at the time that the various humans smuggling organisations used every means of transport, most of them vehicles with serious defects, to bring the large number of persons further into the European Union.

Europol Narrator

The criminal gangs involved in migrant smuggling are incentivised by money. They cared little for the quality of the vehicles used for transports, and whether they really were safe for people to be inside.

Bernhard, Burgenland Regional Criminal Police Office

Example, the brakes doesn't work. They had motor problems.

Europol Narrator

This means cases of severe overcrowding, amid extremely dangerous conditions, were commonplace for migrant smugglers. And they take care to avoid detection while carrying out these life-threatening journeys.

Bernhard, Burgenland Regional Criminal Police Office

During this smuggling transport, there was an escort vehicle also, and they drove along in order to be able to warn the driver of the lorry of possible police checks in Hungary or in Austria.

Europol Narrator

And when the driver realised what had happened in the back of the refrigerated truck, the escort driver stepped in.

Bernhard, Burgenland Regional Criminal Police Office

He called his escort driver and he took them, and they drive to Slovakia, and then to Hungary, in direction of Romania or Bulgaria, where they are citizens.

Europol Narrator

The criminals simply fled the scene, abandoning the truck and leaving the bodies of 71 people at the side of the road. When Bernhard received the reports, he acted on existing intelligence and starting plotting the potential route the smugglers had used. An international investigation was soon underway.

Bernhard, Burgenland Regional Criminal Police Office

The international cooperation started on the day of the crime, already in the afternoon with the urgent requests to the Hungarian and later also - through Europol - to the other Member States, especially Bulgaria, because we know that there are Bulgarian citizens involved.

Europol Narrator

Hungary answered very quickly.

INTERNATIONAL COOPERATION BEGINS**Gabor Sztankovics, Europol**

We have to go back a little bit in the history because this case was back in 2015 and 16, when I was still working for the Hungarian National Police. Actually, I was the head of unit for the Illegal Immigration Crime Unit at National Bureau of Investigation.

Europol Narrator

Gabor is one of Europol's top experts in the field of migrant smuggling, and he was leading Hungary's investigation team in the case around the Burgenland Corpses Discovery. It's his voice you heard at the start of the episode.

Gabor Sztankovics, Europol

My name is Gabor Sztankovics, I am currently working for Europol's European Migrant Smuggling Center, as a team leader focusing on the Western Balkan route.

Europol Narrator

The Western Balkan route is one of the main routes into Europe used by migrant smugglers. It refers to irregular arrivals in the EU that have come through the region. Countries such as Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia.

Gabor Sztankovics, Europol

And actually, this case and the whole Western Balkan crisis, which erupted in the summer of 2015, brought me here, at Europol.

Europol Narrator

As one of Europe's top officers in his field, Gabor worked on a lot of migrant smuggling cases. However this particular case was shocking even for Gabor, despite his years of experience.

Gabor Sztankovics, Europol

Actually, we were a bit shocked, but at the same time we were expecting it happened unfortunately, I have to say this. This case was the flagship case, during the Balkan crisis. Tens of thousands of people fleeing from Syria, flooding into the Western Balkans, and continue their trip to the EU.

And in this regard, Hungary was a main transit point for the Syrian refugees. At the beginning it was starting with the Syrians, but in the meantime it was a mixed flow of refugees and irregular migrants through the Western Balkan route.

Europol Narrator

When Bernhard's reports hit the desk of Gabor in Budapest, he was able to immediately act on leads. He was determined to ensure this criminal gang did not get far from law enforcement.

Gabor Sztankovics, Europol

So my team immediately jump into the intelligence and start looking into the phenomena, and the modus operandi, and the potential suspects. As you know, there was only one car, one lorry with seventy-one dead bodies found without driver.

Obviously we had some investigation leads. In this regard, we try to find the, the organised criminal group behind this incident, the international community, the Europol and its Member States, but even beyond this - US authorities and private companies - started providing us with intelligence, proactively. And this was really important for us because without the crime scene investigation, we were able to identify the potential group of suspects behind this event.

The car was detected in the territory of Austria, but actually the centre of the operation of the organised crime group was in Hungary. And at the time my team was collecting intelligence about several criminal groups active along the Western Balkan route and through Hungary. And we had several wiretapping operations ongoing. This will be important at a later stage, because we found relevant conversations in our wiretap operations.

Europol Narrator

Wiretaps qualify as coercive measure, and hence cannot be executed by Europol. But national law enforcement authorities do have this capability. Wiretaps come in various forms, but it is not like what you may expect. Rather than it being like a real-time monitoring of online conversations, wiretaps see data being logged and then later analysed by police.

And in the Burgenland case, this was a particularly difficult feat. The criminal group, which was partly composed of nationals of Bulgaria, spoke a particular Bulgarian dialect that is not widely understood. Hungarian police therefore had to rely on human translators, and of course they can't work around the clock.

Gabor Sztankovics, Europol

So it was absolutely, not easy to understand the context and the conversations between the various players.

Europol Narrator

And there were many players for Gabor and his team to consider. There are key facilitators, responsible handling money flows and for recruiting migrants who want to be smuggled. Then there are those who recruit and manage the drivers, who worked in shift to transport the migrants.

This is typical for migrant smuggling operations, where highly fluid criminal groups perform different services in the chain – a so-called 'joint venture'. These networks are sometimes described as 'polycriminal', due to the multiple illicit services they cover in the chain.

Gabor Sztankovics, Europol

At the time, we know that there were at least 20, 25 drivers. They really work in shifts, meaning that they were using, more than ten cars, sometimes minivans, sometimes lorries.

Europol Narrator

The criminals also exploited a legal loophole that made it harder to trace their vehicles.

Gabor Sztankovics, Europol

The main modus operandi for them was to create the kind of car selling business. They bought what we know so far at least 30 a different cars. All of them has import license plates, Hungarian import license plates, meaning that they bought the cars in Hungary and they use this import license plates valid for 30 days. They could use this license plates in the in the motorways until 30 days, and then they need to take the cars out of the country.

Europol Narrator

So they were essentially using cars with registrations that would expire at the end of the month, making it much harder for police to follow them. You might have guessed, but authorities have since closed this loophole.

Gabor Sztankovics, Europol

By the way, this incident and this modus operandi, instigated a change in the law in Hungary, to prevent the misuse of import license plates.

UNDERSTANDING THE CRIMINAL NETWORK

Europol Narrator

Thanks to the sharing of intelligence between law enforcement agencies, Gabor and his team were able to identify potential suspects behind the tragedy. Hungarian police had already got a wiretap operation in place on the suspects, and so they were working round the clock to translate the wire taps to see what they could learn about the drivers.

It's still the same day of the discovery, Gabor is working fast.

Gabor Sztankovics, Europol

They use a very, very rare language so we could not listen to them online real time. There was no real time wiretapping. So technically it happened that all the conversations were recorded and then it was burning CDs at that time.

And CDs were provided by the special tactics to the police. And we hired from the Bulgarian police, thanks to Europol, a special investigator to come to Hungary and help us in translating the conversations. And Europol role in this regard was really appreciated because thanks to this deployment of the Bulgarian officer we could understand the context of the criminal conversations.

Europol Narrator

The speedy translation and analysis eventually paid off.

Gabor Sztankovics, Europol

We found one specific conversation between the driver of the lorry and his boss. We found the conversation when the driver called his boss, informing him that he was hearing that the people in the cargo bay are knocking in all walls and shouting and crying.

And he was calling his boss, asking him what to do. And the key facilitator, who was the head of the organised crime group, said “Don't stop, don't open the door. Because if you do, if you open the door, they would run away and you cannot collect them and you don't deliver the service.”

So this was the conversation that was recorded, translated and used as an evidence against the key facilitator.

Europol Narrator

Gabor had found a smoking gun in the investigation. A conversation that saw the lorry driver referring to the suffering people in the back of their truck, at a time coinciding with when police expected the journey to be taking place. The criminals were apprehended, in Hungary, on the same day of the bodies being discovered – August 27th, 2015.

It exposed the brutality of the smugglers' operation. No concern for the wellbeing of those they transported, the lorry driver was told, simply: drive on. And this sealed the fate of the 71 men, women and children in the back.

While Gabor had dug out this lead, Bernhard and the colleagues in Austria had finished their forensic examination of the scene.

Gabor Sztankovics, Europol

And eventually the Hungarian authorities took over the whole investigation from Austria, due to the fact that forensic examination identified that the people died even in the territory of Hungary. They calculated with the people they calculate with the square meters, they calculate with the air in the, in the cargo bay, and they calculate the time until the people got unconscious and then finally lost their lives.

Europol Narrator

The refrigerated truck, with its thick insulation, was estimated to have enough air for 71 passengers to survive roughly 2 hours locked inside. However, the journey allegedly planned by the criminals would have lasted as long as 8 hours.

Gabor Sztankovics, Europol

Well, from a Police perspective we don't understand this behaviour, to be honest. It's a reckless behaviour, because they don't calculate with the consequences. They just calculate that, uh, the people will run away and they will be captured and they, he wanted to avoid, to be captured by the police.

Europol Narrator

Through their own short-sighted self-interest, the criminals had caused the deaths of 71 people. But Gabor was now armed with evidence and the suspects were in custody. The criminal proceedings could begin.

HUNGARY BEGINS THE PROSECUTION

Europol Narrator

The rapid response of police was possible because the agencies were working together. And since the victims all died whilst on Hungarian territory, the case went to Hungarian courts for prosecution. All the while, Europol – and our sister agency, Eurojust – were supporting them.

Dr. Gabor Schmidt, Office of the Prosecutor General of Hungary

The significance of this case? Well, this was, I think, the most serious, uh, human smuggling and homicide procedure Hungarian legal history.

Europol Narrator

This is another Gabor from Hungary - however this is Dr. Gabor Schmidt, and he was the prosecutor who worked on this case.

Dr. Gabor Schmidt, Office of the Prosecutor General of Hungary

My name is Dr. Gabor Schmidt. I work as a prosecutor at the office of the Prosecutor General of Hungary and the Department of Priority and Corruption Crime Cases.

Europol Narrator

The challenge for Dr. Schmidt was that he had a sprawling criminal network consisting of many nationalities.

Dr. Gabor Schmidt, Office of the Prosecutor General of Hungary

This was an international organised criminal group with very distinctive roles of the perpetrators and with an internal hierarchy.

Europol Narrator

The Hungarian investigation had uncovered two Afghani men leading the operation. One was providing the money and organising the transport. The other, who was his boss, and he was the bridge between organised criminal groups in Hungary and Serbia. A Bulgarian citizen was also implicated, and they were responsible for recruiting and managing the drivers. That's where the little-spoken dialect came in. A fourth suspect, a Bulgarian-Lebanese dual national, was the one in charge of obtaining the vehicles and handling that temporary registration loophole. They were professional and well-organised.

Dr. Gabor Schmidt, Office of the Prosecutor General of Hungary

In all, there were 14 defendants in this case. The rest of the defendants took part in the crime as drivers, forerunners, accompanying the facilitating vehicles.

Europol Narrator

In the indictment of the chief public prosecution office, 31 transports were mentioned. Each of these was unsuitable for passenger transport, with the indictment citing 'crowded, inhuman, excruciating conditions'.

Dr. Gabor Schmidt, Office of the Prosecutor General of Hungary

Well, Europol and Eurojust were very, very useful, were provided very, very relevant assistance in that case, in exchanging evidence and also by organising operational and operational meetings in The Hague.

Europol Narrator

And the cooperation culminated after a year and a half of dogged investigation, with the sentencing of the organisers in 2018. In the Burgenland case, prosecutors were not only going after the criminals for human smuggling charges. Each life lost was counted as a homicide.

Dr. Gabor Schmidt, Office of the Prosecutor General of Hungary

In 2018, the Kecskemét Court of Justice have raised the first instance verdict and in verdict, the main perpetrators for one were charged with homicide. They were sentenced to fixed-term imprisonment each, uh, 25 years. The, sentence in all, for all perpetrators was 155 years.

Europol Narrator

But this crime was the most serious of its kind in Hungarian history – never had such a high death toll occurred as a result of migrant smuggling.

Dr. Gabor Schmidt, Office of the Prosecutor General of Hungary

In my opinion, this sentence, did not resemble the seriousness of the consequences of this crime. So therefore I have submitted an appeal against the first instance verdict in order to aggravate the sentences.

Europol Narrator

And the appeal was successful.

Dr. Gabor Schmidt, Office of the Prosecutor General of Hungary

In June 2019, the Court of Appeal in the Hungarian city Szeged has reached the second instance verdict. The four main perpetrators were sentenced to lifelong imprisonment, three of them real life - means they will remain in prison for the rest of their lives. And one of the four, can come out, on parole after 30 years.

Europol Narrator

The Afghan national who led the group, the Bulgarian organiser, and the driver of the lorry on the night, were all given life without parole. And the other Afghan national? They will only be eligible for parole in the year 2048.

BURGENLAND: ONE OF MANY TRAGEDIES IN MIGRANT SMUGGLING**Europol Narrator**

While this is a particularly tragic case, it is sadly far from unique. Gabor and the Europol team in the European Migrant Smuggling Centre have worked with countries – EU Members and those outside the EU – on other similar cases.

Gabor Sztankovics, Europol

So this was the problem, actually in my career at Europol, this was not the first case, and unfortunately, I have to say not the last case.

I was involved in supporting the UK authorities in the Melrose investigation, which was about the 38 people dying in a lorry, shipping from Belgium to UK. The driver forgot to put the cable into the socket and that created a kind of extreme heat inside the container. And the when it was landing in UK and opened the door it was like a steam coming out of the container and all the migrants found in, just naked because it was just too hot over there. And this was just, again, one irresponsible person forgot to connect the container into the electric system.

Europol Narrator

In every case like this, the victims are the focus of the police.

Gabor Sztankovics, Europol

Our intention is to prevent [loss of] lives. And we have several operations in the recent months, when we successfully prevented [loss of] lives. We are always doing search and rescue. That is our responsibility: to find the lorry and immediately stop the lorry, and immediately release the people out of there.

We don't care about the context. We will...we can have an investigation after that, our intention is to find the container, and immediately stop the container, and open the container, to prevent loss of lives.

WRAPPING UP

Europol Narrator

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