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June 30, 2010

BAND OF BROTHERS CHARGED IN HUMAN TRAFFICKING SCHEME

PHILADELPHIA - An indictment¹ was unsealed today charging Omelyan Botsvynyuk, Stepan Botsvynyuk, Mykhaylo Botsvynyuk, Dmytro Botsvynyuk, and Yaroslav Botsvynyuk, a/k/a Yaroslav Churuk, with extortion and conspiracy to violate the Racketeer Influenced and Corrupt Organizations Act (RICO), announced United States Attorney Zane David Memeger, Assistant Attorney General for Civil Rights Thomas E. Perez, FBI Special Agent-in-Charge Janice K. Fedarcyk of the Philadelphia Field Office, and ICE Special Agent-in-Charge John P. Kelleghan.

Four of the five Botsvynyuk brothers were arrested today. The indictment charges the defendants with conspiring to engage in a pattern of racketeering activity, from the fall of 2000 through the spring of 2007, by operating a human trafficking organization which smuggled young Ukrainian immigrants into the United States and then forced them to work for the brothers with little or no pay. According to the indictment, the defendants promised the victims they would earn \$500 per month with free room and board by working for the Botsvynyuk organization. They smuggled the workers into the United States then put them to work as cleaning crews in retail stores, private homes, and office buildings without paying them. They used physical force, threats of force, sexual assault, and debt bondage to keep the victims in involuntary servitude. The indictment further alleges that even after some of the victims escaped, the defendants continued with their extortionist activities in order to recoup the organization's investment in the workers. If direct threats failed and the workers did not return or make good on their debts, the Botsvynyuk brothers threatened violence to the workers' families still residing in Ukraine. In one instance, according to the indictment, Omelyan Botsvynyuk threatened to place a victim worker's then nine-year-old daughter into prostitution to pay off the family debt.

"The victims in this case entered this country with dreams of great opportunity only to find themselves living a nightmare," said Memeger. "They trusted this band of brothers, they performed the work they were told only to be rewarded with false promises, threats of brutality, and deprivation of their basic human needs. No one trying to immigrate to this country should have to endure such mistreatment."

¹An Indictment or Information is an accusation. A defendant is presumed innocent unless and until proven guilty.

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“Human trafficking is a scourge that denies human beings their fundamental right to freedom. Those who prey on the most vulnerable through force, fraud or coercion will be investigated and prosecuted to the fullest extent of the law,” said U.S. Assistant Attorney General Thomas E. Perez for Civil Rights.

“Human trafficking, as alleged in the indictment unsealed today, is nothing less than modern day slavery,” said Special Agent-in-Charge Janice K. Fedarcyk, of the Philadelphia Division of the FBI. “The FBI is committed to working with our partners to stop human trafficking, because of the devastating personal and psychological toll it takes on society and on the vulnerable victims who are preyed upon by individuals like the Botsvynuk brothers.”

Rather than bringing the workers to the United States legally, the indictment alleges that the Botsvynuk Organization obtained tourist visas to Mexico and had operatives who coached the workers on how to enter the United States illegally. While some of the workers successfully entered the United States, others were taken into custody by U.S. immigration officials, where they remained in detention for almost two months. Once the victims were released, with immigration documents and summonses to appear for immigration hearings, the Botsvynuk Organization transported them to Philadelphia, Pennsylvania, either by bus or by plane. The brothers then confiscated the immigration documents and summonses from the workers and put them to work cleaning large chain stores at night, such as Target and Walmart, as well as smaller stores. Throughout their employment with the brothers, the workers lived up to five people in one room, slept on dirty mattresses on the floor, and were rarely, if ever, paid. None of the victims was paid what was promised and they were told that they had to continue working until their debts, ranging from \$10,000 to \$50,000, were paid. Workers were allegedly struck and beaten, sometimes in the presence of others, if they attempted to quit or leave the employ of the Botsvynuk brothers. According to the indictment, one female worker was brutally raped on several occasions. After some workers escaped, Omelyan Botsvynuk resorted to extorting the workers’ families in Ukraine, threatening them with harm if the workers did not return to work or pay their debts.

Omelyan Botsvynuk was arrested in Germany; Stepan Botsvynuk was arrested in Philadelphia; Mykhaylo and Yaroslav Botsvynuk were arrested in Canada. Dmytro Botsvynuk remains in Ukraine, a country that has not entered into an extradition treaty with the United States. The defendants in Canada and Germany were arrested pursuant to Interpol arrest warrants and are in the process of being extradited to the United States to face the charges.

INFORMATION REGARDING THE DEFENDANTS

NAME	ADDRESS	AGE OR YEAR OF BIRTH
Omelyan Botsvynuk	Germany	51 years old
Stepan Botsvynuk	Philadelphia	35 years old

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NAME	ADDRESS	AGE OR YEAR OF BIRTH
Mykhaylo Botsvynyuk	Canada	Unknown
Dmytro Botsvynyuk	Ukraine	Unknown
Yaroslav Churuk (Botsvynyuk)	Canada	41 years old

If convicted of all charges, the defendants face the following maximum penalties: Omelyan Botsvynyuk - life imprisonment and a \$750,000 fine; Stepan Botsvynyuk - 40 years imprisonment and a \$500,000 fine; and defendants Mykhaylo, Dmytro, and Yaroslav Botsvynyuk - 20 years imprisonment and a \$250,000 fine.

The case was investigated by the Joint FBI Organized Crime/ICE Human Trafficking Alien Smuggling Task Force Federal. Assistance was provided by Pennsylvania State Police, the Philadelphia Police Department, the Department of Labor Office of Inspector General, Toronto Police Department, German National Police, Berlin State Police, Ukraine Security Service, US National Central Bureau, the Department of Justice Office of International Affairs, and INTERPOL. It is being prosecuted by Assistant United States Attorney Daniel A. Velez, and Trial Attorney Eric Gibson, of the Department of Justice, Civil Rights Division, Criminal Section.

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