TRANSNATIONAL SEXUAL EXPLOITATION AND THE LIMITS OF INTERNATIONAL CRIMINAL LAW: EPSTEIN SCANDAL

Milonee Dubey, B.A. LL.B., Symbiosis Law School, Hyderabad

Bytaru Samanvita, B.B.A. LL.B., Symbiosis Law School, Hyderabad

INTRODUCTION

The Jeffrey Epstein trial surrounding the sex trafficking and abuse of minors/vulnerable women across borders shows some of the unique contemporary issues that are present in modern international criminal law. This is a multi-faceted, thorough analysis (covering the legal framework of the ICC Rome Statute and the UN Protocol on Trafficking, the facts and magnitude of the Epstein Network, the number and rights of victims, and what to consider when prosecuting such crimes). The Report examines the definitions of acts such as trafficking, enslavement, and sexual enslavement as defined by global laws and whether the evidence found within the Epstein Files qualifies for the "Systematic or Widespread Attack" against humanity criterion. The Report outlines the exploitative networks (trusted intermediaries assisted with recruitment, transportation via private jets, elaborate schemes for concealing money via offshore shell companies) of exploitation. Furthermore, the analysis outlines potential prosecution routes and obstacles to prosecuting Epstein: the ICC's limited jurisdiction (since the US is not a signatory to the Rome Statute), US domestic and international laws (e.g., the Trafficking Victims Protection Act), and rising global claims of Universal jurisdiction. A comparison chart summarises the jurisdictional avenues (Domestic, ICC, Mutual Assistance, and Universal). To date, the only person convicted is Ghislaine Maxwell for sex trafficking, while many of those involved with Epstein's enterprise remain uncharged, demonstrating a concern about being politically shielded from prosecution. Further recommendations include increasing cooperation between states, improving transparency (to adhere to UN recommendations - prosecute all individuals implicated in trafficking), and making legal changes - such as recognising trafficking as a crime under international law and improving anti-money laundering measures. The report also analyses primary sources such as treaties and case law and includes investigative findings. Charts and tables present trafficking flow data, date and event comparisons, and a comparison of relevant laws. The Action Plan recommends further efforts (such as submitting FOIA requests for bank records, developing flight logs) to fully investigate the trafficking network and hold individuals accountable for participation in trafficking activities.

ANALYSIS

CHAPTER I:

INTERNATIONAL LEGAL FRAMEWORKS FOR TRAFFICKING AND EXPLOITATION

To address issues regarding the trafficking and sexual exploitation of people, there are various instruments provided by international law. Among those instruments are the most severe types of crimes against humanity found within the ICC, which are referenced in the Rome Statute. More specifically, Article 7 lists crimes against humanity that may result from acts such as: slavery, rape or sexual slavery; enforced prostitution; or any other equivalent act of sexual violence.[1] However, these acts will qualify as crimes against humanity only when they are committed within a widespread or systematic pattern that targets a civilian population.[2]

The context in which the crimes occur, thereby demonstrating a course of conduct or an established policy to commit the crime, is the reason the ICC will only investigate incidents of a substantial nature, and not individual instances. In addition, the Rome Statute provides that enslavement is defined as exercising any rights or power of ownership concerning a person as a result of trafficking in such persons.[3] Therefore, it is clear to see that prosecution of forced prostitution or exploitation related to trafficking can only occur at the ICC if it is fulfilled in conjunction with crimes against humanity under existing definitions.[4] Importantly, the Rome Statute places limitations on crimes to those listed in Article 5 as genocide, crimes against humanity, war crimes, and aggression, and does not specifically include trafficking. Thus, prosecution must occur in compliance with the definitions that exist under enslavement, sexual slavery, and persecution, etc.

[1] Rome Statute of the International Criminal Court art. 7(1), July 17, 1998, 2187 U.N.T.S. 90.
[2] *Ibid*. art. 7(1).
[3] *Ibid*. art. 7(2)(c).
[4] *Ibid*. art. 5.

In contrast, Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol, 2000) establishes the definition and criminalisation of trafficking.[5] According to Article 3, examples of actions that instigate trafficking of persons are recruiting, transporting, transferring, harbouring or receiving persons; using force, coercion, kidnapping, deception or fraud; for the purpose of sexually exploiting or enslaving and labouring the trafficked person. The term "to exploit" shall be construed broadly and "shall include at minimum the sexual exploitation of another" through prostitution or in any other form of sexual exploitation; the use of forced labour; and practices similar to slavery.[6] Therefore, the Protocol is clear that sexual exploitation and slavery are types of trafficking under international law. Article 5 requires each State Party to enact legislation that criminalises each act in Article 3, i.e. attempt, accomplice and the organisation of another to commit the act of trafficking. The Palermo Protocol is comprehensive in that each of the (over 170) State Parties must criminalise the full range of acts from recruitment through to exploitation, implicating trafficking. States have implemented these obligations under their respective national laws, such as the US Trafficking Victims Protection Act, or various EU Democratic Law Directives and Conventions, enabling their law enforcement officers with jurisdiction over cross-border trafficking enforcement.[7]

All of these instruments require state action as they relate specifically to trafficking and slavery. Under the Trafficking Protocol, states must protect the privacy and identity of victims through the maintenance of confidentiality of victims in the legal process. In addition, states have an obligation to assist victims, such as providing housing and legal support. The interdependence of prosecuting traffickers and protecting victims is further emphasised by the obligations contained within these instruments. In conclusion, there is no such thing as an "international criminal court for trafficking"; however, the legal structure of the Rome Statute and Palermo Protocols allows prosecutors in either an international or national court to prosecute any of the elements of sexual exploitation that fall under the definition of slavery and sexual slavery. The Office of the High Commissioner for Human Rights has stated that every one of these offences "must be prosecuted in all of the competent national and international courts," emphasising the universal jurisdiction recognised in the aforementioned instruments.

---

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children art. 3, Nov. 15, 2000, 2237 U.N.T.S. 319.

[6] *Ibid.*

[7] Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101–7114.

CHAPTER II:

THE EPSTEIN CASE- FACTS AND GLOBAL REACH

Jeffrey Epstein, an American financier and convicted sex offender, built a distinguished social life over the span of more than 20 years while also running a large, covert network for trafficking underage women.[8] Epstein used his and his private Boeing 727 (the "Lolita Express") to move victims, investigators, and influential people to different locations. Declassified documents reveal that he accomplished these tasks through his relationship with Ghislaine Maxwell and several other recruiters and pilots.

Epstein was first investigated for his crimes by the police in 2005. In 2008, he pled guilty to a federal charge and admitted to running a prostitution service with underage girls in Florida. He received a relatively lenient plea agreement, which included serving just 13 months in jail, mainly on work release. On July 6, 2019, he was federally indicted by the United States Southern District of New York federal court for sex trafficking minors. Epstein died by suicide while awaiting trial in prison on August 10, 2019, and officials and reporters have continued to investigate his associates since his death.

Ghislaine Maxwell, who is a close colleague of Jeffrey Epstein, was apprehended in July 2020 with charges relating to adult-to-minor manipulation, child sex slavery, and lying under oath.[9] She has reportedly collaborated with Epstein to find younger girls and groom them to join this illicit sexual organisation. There were multiple witnesses at the trial; all four survivors testified that Maxwell extended a false invitation to them before she then abused them. On December 29, 2021, the jury found Ghislaine guilty of five of the six offences, with one of the offences being related to minor sex trafficking. It was reported by Reuters that "Maxwell is said to have recruited and groomed four minor females... [and] she was convicted of five out of six charges, including sex trafficking of a minor". Ghislaine Maxwell was sentenced to twenty years in federal prison.

Legal investigations into the abuse cases of Epstein and his associates began revealing the structure of why Epstein operated the way that he did. Many of Epstein's victims happened to be either children or young adult women who were eventually lured to Epstein under the guise

[8] Indictment, *United States v. Epstein*, No. 19 Cr. 490 (S.D.N.Y. July 2, 2019).
[9] *United States v. Maxwell*, No. 20 Cr. 330 (S.D.N.Y. Dec. 29, 2021).

of an opportunity for modelling or education, regardless of their socio-economic status. Once these young women arrived at Epstein's residence, they were put under duress (hampered or coerced) to participate in sex acts with Epstein and possibly others. As discovered through additional investigations, Epstein's associates utilised an elaborate system of private planes, international passports, and cash payments to transport their victims. For example, many long-haul flights between the continental United States and Epstein's private island, Little Saint James, have been documented to have had minors on board.[10] In another email chain between Epstein's co-conspirators, it was discussed that they were in the process of facilitating a young victim's visa for the United Kingdom by having her registered in a school in the U.K. before being flown to the U.K. and transported by private jet to the U.S.U.K. law enforcement is presently in possession of thousands of documents, including flight logs, which they are utilizing to evaluate the number of Epstein's victims that passed through the U.K. Former Prime Minister Gordon Brown publicly stated that "*the U.K. law enforcement agencies will pursue all means available to ensure that they will seek to find justice against U.K.-based accomplices*." (As of now, January 2026, there have been no prosecutions in the U.K. regarding these investigations.)

Figure 1: Private jet at an airport. Jeffrey Epstein's ownership of a Boeing 727 (the "Lolita

[10] See Indictment, *United States v. Epstein*, supra note 8.

Express") facilitated international transport of victims and networks. U.S. prosecutors released plane logs showing flights to his island and other locations.

Epstein also owned considerable financial assets, as shown in the Panama Papers, where he built a "cloak" of secrecy to hide his assets through a network of offshore shell companies located in secret tax havens. From 2000 through 2007, Epstein was the chairman of Liquid Funding Ltd., a Bermuda corporation partially owned by Bear Stearns, that engaged in complex financial transactions with various investment firms that had enormous value during the market's speculative peak, including mortgage-backed securities and CLOs. Epstein used these offshore front companies primarily to navigate the opaque and low-tax nature of offshore finance, thereby concealing the ownership of his substantial financial assets. As detailed in multiple civil lawsuits and law enforcement investigations, Epstein paid Maxwell tens of millions of dollars (approximately $25 million from a JPMorgan account) for her alleged recruitment of victims for trafficking. Epstein's private bank reported that Epstein had the client "Wall of Cash," allowing Epstein to withdraw millions of cash without making a report to the government. Although JPMorgan Chase warned senior executives of Epstein withdrawing tens of millions of dollars in cash before Epstein's arrest on July 6, 2023, the bank's compliance reports to federal regulators and the media did not list Many indicators of Epstein's suspicious cash withdrawals and how they occurred. According to a U.S. Senator Wyden Publications Report, only $4.3 million of Epstein's total cash transactions while alive were reported as suspicious, compared to over $1 billion reported after his death. Wyden argued JPMorgan's handling of Epstein represented a failure, because the financial institution had "*tuned out compliance officers*," and also "*coached [Epstein] on how to obscure [suspicious] large cash withdrawals*." [11]

Epstein's associates extended beyond Maxwell; indeed, investigative journalists and victims' counsel have identified dozens of wealthy and powerful clients, politicians, royals, and academics, mentioned in what are known as "the Epstein Files." However, due to jurisdictional limitations and prosecutorial discretion, almost no one has been charged with a crime who is not Epstein or Maxwell. In 2023, congressional committees pressed the issue; Representative Ro Khanna read aloud to the public the names of "*six wealthy and powerful men*," the names of whom were redacted from filings with the Justice Department, stating that such evidence was indicative of a two-tiered justice system. Human rights experts at the United Nations

[11] Int'l Consortium of Investigative Journalists, Panama Papers (2016).

similarly demanded that "*no one is too wealthy or powerful to be above the law*." Meanwhile, as Congress attempts to obtain a full understanding of the extent and scope of Epstein's global network, flight logs and financial transaction records continue to emerge.

CHAPTER III:

HUMAN RIGHTS AND VICTIMS' COUNTS

The overall cost of Epstein's actions on humanity is horrific. Prosecutors and reporters believe that over 20 years, thousands of innocent victims were harmed by Epstein and his accomplices. In 2019, courts released documents under the "Epstein-Files Transparency Act" that amount to more than 3.5 million pages and contain the names of at least 1,200 individuals as either complete or partial victim names. The majority of these victims were minors at the time of their exploitation; some were even under the age of 11 and were recruited through manipulation and coercion. Many of the victims' accounts describe having been groomed and then shared between different sex rings. For example, one of the victims testified before the jury, saying, "*Jeffrey Epstein and Ghislaine Maxwell asked me for assistance in identifying other girls and told me about the location they would go to and who would be waiting for them when they arrived." Another victim described Maxwell's role in trafficking as follows: "She was the leader of these young girls being groomed and profiting from their services*".

These abuses are widely regarded by both state and international actors as serious violations of human rights. Trafficking victims must have their rights upheld by the State. It has been repeatedly stipulated by the UN that victimisation must be publicised to prevent abuse and end impunity. The Office of the High Commissioner for Human Rights (OHCHR) published a press release in February 2026 to encourage states to protect the privacy and access to justice for trafficking victims, even when documents are released for transparency purposes, in a way that meets legal requirements.[12] It went on to state, "*The names of victims of trafficking, at all times (including with respect to minors) ... must be protected*." Therefore, direct images of victims in the published Epstein files were not posted, and minors' names were redacted. By virtue of releasing financial and travel records (and not personal photographs), the government has achieved a balance between public accountability and victim confidentiality.

[12] Office of the U.N. High Comm'r for Human Rights, Recommended Principles and Guidelines on Human Rights and Human Trafficking, U.N. Doc. E/2002/68/Add.1 (2002).

There is an incredibly high number of people who are abused, even with the protection offered by legislation and law enforcement to combat trafficking. The United Nations reported that 65% of trafficking victims worldwide are female.[13] On the other hand, the vast majority of the victims in the Epstein case are also female and exhibit signs consistent with sexual slavery and involuntary servitude. The United Nations has determined that the same type of long-term abuse of women and girls would be classified as crimes against humanity, and it has issued a formal statement that the "*Epstein Records include disturbing and credible evidence of systematic and large-scale sexual assault, human trafficking, and the exploitation of women and girls*". Additionally, the United Nations has stipulated that "the majority of these criminal activities contained a significant degree of deprivation of liberty and control over the victim", therefore qualifying as sexual slavery under international law.

CHAPTER IV:

INTERNATIONAL CRIMINAL LAW ANALYSIS

CRIME AGAINST HUMANITY THRESHOLD

The legal issue central to determining whether Epstein's network of crime could be subjected to international prosecution for crimes against humanity is whether there is an "attack" against a civilian population as required by Article 7.[14] According to experts from the United Nations, this combination of evidence indicative of a large-scale, organised, and systematic crime attributed to a widespread or systematic attack would constitute the threshold required to meet the definition of a crime against humanity under the Rome Statute. Therefore, it could be concluded that, by definition, if Epstein had an established methodical plan for his exploitation of individuals, that act could be classified as a crime against humanity.

The Rome Statute's Elements of Crimes provide the following definition of "widespread," which is defined as large-scale and systematic, referring to a recognised pattern.[15] Some analysts, such as Santos, have opined that unless it can be proved to be an organised, intentional campaign (i.e., the presence of an explicit order to target a specific group from Epstein and/or Maxwell), international jurisdiction may be declined by a tribunal. However, the Office of the

[13] U.N. Off. on Drugs & Crime, Global Report on Trafficking in Persons (2022).
[14] Rome Statute, supra note 1, art. 7.
[15] Int'l Criminal Court, Elements of Crimes art. 7 (2011).

United Nations High Commissioner for Human Rights expert panel has suggested that the presence of persistent and repetitive patterns of victimisation on the part of multiple co-conspirators will require more careful consideration under the law. If the allegations are true, and assuming the scale of the abuse is as large as is being reported, then the ICC/Ad Hoc Tribunal could consider designating it as a 'crime against humanity.'

However, even if the crimes are so designated, the practicalities are challenging. The United States is not a member of the Rome Statute; neither has the UN Security Council referred the case (and they have veto power in this instance); and even if there were jurisdiction, the ICC Prosecutor would have to act per Article 15, something that has not occurred in any case featuring Epstein. Secondly, there is no specific international tribunal for the prosecution of peacetime sex trafficking. So, the practicalities suggest that any potential prosecution would have to occur domestically or through alternative international processes.

The ICC's prosecution of sexual exploitation has only one comparable precedent (the ICC's approach to sexual exploitation); however, the most comparable international jurisprudence is likely the cases under the ICC's jurisdiction. The Ongwen Case (D.R. Congo, ICC, 2021) saw Dominic Ongwen (a rebel commander) convicted of crimes including sexual slavery and forced marriages and made him the first defendant in the ICC's history to receive a conviction for 'forced pregnancy' as both a war crime and a crime against humanity.[16] In the Ongwen case, the judges concluded that sexual slavery and forced marriages could qualify as forms of 'slavery' under Article 7(1) of the Rome Statute. The ICC's legal review focused on the "*exercise of authority attaching to the right of ownership over a person*," which includes grooming and progression to exploitation of victims through sale. The Ongwen case, being a wartime case, does not remove the essence of these principles as they apply to the current Indonesian law regarding trafficking minors for sexual exploitation and therefore are also found to be "enslavement".

Those who review the case also state that the Ongwen case demonstrates that there are still gaps to be addressed. For example, in a 2014 ICC policy paper cited in the HRW report, the ICC states that several gender crimes were historically under- prosecuted and therefore many gender-related crimes are not being prosecuted. Therefore, while international law includes all

[16] Prosecutor v. Ongwen, Case No. ICC-02/04-01/15, Judgment (Feb. 4, 2021).

Epstein-like crimes, prosecution has typically lagged behind the International statute's reach over Epstein-like crimes.[17]

LEGAL OBLIGATIONS AND HUMAN RIGHTS

International human rights obligations require state parties to fulfil their first international obligation, which is to prevent violence against women by providing protection and security for all female victims. The OHCHR made a strong statement concerning the need for states to comply with the international law obligations expressed in the UN Guiding Principles and other treaties like CEDAW, to conduct an investigation into Epstein as possible "organised criminal" activity, and to conduct such an investigation as part of their obligation to the State.[18] The OHCHR specifically cited the trafficking of women and the use of women as sex slaves as a potentially violative act of international law, specifically, the rights to be free from slavery and to be free from cruel treatment.[19] Therefore, for a State to fulfil its obligations under these treaties and laws, it must "prevent, prosecute, and punish" such actions, and must provide reparations to any woman who is a victim of violence or a victim of human trafficking as described above, through the ICC Trust Fund for Victims or a national scheme for payment of compensation to victims.[20]

Table 1. *International vs. national prosecution pathways for Epstein-related crimes.*

Forum	Applicable Laws/Statutes	Scope & Features	Constraints/Notes
U.S. Federal Courts	Crimes include 18 U.S.C. 1591 (sex trafficking of minors), conspiracy, perjury, obstruction, etc.	Primary forum for Epstein and Maxwell (US territory). Can use TVPA (extraterritorial reach for US victims).	Requires evidence of US nexus (venue, travel to/from US). Limited to those present/in custody.

[17] Rome Statute, supra note 1, art. 12–13.
[18] Convention on the Elimination of All Forms of Discrimination Against Women art. 6, Dec. 18, 1979, 1249 U.N.T.S. 13.
[19] OHCHR, supra note 15.
[20] Rome Statute, supra note 1, art. 79.

Forum	Applicable Laws/Statutes	Scope & Features	Constraints/Notes
U.S. State Courts (Florida)	State prostitution and abduction statutes.	Handled earlier case (2008 plea), but plea terms barred further federal action in Florida.	Florida's 2008 non-prosecution agreement (NPA) of co-conspirators limited
CC (Crimes Against Humanity)	Rome Statute (no specific trafficking crime). Requires "widespread or systematic" sexual slavery, etc.	Could theoretically try sexual slavery/enslavement if "attack" proven.	U.S. not a member; no UNSC referral. ICC generally applies to state crimes, not private actors.
Universal Jurisdiction	Slavery, torture, etc. (e.g. many states allow universal crimes like genocide, torture, certain war crimes).	Some countries (e.g. France, UK) allow courts to try egregious crimes by foreigners. Could try trafficking if the crime fits.	Rarely used for trafficking; requires one of the state's nationals or a person in custody. Political will is key.
Mutual Legal Assistance / Extradition	Treaties among states; U.S. agreements with the UK, etc.	If suspects are overseas (e.g., the UK, France), the U.S. could request extradition for charges. Or vice versa for victims testifying.	Extradition can be blocked by nationality or political considerations. As of 2026, the UK has declined to extradite any elites.
Ad Hoc Tribunal / Special Court	Hypothetical mechanism (no current forum).	Could be created by UN mandate if needed (precedent: Rwanda, Yugoslavia tribunals).	Highly unlikely without massive political impetus or UN referral. No existing court has jurisdiction.

CHAPTER V:

EXPLOITATION NETWORKS AND FINANCING

Epstein's trafficking enterprise operated like a transnational criminal network, which included Victim Recruitment and Movement, Financial Infrastructure and Shell Companies and Offshore Accounts. Everything was methodically planned and executed to fulfil the sinful purposes.

A. The victims were recruited from the U.S. (Florida, New York), but they were moved internationally. Depositions from the Maxwell trial showed that the victims were flown from places like Palm Beach or New York to Paris or London as "students" for language courses, and then they would be taken to Epstein's properties. The British police are investigating whether "young women, who had been trafficked by Epstein, passed through Heathrow, Luton, Stansted, and Birmingham airports." [21]There was one instance where Maxwell had a girl trained as an interpreter so she could get a British visa as a "student." Then she was sent to the U.S. to meet Epstein. Another instance is the emails talking about moving victims from Spain to Paris to join Epstein's group.[22]

B. Money is made in the trafficking business, and Epstein's financial activities demonstrate the process of money laundering. Recall that Epstein's major financial institutions, like JPMorgan Chase, demonstrated critical failings in their compliance efforts. Filings by Epstein's bank reveal that he would withdraw millions in cash at a given time, supposedly to pay employees and victims, up to $30 to $40 million on some single days. The irony is that instead of raising suspicions, Epstein's bankers "reported only about $4.3 million of Epstein's transactions as suspicious" during his lifetime. After Epstein's death, JPMorgan Chase filed reports for $1.3 billion. Senator Wyden's staff discovered emails indicating that the bank's top executives approved the plan to do business with Epstein via the "Wall of Cash" program.[23] This approach is unusually lenient for a high-risk client. The consequence is that state and local agencies lost valuable leads during the period of human trafficking, compromising the investigation.[24]

C. The ICIJ investigation discovered several offshore companies.[25] Epstein's company, Liquid Funding Ltd (Bermuda), was "filled with mortgage-backed securities"[5]. Court documents reveal that there were over 400 bank accounts and dozens of shell companies

[21] Jamie Grierson, *Nearly 90 Flights Linked to Epstein Came to or From U.K. Airports*, THE GUARDIAN (Dec. 16, 2025),https://www.theguardian.com/us-news/2025/dec/16/flights-linked-epstein-arrived-departed-uk-airports?utm_source=chatgpt.com.

[22] Callum Sutherland, *British Police Examine Epstein's Use of U.K. Airports and Other Lines of Inquiry*, TIME (2026), https://time.com/7379817/british-police-epstein-investigations-uk-airports/.

[23] Memorandum from Senate Comm. on Fin. Staff to Sen. Ron Wyden, Ranking Member, Senate Comm. on Fin., regarding JPMorgan Chase & Co.'s Handling of Jeffrey Epstein's Accounts (Nov. 19, 2025).

[24] Matthew Goldstein et al., *How Jeffrey Epstein Used the Banking System—With Help from JPMorgan Chase*, N.Y. TIMES MAG., Sept. 8, 2025, https://www.nytimes.com/2025/09/08/magazine/jeffrey-epstein-jp-morgan.html.

[25] Spencer Woodman, *Jeffrey Epstein's Offshore Fortune Traced to Paradise Papers*, INT'L CONSORTIUM INVESTIGATIVE JOURNALISTS (July 18, 2019), https://www.icij.org/investigations/paradise-papers/jeffrey-epsteins-offshore-fortune-traced-to-paradise-papers/.

within Epstein's estate. The purpose of these companies was not only to hide assets but to provide companies that could hire or pay individuals within the human trafficking ring. For example, civil court documents reveal Epstein's payments to recruiters, doctors, and others via shell companies to launder the money for the human trafficking. The investigation discovered that even after the charges, Epstein's estate continued to pay a cult leader.[26]

Furthermore, the FBI and the UK authorities are looking into the flight records of Epstein ("flight logs"), which are considered financial evidence. The flight log implicates the passengers (of whom some remain unknown) with each entry. Moreover, the use of helicopters were also used to conceal evidence. Should the victim be seen flying to London on Epstein's aircraft, then the flight log is evidence of the crime of human trafficking. The spotting of the victim at the shopping mall by a witness or the hotel bill under the suspect's name is part of the larger network of evidence under investigation.

CHAPTER VI:

JURISDICTIONAL BARRIERS AND POLITICAL SHIELDING

Despite the existence of domestic criminal laws and international legal frameworks, the overall network of individuals linked with the case of Jeffrey Epstein has faced a significant level of constraint in terms of accountability. From a jurisdictional perspective, the activities of the network have occurred across several nations, leading to a level of complexity regarding which jurisdiction should take the lead in investigating the matter.[27] In several instances, the differences in the extradition processes of the nations concerned have also contributed significantly to the delays in the processes of holding the network accountable.[28] In addition, the nature of the activities of the network, such as trafficking, falls under domestic criminal law unless they reach the high level of severity required under international criminal law.

From a political perspective, the network of individuals linked with the case of Jeffrey Epstein also poses a significant level of constraint in terms of holding the network of individuals

[26] *Liquid Funding, Ltd.*, INT'L CONSORTIUM INVESTIGATIVE JOURNALISTS, Offshore Leaks Database, https://offshoreleaks.icij.org/nodes/82004676.
[27] U.N. Off. on Drugs & Crime, *Transnational Organized Crime in the Globalized World* (2010), https://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf.
[28] G.A. Res. 45/116, U.N. Model Treaty on Extradition (Dec. 14, 1990).

accountable. In several instances, law enforcement agencies have faced a level of implicit or explicit pressure when the individuals being investigated have a level of political or economic influence.

While Epstein (Manhattan) and Maxwell were successfully prosecuted in the U.S., these only dealt with crimes within the U.S. (and in the Maxwell indictment, within the State of New York). Victims of trafficking in foreign nations (such as the recruitment of victims in Europe, the abuse of victims in the Caribbean) would be beyond the reach of the U.S. unless they were part of a U.S. transportation scheme or were U.S. citizens. In the Epstein case, the Florida 2008 plea bargain was notoriously granted immunity to unnamed co-conspirators, which initially protected numerous potential defendants. Only through Congressional and media pressure have the Florida non-prosecution agreements been re-examined, though efforts to reopen the case have failed so far.[29]

The ICC's requirements for prosecution of Epstein (a private citizen of the U.S.) or U.S. citizens would be the commission of a crime within a member state of the ICC or a referral from the U.N. Security Council. Since the U.S. is a non-member of the ICC and a member of the Security Council with veto power, the ICC is unable to act.[30] In a trafficking case, there will be evidence from foreign nations (such as witness statements, financial records). While theoretically MLATs exist between the U.S. and numerous nations, there may be delays in assistance from foreign nations. For example, obtaining records from foreign airlines regarding the travels of the accused would be a slow process of negotiations. Additionally, the data privacy regulations in Europe would limit the transfer of witness testimonies.[31]

CHAPTER VII:

CRITICAL ANALYSIS AND LEGAL EVALUATION

The Epstein affair highlights the shortcomings in the application of international law to the issue of transnational sex crimes. Although the discussion surrounding the issue centres on the prominent individuals accused of having connections with Epstein, the analysis of the issue

[29] *Victim's Challenge to Epstein Plea Deal Rejected by Full 11th Circuit*, COURTHOUSE NEWS SERV. (2020), https://www.courthousenews.com/victims-challenge-to-epstein-plea-deal-rejected-by-full-11th-circuit/.
[30] William A. Schabas, *An Introduction to the International Criminal Court* 67–75 (6th ed. 2020).
[31] U.S. Dep't of Just., *Criminal Resource Manual: Mutual Legal Assistance Treaties* (2020), https://www.justice.gov/archives/jm/criminal-resource-manual-275-mutual-legal-assistance-treaties.

shows how systemic the problem is. As discussed in the legal analysis of the issue, the trial of Ghislaine Maxwell was heavily reliant on the testimonies of survivors, which were given under the most difficult circumstances. However, the persistence of the “culture of disbelief” surrounding the issue of sex crimes continues to hinder the administration of justice.

Despite the existence of domestic legislation such as the Trafficking Victims Protection Act (TVPA) of the United States, the application of the legislation is limited. Although the legislation allows for the prosecution of U.S. nationals involved in the trafficking of persons outside the country, the application of the legislation is lacking. No significant cases outside the country have been initiated as a result of the Epstein network. Furthermore, the attempts of survivors to seek justice through foreign jurisdictions have been hampered by the difficulties of the legal processes involved, as shown in the results of the investigation conducted in European countries.

These shortcomings are further compounded by the shortcomings of the structural application of international criminal law. Although the jurisdiction of the ICC is to apply the principles of ICL to “core crimes” such as genocide, war crimes, and crimes against humanity, the issue of human trafficking and sexual exploitation is considered to be a crime against humanity. However, the requirement of “widespread or systematic attack” would exclude the Epstein network from the jurisdiction of the ICC. As such, even the system of sexual exploitation is considered to be legally invisible to the ICC.

The Epstein case demonstrates how international financial systems facilitate the transnational exploitation of individuals and assist with tax avoidance, allowing for both local and foreign nationals who have connections to politically powerful people to escape regulatory enforcement. Because Epstein operated in a multisystem, yet interdependent, environment in the financial sector, there was a lack of any type of effective regulation or supervision from entities such as the Financial Crimes Enforcement Network regarding either Epstein's finances or the applicable AML rules and regulations associated with the same. This cannot be overlooked, as it identifies a serious disconnect between regulatory regimes and the systems used for enforcement, particularly when there are wealthy individuals who are politically connected.

The Epstein case demonstrates how international financial systems facilitate the transnational exploitation of individuals and assist with tax avoidance, allowing both local and foreign nationals who have connections to politically powerful people to escape regulatory enforcement. Because Epstein operated in a multisystem, yet interdependent, environment in the financial sector, there was a lack of any type of effective regulation or supervision from entities such as the Financial Crimes Enforcement Network regarding either Epstein's finances or the applicable AML rules and regulations associated with the same. This cannot be overlooked, as it identifies a serious disconnect between regulatory regimes and the systems used for enforcement, particularly when there are wealthy individuals who are politically connected.

Because of these limitations, there are now many voices among both academics and advocates in favour of expanding the scope of international law, specifically with respect to that of the International Criminal Court (ICC), to more effectively seek justice for victims of transnational trafficking and sexual exploitation. Some propose that international law should explicitly classify large human trafficking systems as independent international crimes; they may also argue for a lower threshold for classifying trafficking as a crime against humanity. Others recommend amending the Rome Statute or establishing autonomous international mechanisms to address trafficking similarly to that of terrorism or organised crime.

The benefit of expanding the jurisdiction of the ICC would serve several purposes: First, to fill gaps in accountability by providing a venue to prosecute transnational crimes for which there is no domestic venue available and/or no willingness to pursue such cases within a domestic venue, thus enhancing the prospect that victims will be provided with justice. Second, by increasing awareness and transparency regarding elite-driven exploitation systems, expanding ICC jurisdiction would provide an increased deterrent effect. Third, it would direct the focus of prosecution from individual offenders to the larger systems and networks that contribute to such crimes, thereby aligning international criminal law more closely with the realities of exploitation in a globalised world. It can be understood that the Epstein files reveal not just individual misconduct but also weak legal frameworks for combating those criminal acts. International criminal law's failures and the ICC's limited jurisdiction demonstrate how urgent it is to reform both enacting and enforcing mechanisms in order to achieve justice for all transnational crimes of this nature.

CONCLUSION

There are multiple international legal mechanisms available to prosecute such conduct, yet there are still significant institutional jurisdictional barriers to prosecuting these types of crimes. The United Nations has indicated that these types of violators would need to be prosecuted in every jurisdiction and by every competent jurisdiction. Therefore, cooperative activity between nation-states to share or share evidence will be needed, as well as the development of new legal mechanisms, wherein the U.S. and the UK can work collaboratively. Finally, justice must also go beyond prosecution and include providing an avenue for the survivors to be able to have their voices heard, to receive financial restitution, and to assist them in escaping the stigma of being a victim through continued support by the governing bodies and non-governmental organisations.

The case reveals a major problem with the structure of international criminal law; it was created mainly to prosecute war crimes and genocide, as opposed to targeting trafficking networks that are typically more sophisticated and driven by elite groups. This mismatch between international criminal law and trafficking networks will require reform and, more specifically, an expansion of jurisdictional approaches and the creation of tools that will be more effective in enforcing them. Until these reforms are made, the current frameworks must be fully utilised, especially by domestic courts that need to revisit previously halted investigations and by regulatory agencies that need to address their failure of oversight, especially concerning the financial system.

Justice has not yet been achieved for Epstein's victims, and the establishment of stronger laws, increased cooperation among countries, and real accountability for powerfully positioned people is necessary to ensure that no one can avoid being held accountable for their actions.