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# ROULETTE OF LAW (ANNOTATED VERSION)

DOOR



KARLIJN KUIJPERS 25-05-22



In August 2016, a slender boy parks his bike. He walks into a betting shop in Catania, eastern Sicily. Half a minute later he is outside again. A few days later, the boy is back, this time with another boy, in his hand he fiddles with a stack of banknotes. The two step inside. A few seconds later they are back on the street, empty-handed. The stack of banknotes is gone (#annotation-36732-1).

Two years later, the Italian police, heavily armed and wearing bulletproof vests, raid the building. The betting shop turns out to be a link in a large money laundering network featuring the two most powerful Catanian mafia groups: the Santapaola-Ercolano family and the Cappello gang (#annotation-36732-2). The gangs have been involved in drug trafficking, extortion, murder and corruption for decades. During the raid 28 people are arrested. Police seize 42 properties and 36 businesses, including a luxury seaside villa, a car showroom, a gym and a jet ski rental company (#annotation-36732-3).

## NIEWSBRIEF

E-mailadres

## **VERZENDEN**

Via at least 46 gambling offices in Eastern Sicily, which resemble old-fashioned internet cafes, the two mafia gangs laundered tens of millions of Euros in criminal money, according to the Italian justice ministry. Using various gambling sites owned by the gangs themselves, they simulated transactions that never actually took place. They pretended that they were putting money into online poker games or sports betting and that they were getting paid the winnings. In reality, there was no gambling or betting, they were simply using the fake transactions to give their money a hint of legitimacy. When the Italian detectives go hunting for where the money has gone, they end up in Willemstad, the capital of Curaçao. The millions in mafia money appear to have been partly laundered via njoybets.com, goldengool.com, betcom29.org (#annotation-36732-4) and thirty other gambling sites registered in the capital city of the small Caribbean Island. (#annotation-36732-5)

Curaçao, a country with about 155,000 inhabitants and part the Kingdom of the Netherlands, is a world player in online gambling, with thousands of online casinos. The casinos are a multi-billion-dollar industry, and they are a haven for shady financial dealings. Various online slot machines are used by mafia gangs and Russians criminals who launder their ill-gotten gains through online games of chance.

## **THE CASINOS ARE A MULTI-BILLION-DOLLAR INDUSTRY, AND THEY ARE A HAVEN FOR SHADY FINANCIAL DEALINGS**

Online casinos are perfect money laundering machines, the Dutch Fiscal Information and Investigation Service concluded last year. You put in dirty money, and as soon as your ‘profit’ is paid out, it is clean. In the online gambling palaces, you can pay with all kinds of crypto currency and other anonymous payment methods, which makes it even more attractive for illicit transactions. Criminals use the e-casinos as a kind of shadow bank where they can make payments to themselves and to each other (#annotation-36732-6). The ability to move money covertly also makes the sector extremely attractive for those looking to evade sanctions.

## **IN BLIND SPOTS OF GOVERNMENT’S OVERSIGHT**

Due to these high-risk factors, the gambling industry is highly regulated in most countries. But not in Curaçao: there the sector moves almost completely in the blind spots of the government’s oversight. It is not the government, but a handful of anonymous private companies that determine who is allowed to enter the market. Companies who wish to get in on the action can order a permit from one of these companies for about five thousand dollars a year (#annotation-36732-7). The government of Curaçao has no idea who operates the casinos and how much money flows through the online slot machines (#annotation-36732-8).

While the US Department of State explicitly warns in a recent report that criminal drug gangs can use Curaçaoan gambling sites to launder criminal money (#annotation-36732-9), and gambling companies based in Curaçao are starring in American (#annotation-36732-10), Italian, Brazilian (#annotation-36732-11), Dutch and Russian (#annotation-36732-12) criminal cases, no gambling company has – as far as we could establish – ever been prosecuted. Supervision has been outsourced to a foundation that has gone years without actively enforcing its rules.

Investigative journalism platform Investico, Dutch radio programme Argos and Dutch weekly magazine De Groene Amsterdammer are now, for the first time, turning the spotlight on this shadowy sector. We examined classified

government documents, identified the owners of online casinos through international leaks such as the *Pandora Papers*, and examined foreign court records to see how criminals are using gambling websites in Curaçao. We spoke to over thirty stakeholders and experts and found that the gambling industry has completely outgrown the small, emerging country. The interests are so great, the forces so strong, that the gambling sector rules in Curaçao.

### **IT IS NOT THE GOVERNMENT, BUT A HANDFUL OF ANONYMOUS PRIVATE COMPANIES THAT DETERMINE WHO IS ALLOWED TO ENTER THE MARKET**

Public officials who try to tighten gambling regulations or activists who expose abuses are thwarted, charged or harassed. Investico and Argos spoke to an official who tried to tighten the regulations on the gambling sector in the 1990s, but was threatened and re-assigned. We spoke to a senior official who was unable to regulate the sector due to the strong lobbying of the gambling companies. And we spoke to a blogger and activist who is in hiding because she feels threatened, and against whom gambling companies are filing lawsuit after lawsuit. The gambling company Cyberluck brought summary proceedings against De Groene Amsterdammer to try to influence this article before publication, but lost.

“In the name of the queen!”, are the opening words of the ‘National ordinance for offshore games of chance’, which was adopted in Willemstad in June 1993 (#annotation-36732-13). The law, only six articles long, underpins the entire Curaçaoan online gambling sector, to this day. And that law is wrong, says John van Schendel, who worked as a legislative lawyer at the Cabinet Office in Curaçao in the 1990s. “It’s the worst law I’ve ever seen, completely against the basic rules of democracy.” Almost thirty years later, it still haunts him.

Normally, new laws are written by officials such as Van Schendel. But this

time was different. A Curaçaoan member of parliament submitted the bill, without the lawyers of the ministry having seen any part of it. “Otherwise, that law would never have been passed like this,” says Van Schendel. The Legal Council, which is required to give official advice on new legislation, finds the law far too brief, and judges that it must be substantially amended ‘so that the name of Curaçao and the Dutch Antilles is not harmed internationally (#annotation-36732-14).’ But that does not happen. On June 8, 1993, the law comes into force.

### **'IT'S THE WORST LAW I'VE EVER SEEN, COMPLETELY AGAINST THE BASIC RULES OF DEMOCRACY'**

Since then, the gambling sector in Curaçao has been almost unregulated. The law does not provide for supervision or penalties for violations, does not impose any requirements on the operators of online casinos, contains no rules against money laundering, and no guarantees that players will be treated fairly. The only requirement is that companies that want to open online casinos apply for a government license.

John van Schendel was responsible for beginning to issue those licenses in 1995. He recalls being pressured by ‘lottery king’ Robbie dos Santos. “Robbie came to my office with two armed bodyguards positioned outside, either side of my door. I was only allowed to listen. I found it terrifying, I felt like I was dealing with the Gestapo.” Government documents from that time state that politicians also put “enormous pressure” on Van Schendel to quickly grant a license to TISS N.V., a company that was at the time being controlled by Gregory Elias, the ‘Offshore King’ of Curaçao. “My door was besieged; the phone didn’t stop. Ministers were pressured by friends and asked me: ‘Hey John, is it ready yet?’” Elias now says in a response that TISS N.V. “never put pressure on anyone” to issue a permit quickly. Nevertheless, according to government documents, Elias’s company is the first to obtain a permit via an urgent procedure. A handful of other

companies were also granted a license.

Shortly afterwards, something strange happens. The gambling company of ‘Offshore King’ Elias asks Van Schendel whether they can lend their license to other companies. Those other companies would then be able to set up gambling sites without a government license. They would not work with a license from the government, but from Elias’s private company. On behalf of the minister of finance, Van Schendel is explicit in his response: “The current National Ordinance does not allow such a subdivision of permits”, he writes in the draft letter to Elias. “In addition, the Government has taken the position that this is also undesirable (#annotation-36732-15).” It is unclear whether the letter has actually been sent to Elias.

## SUBLICENCES

But Van Schendel soon notices that the few companies with a license are doing exactly what was ruled out in the draft letter: they are issuing ‘sublicences’ to other companies that want to open an online casino. And that continues to this day. At the moment there are only a few companies with an official government license. Antillephone, Cyberluck and Gaming Services Provider sell ‘sublicenses’ to companies who want to start an online casino. A brochure from the company Gamblingtec describes how easy it is. “To get a license right away you need to set up a local business, hire management, ship some hardware (servers) and you’re good to go (#annotation-36732-16)!” The cost? 5,000 dollars a year.

However, the real big earners of the online gambling sector are not the ‘master licensees’ but the offshore financial offices. Because those who want to open an online casino on Curaçao must also have a Curaçaoan shell company in addition to a license. Offshore Curaçaoan financial offices manage an estimated hundreds to thousands of shell company for gambling sites, who all pay around 22,000 euros per year for their Curaçaoan address.

The rise of online gambling at the end of the 1990s has been a boon to the

island's offshore financial sector. Since the Second World War, offshore finance has had a strong position on Curaçao. Indeed, the concept of 'offshore financial services' – setting up and managing companies for foreign clients – was even invented in Curaçao. Just before the Second World War, Dutch multinationals such as Philips, Unilever and Shell moved to Willemstad, so that the Nazis could not confiscate their companies. They had their Caribbean companies managed by a Dutch notary who would later start the first offshore office in the Dutch Antilles. After the Second World War, the Antilles Route provided a livelihood for the offshore financial offices. But when this lucrative tax route closed in the late 1990s, the offshore sector was in danger of demise. The rise of online gambling offered new opportunities.

### **AT THE MOMENT THERE ARE ONLY A FEW COMPANIES WITH AN OFFICIAL GOVERNMENT LICENSE**

It is unknown how many online casinos there are now on Curaçao. Last December, the Minister of Finance issued an appeal in the *Antilliaans Dagblad* in which he asked gambling companies to voluntarily register in a database, so that the government could gain "a more complete picture" of the online gaming sector. In response to questions, the ministry says that the online database is not working yet because there has been "some delay". The Curaçao Public Prosecution Service estimates that there are about a thousand sites (#annotation-36732-17), other sources list around 700 to 900 companies (#annotation-36732-18).

The news website *Follow the Money* wrote that in the last five years about ten thousand illegal casinos were operating from Curaçao. Using a 'web scraper', a computer program that automatically collects data from websites, we compiled our own list of Curacaoan gambling sites. In total, we found more than five hundred companies that jointly operate more than three thousand active gambling sites, of which seventeen hundred operate

with a license, and the rest without. With this list, we can see for the first time which gambling sites run from Curaçao, and which offshore companies and licensees are connected to the sites. That's probably still a small part of all Curaçaoan gambling sites: only sites in English language were included in the list. To put it in perspective, Malta, home of one of the world's major gambling industries, has 201 companies with an online gambling license.

How much money there is in these online gambling palaces is also unknown. The turnover often does not travel through Curaçao, but through anonymous companies in the United Kingdom, Ireland or Malta, so that even Curaçao does not know how much money is flowing through its Caribbean casinos. But it's a lot. Softswiss, which operates more than a hundred Curaçaoan gambling websites, says that five billion euros are deposited on its sites every month – that brings us to an annual total of sixty billion for only a fraction of the thousands of [websites](#) (#annotation-36732-19).

## **ANONYMOUS OWNERS AND INVISIBLE MONEY FLOWS**

Most of the gambling sites in our database, with names like beepbeepcasino.com, bonanzagame.com, and bingofest.com, are licensed by Cyberluck N.V., one of the government-licensed companies. The owner of this large 'master license' is a mystery, Cyberluck refuses to answer our question about this. But many Cyberluck gambling sites are registered at the Landhuis Joonchi, a large villa in Willemstad that is hidden behind a forest and a guarded gate. That mansion is the office of the aforementioned 'Offshore King' of Curaçao, Gregory Elias. Elias is reportedly the richest man in Curaçao and became known worldwide for organising a Rolling Stones concert in Cuba in 2016. In a response, he says he has no relationship with Cyberluck or the offshore companies involved.

Offshore companies ensure that the real owners of the online casinos remain anonymous, and the money flows invisible. However, with the help

of international tax haven leaks such as the Panama Papers and the Pandora Papers, we can identify a few owners for the first time. What is immediately noticeable is that we mainly find Russian, Ukrainian and Belarusian owners. For example, we come across Ihar from Belarus who worked for several years as a security guard in a state-owned farm and later lost his job. He owns the website [realmoneyonlinepokies](#). He doesn't seem to have any *real money* himself: a year before he started his gambling company, he still drove a twenty-year-old Volvo 440 and lived with three people in a cramped apartment about 100 kilometres outside Minsk. According to a leaked customs database, which fellow journalists from Belarus checked for us, he has never set foot outside Belarus.

## **WHAT IS IMMEDIATELY NOTICEABLE IS THAT WE MAINLY FIND RUSSIAN, UKRAINIAN AND BELARUSIAN OWNERS**

Other owners of the online casinos don't seem like gambling moguls at first glance either: one is a 26-year-old employee of a Russian financial service provider, another lives in a drab apartment block on the outskirts of St. Petersburg, and another in a dilapidated Soviet bloc in the western Ukrainian city of Lutsk. Not the typical playground for a gambling boss.

"I am happy to contribute to improving the image of the gambling sector," writes Jamir Barton in response to our interview request. At that time, Barton was chairman of the Curaçao Gaming Control Board, which has been responsible for overseeing the online gambling sector since 2020. Before 2020, there was not a single body actively monitoring the industry. In emails in the hands of Investico, the Curaçaoan Ministry of Justice writes that it transferred that task to the Ministry of Finance in 2013. But the official decision on this was only made in 2019 (#annotation-36732-20), and the Finance Ministry writes at the end of that year that it cannot do anything because the Ministry of Justice has not yet forwarded the files. In 2020, the Ministry of Finance decides to transfer supervision to the Gaming Control

Board. This is a ‘government foundation’ that is supervised by a consultant, a tax adviser and a psychologist.

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We would like to speak with Barton in order to understand how this foundation oversees the thousands of gambling sites. But he rejects our request for a conversation, and most written questions go unanswered. The Gaming Control Board does acknowledge that it still does not exercise any supervision. Now, more than two years after being given the oversight role, the foundation is still drafting policies and guidelines, and will do nothing until the policies are established. “Basically, we’ve done all the oversight ourselves in recent years,” Angelique Snel-Guttenberg, CEO of Cyberluck, one of the master licensees, said in an interview last month. The government is not involved.

According to the Curaçao Social and Economic Council, it is so bad that Curaçao is no longer taken ‘aux sérieux’ by other countries, and it has become impossible for gambling companies to open a bank account due to the high risks of money laundering (#annotation-36732-21). Gambling companies can only make use of less strictly regulated digital payment service providers. Meanwhile, the entire country is suffering from the gambling sector’s bad reputation: Curaçao is increasingly excluded from the international payments system because banks are afraid of money laundering scandals.

## **HAVEN FOR CRIMINALS**

Since setting up a casino can be done completely out of the sight of the government, and government supervision does not exist, Curaçaoan

gambling companies have become a haven for criminals. Curacaoan gambling sites pop up in Brazilian, American, Dutch, Russian and Italian criminal cases. According to Dutch the police and judiciary, the ‘Godfather of the Hague’ and drug dealer Piet S. was behind the sports gambling site edobet.com, that operated illegally in the Netherlands. Furthermore, according to the Dutch Public Prosecution Office, S. transported many tons of drugs to the Netherlands. Several professional football players from Dutch club Sparta Rotterdam had shares in the gambling company, and former Dutch international Dirk Kuyt was a witness in the criminal investigation because he regularly gambled via Curaçao. According to Dutch newspaper *het Algemeen Dagblad*, he received his winnings in cash in plastic bags at a gas station.

And the Italian mafia also know the way to Willemstad. When Maltese authorities withdrew the licenses of some gambling websites that, according to the Italian justice ministry, were used to launder money for the ‘*capo dei capi*’ of the Sicilian mafia in 2018, these websites moved to Curaçao. The company behind these sites, Riota B.V., still had a few active websites in 2020.

The lobby group for Curaçaoan gambling companies states in a response that the ties between criminals and the country’s gambling sector are ‘gossip’. According to the association, “master licensees” transfer their licenses “with the knowledge and consent of the government” and gambling companies are “under the strict supervision of private companies.” Preventing involvement in criminal matters is a ‘prominent point of attention’ for the sector. The gambling companies say they report to the Gaming Control Board how many online gambling sites operate under their licenses.

Lawyer John van Schendel looks at the situation with sadness. “It’s like a ship that misaligns the compass by one degree when it leaves the harbour,” he says. “At the end of the journey you might end up hundreds of kilometres off route. This is exactly the case with legislation. At the time, it was a

reason for me to step on the brakes. But to no avail.”

## **HARASSED, THWARTED OR CHARGED**

How did it get so out of hand? How could one little law create an unregulated, uncontrolled multi-billion-dollar industry? That’s because public officials who wanted to tighten up the rules or strengthen supervision, or activists who expose abuses have been harassed, thwarted or charged.

That started in the nineties with John van Schendel. When he realizes how bad the legislation is, he immediately writes a new law to correct the mistakes. “But it never got off the drawing board,” he says. “It was held-up by the minister, and then it just stopped.” When Van Schendel discovers that the gambling companies are selling sublicenses, something he had just ruled out, he contacts the detectives, he says. They plan to raid the gambling company to restrict the use of sublicenses, Van Schendel says. But again, the Minister of Justice puts a stop to it. ‘He preferred to retain employment’, says Van Schendel. Van Schendel is re-assigned shortly afterwards. “Then the only critical voice in the ministry was gone. And that is quite sad.”

The gambling sector’s wheel continues to spin quietly in the years that follow, and Curaçao is increasingly criticized for the risks of money laundering. Around 2007, a lawyer at the Ministry of Justice again attempts to write a new law. He wants to remain anonymous because he expects problems if his name becomes known. “We wanted to curb the sector,” he says, “and ensure that the gambling companies were not misused for money laundering or terrorist financing.” But this official also couldn’t get things further than the drawing board. “The gambling companies resisted new legislation. It never happened.”

In 2013, Justice Minister Nelson Navarro tries again. He issues a National Decree in which stricter requirements, better supervision and an explicit

ban on sub-licences are demanded (#annotation-36732-22). However, that decree is withdrawn two months later. The official statement points to a legal problem: first the law must be changed; only then can stricter requirements be imposed on gambling companies (#annotation-36732-23). But the new law never comes. The only attempt to regulate gambling companies more strictly and to restrict the system of sublicenses is, once again, dead on arrival.

At the end of 2019, there is one law that does pass. The Minister of Finance puts the Parliament of Curaçao on the spot: quickly approve a number of new tax laws, otherwise Curaçao will be added to a European blacklist of tax havens on January 1st of the new year, hearing this the financial sector threatens to leave (#annotation-36732-24). In an extremely messy procedure, with most decisions being taken during the break between Christmas and New Year, parliament approves a major reform of the tax system (#annotation-36732-25). “We had absolutely no insight into what we were voting on,” said a parliamentarian who supported the coalition at the time.

From the depths of the legislation texts comes a paradigm shift for the industry. Offshore financial companies no longer have to pay income tax from 1 January 2020. Only ‘domestic companies’ still pay tax. The Minister of Finance has made Curaçao into a tax haven for gambling companies, almost completely unnoticed. Since then, gambling companies no longer have to pay income tax, impoverished Curaçao no longer earns anything from the billion-dollar industry.

In April of this year, we board a plane to a secret destination to meet blogger and activist Nardy Cramm. She is the pivot behind Knipselkrant-curacao.com, a free website where she publishes news items, clippings and blogs about the Caribbean. She writes a lot about the gambling industry, hence the secret location for the meeting. Cramm has feared for her safety for years and in 2017 the Dutch Public Prosecution Service had her included

in an official security program. This was stopped after a year: the threat was said to have decreased. But Cramm doesn't trust this. She is currently staying at a secret address abroad because she no longer feels safe in the Netherlands. "There have been people sneaking around my house at night, I've been run off the road in suspicious ways several times, and I've been systematically threatened and intimidated. I am very afraid that the same fate awaits me as Helmin Wiels."

Member of Parliament and leader of the political party Pueblo Soberano Helmin Wiels was walking on the Playa Marie Pompoen, a few kilometres outside Willemstad, on May 5, 2013, when nine bullets were fired at him. The popular politician was killed instantly. Now, nine years later, the murder is still unsolved. The hitmen who fired the shots have been caught, but whoever ordered the execution is still at large. On Saturday, the day before the murder, Helmin Wiels gave a two-hour speech on YouTube, in which he accused the gambling sector of tax evasion. He announced that he would release a 'bomb' about the gambling sector after the weekend. He didn't make it that far. An internal document from the Dutch Ministry of Internal Affairs, which we obtained through a freedom of information request, states that "from the penal investigation it has become clear that persons from the highest echelons of politics and the gambling sector were involved (#annotation-36732-26)."

Blogger Nardy Cramm fears she's on a, so-called, kill list. The problems for Cramm started in 2012. At that time, the Dutchwoman had been living in Curaçao for years, working as a researcher for law firms. During one of those investigations, which she cannot speak about due to a confidentiality agreement, she came across the online gambling companies. "At that time, I had no idea how big and dangerous that sector was," she says. "But I got threats, was followed, and there were constantly cars with blacked-out windows in front of my house. I was warned to be careful of meddling with the 'wrong people'. I had the feeling that something was completely wrong and decided to flee to the Netherlands in March 2013." Two months later,

Helmin Wiels was murdered.

George van Zinnicq Bergmann, chairman of the Curaçao Online Gaming Association, says in a response that he finds it very annoying for Cramm that she feels threatened. He advises us to “investigate the credibility of Mrs Cramm and her conspiracy theories.” He also thinks that making a connection to the murder of Helmin Wiels is “extremely painful and irresponsible”.

When Cramm returns to the Netherlands in 2013, she stays in her parental home in Friesland, where she starts writing for the *Knipselkrant*. “I just sat at home, and thought it would be nice to provide people in Curaçao with independent information. Freedom of the press in Curaçao is a difficult commodity.” In the first few years she kept far from the gambling sector, but in recent years more and more articles about gambling companies have appeared in the *Knipselkrant*: Cramm publishes hefty articles, her own research, and clippings from Dutch media about gambling sites on Curacao. She calls the sublicences ‘illegal’ and describes Curaçao as a ‘money laundering mecca’. The online newspaper currently has about twenty thousand readers a day, in its heyday there were more than one hundred thousand, according to Cramm. Since 2019 she also has a foundation with which she initiates lawsuits against Curaçaoan gambling companies on behalf of duped players.

But for the past year and a half, Cramm has found it almost impossible to publish. She is being harassed by gambling companies and offshore companies that are filing lawsuits against her in Curaçao, demanding gag orders and penalties of up to 100,000 euros. The companies insist on corrections of articles that are sometimes years old and argue that it is unlawful to call sublicences ‘illegal’. The industry believes that sub-licences are legal and refers to case law that they believe to be in their favour (#annotation-36732-27).

## **FOR THE PAST YEAR AND A HALF, CRAMM HAS**

## FOUND IT ALMOST IMPOSSIBLE TO PUBLISH

Gambling company Cyberluck's Dutch lawyer Bas Jongmans even launched the site [www.knipselkrantprocedure.com](http://www.knipselkrantprocedure.com), where he offers 'victims' of *Knipselkrant* free lawsuits. "Through *Knipselkrant*, Nardy Cramm says nasty things about Curaçao and its inhabitants on a regular basis," Jongmans writes in a blog. "Nardy always seems sad and angry with everything and everyone. I therefore offer my services free of charge to everyone in Curaçao who has been duped by Nardy and her *Knipselkrant* (#annotation-36732-28)." Jongmans had the website of Cramm's private research agency taken offline and published a photo of her parental home in Friesland on Knipselkrantprocedure.com. Jongmans states in a response that Cramm wrongly accuses him of working for people with ties to criminal organizations, and says that his blog was intended to be 'playful'.

The question is whether Cramm will get a fair chance to defend herself before a Curaçaoan court. One of the cases was heard by Judge Kimberly Lasten (#annotation-36732-29). She previously worked as a lawyer for gambling companies, and in 2014 signed summons and damage claim letters in an attempt to take *Knipselkrant* offline (#annotation-36732-30). When gambling companies filed a case against Cramm in 2021, Lasten had to pass down her verdict of the same *Knipselkrant* as a judge, and ruled in favour of the gambling companies (#annotation-36732-31).

According to the European Convention on Human Rights, which also applies in Curaçao, judges must excuse themselves if they have a conflict of interest or if there is an appearance of partiality. That didn't happen here. Lasten says via the spokesperson that she has seen no reason to excuse herself in this case, and that parties can always appeal if they do not agree with a decision.

In her verdict Judge Lasten attributed a remarkable position to Cramm, namely that Cramm would agree that sublicenses are *legal*, something that

Cramm strongly opposes. This ruling is now being used in other lawsuits to force Cramm to rectify published stories (#annotation-36732-32). Cramm appealed, but has already spent more than a year waiting on a ruling.

In another case, the court refused to let Cramm know which judges would hear her case, saying it would be an “internal matter.” According to the code of conduct of the judiciary and the European Convention on Human Rights, the names of judges must always be announced in advance. After inquiry, the court says it was a ‘small mistake’.

Cramm has since gone through three separate legal proceedings, all three of which she has lost. With one of the Curaçaoan verdicts, the gambling company Cyberluck had almost one hundred thousand euros seized from Cramm’s Dutch bank accounts via the aforementioned lawyer Jongmans and a Dutch bailiff. Last December, the judge ruled that Cramm may never again publish anything stating that gambling company Cyberluck offers illegal sublicences, with the threat of a penalty of more than 21,000 euros per day. (#annotation-36732-33) Cramm appealed again, but while the initial legal proceedings were scheduled and concluded within weeks, she is still awaiting appeal decisions.

## **‘CLASS ACTION’ AGAINST CRAMM/KNIPSELKRANT**

And it doesn’t end there. Last month Cramm found out in the newspaper that there would be another lawsuit. “‘Class action’ against Cramm/Knipselkrant”, headlined the Curaçaoan newspaper, *Antilliaans Dagblad*. This class action is being conducted by offshore companies and the gambling company Cyberluck. The companies are demanding periodic penalty payments totalling almost 1.3 million euros. Cramm says she can’t afford a lawyer, because her bank accounts have already been frozen due to previous lawsuits. “They want to destroy me,” Cramm says. “The lawsuits rule everything, it’s a horrific experience. I feel abandoned.”

That’s exactly the strategy, says Matthew Caruana Galizia. He has been a

press freedom activist since his mother Daphne Caruana Galizia was killed by a car bomb in Malta in 2017. She too was a blogger, writing about abuses in the Maltese gambling sector, and was eventually murdered at the behest of the island's biggest casino boss for tracking down his corrupt deals in the energy sector. At the time of her death, forty-six lawsuits were pending against her.

“These kinds of lawsuits isolate people who expose wrongdoing, just like my mother did,” says Caruana Galizia in response to the proceedings against Cramm. “People with deep pockets destroy the few who hold them accountable. Small countries such as Malta or Curaçao are especially vulnerable to this. These kinds of lawsuits are not only violating Nardy Cramm’s human rights, an entire country is being robbed of access to information. The intention is to stifle public debate.”

### **‘THESE KINDS OF LAWSUITS ISOLATE PEOPLE WHO EXPOSE WRONGDOING’**

Cyberluck denies that the lawsuits against Cramm are intended to destroy her or prevent her from writing critically about Cyberluck and the gaming industry. Cyberluck says it fights Cramm’s statements with legitimate legal remedies.

On October 10, 2010, the flag of the Netherlands Antilles is lowered for the very last time, folded neatly and handed over to the last Prime Minister of the Antilles. Under loud applause and cheering, a blue flag with a yellow band and two white stars rises to the top of the mast: the flag of the new country Curaçao. “Viva Kòrsou!” roars the crowd. Curaçao becomes an independent country.

The Netherlands uses the breakup of the Antilles on ‘10/10/10’ to demand more influence on the rule of law in Curaçao, Aruba and Sint Maarten. Because of their small size the new countries are vulnerable to corruption

and nepotism. The Netherlands will be jointly responsible for the rule of law, for combating money laundering and serious crime, and for institutions such as the courts, the Public Prosecution Service and the police, the countries agree in the so-called ‘State Consensus Acts’. “The stronger role of the Netherlands is important for the legal protection of citizens in Curaçao,” says emeritus professor of colonial and postcolonial history Gert Oostindie. “It is often about protecting citizens against their own politicians.”

Precisely those values and institutions for which the Netherlands is jointly responsible are cracking under pressure from the gambling sector, and that is therefore a problem for Curaçao as well as for the Netherlands. But in a web of shared responsibilities, criminals easily slip through the cracks. It is the responsibility of the Curaçao government to amend the legislation for gambling companies and to ensure that there is supervision. That has not happened for thirty years, and the Netherlands insists on change, but cannot enforce anything.

In the meantime, the Curaçao Public Prosecution Service is not intervening either. The Public Prosecution Service does not want to do anything as long as the rules and supervision are not improved, according to a letter from 2017. “Although the Public Prosecution Service is the right institute to conduct criminal investigations in Curaçao, we do not think it is right to impose criminal law. to fill gaps in rules and regulations,” the prosecutor wrote (#annotation-36732-34).

At the end of 2021, almost five years and several foreign criminal cases later, the Curaçao Public Prosecution Service still does not consider itself capable of prosecuting gambling companies. In an official message in the hands of Investico, the public prosecutor writes that “the criminal prosecution of online gambling companies is a complex matter. In connection with this complexity, it must be investigated whether and what role criminal law plays or can play in this matter (#annotation-36732-35).” Until then, the Public Prosecution Service cannot start a criminal investigation,

the public prosecutor writes. The Curaçaoan Public Prosecution Service did not respond to our request for comment.

This attitude illustrates the sensitive relations between the Netherlands and Curaçao, says Professor Oostindie. “When the Public Prosecution Service pushes the boundaries, it is interpreted very politically and is quickly portrayed as neocolonial. So, they will always say: ‘if we want to tackle the gambling sector, tackle the rules.’”

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Since 2020, the Netherlands has been trying to change the rules for the online gambling sector more and more forcefully. When the coronavirus shut down the world, Curaçao immediately landed in an economic crisis. The hotels were empty, the tourists stayed away, and the pandemic threatened to plunge the island into bankruptcy. The Netherlands is assisting with loans of more than 400 million euros, in exchange for further influence on the island. One of the conditions for the loans is that Curaçao prepares a plan for the “modernization and reform” of the online gambling sector.

The Dutch interference leads to anger among Curaçaoan ministers, who accuse the Netherlands of neo-colonialism. The Netherlands and Curaçao have been arguing for months about the exact implementation of the plans: the Netherlands wants to be able to enforce matters, Curaçao refuses. The adjustments in the gambling sector are yet to get off the ground. Last December, the Minister of Finance states in the *Antilliaans Dagblad* that it is “one of the priorities” to “secure” the business operations of the gambling companies with a government license (#annotation-36732-36).

Professor Oostindie expects that the Netherlands will not give up on reforming the gambling sector. But the question is whether persistence is enough. “In the 1980s, Curaçao had a huge financial sector. When it came under suspicion of tax evasion and money laundering, the Netherlands tightened the screws enormously on the island, while the financial sector in the Netherlands was allowed to continue to grow quietly. This was seen as unreasonable in Curaçao. It is fine that the Netherlands is now saying that the financial sector in Curaçao must be tackled. But if you’re serious, you should do it in your own country too.”

*Here (<https://www.platform-investico.nl/artikel/vind-hier-de-documenten-over-de-curacaose-online-goksektor/>) you can find the documents of this research.*

1.

Images (<https://www.youtube.com/watch?v=aXb9Kzp52sk>) of Polizia di Stato, Catania, Messina en Siracusa.

↔ (#annotation-anchor-36732-1)

2.

Attività svolta e risultati conseguiti dalla Direzione Investigativa Antimafia. Report 2018, semester 2  
(<https://direzioneinvestigativaantimafia.interno.gov.it/relazioni-semestrali/>) .

↔ (#annotation-anchor-36732-2)

3.

Operazione antimafia Revolutionbet nel settore della raccolta illegale di scommesse, 28 fermi a Catania. Cronaca Oggi Quotidiano  
(<https://www.cronacaoggiquotidiano.it/2018/11/14/operazione-antimafia-revolutionbet-nel-settore-della-raccolta-illegale-di-scommesse-28-fermi-a-catania/>) , 14 November 2018.

↪ (#annotation-anchor-36732-3)

4.

See an archived version (<https://web.archive.org/web/20180309234321/https://www.betcom29.org/>) of the website.

↪ (#annotation-anchor-36732-4)

5.

Decreto fermo Galassia Reggio Calabria, November 2018, p. 590

↪ (#annotation-anchor-36732-5)

6.

See: Online gambling as a money laundering method (<https://www.amlc.eu/online-gambling-as-a-money-laundering-method/>), FIOD, 2021.

↪ (#annotation-anchor-36732-6)

7.

See brochure Gamblingtec. See link below.

↪ (#annotation-anchor-36732-7)

8.

See Announcement regarding the registration of online gambling operators, Ministry of Finance, 10 December 2021. See link below.

↪ (#annotation-anchor-36732-8)

9.

International Narcotics Control Strategy Report (<https://www.state.gov/2022-incsr-volume-ii-money-laundering-as-submitted-to-congress/>), Volume II, Money Laundering. US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, March 2022.

↪ (#annotation-anchor-36732-9)

10.

The Offshore Game of Online Sports Betting (<https://www.nytimes.com>

/2015/10/26/us/pinnacle-sports-online-sports-betting.html?searchResultPosition=1),  
New York Times, 25 October 2015. Agents of pinnaclesports.com were  
prosecuted.

↪ (#annotation-anchor-36732-10)

11.

Tribunal Regional Federal da 1a Região (<https://trf-1.jusbrasil.com.br/jurisprudencia/889277040/habeas-corpus-hc-hc-714467320154010000/relatorio-e-voto-889277049>) TRF-1-HABEAS CORPUS: HC 0071446-73.2015.4.01.0000. The website brasilbingos.net was operated by LRS INTERNACIONAL.

↪ (#annotation-anchor-36732-11)

12.

Betting on Bryansk (<https://meduza.io/en/feature/2021/10/21/betting-on-bryansk>), Meduza, 21 October 2021.

↪ (#annotation-anchor-36732-12)

13.

Landsverordening buitengaats hazardspelen (National ordinance for offshore games of chance). (<https://lokaleregelgeving.overheid.nl/CVDR1855>)

↪ (#annotation-anchor-36732-13)

14.

Advice Legal Council, 7 September 1992. See link below.

↪ (#annotation-anchor-36732-14)

15.

Concept letter to Staten Management N.V. See link below.

↪ (#annotation-anchor-36732-15)

16.

Brochure Gamblingtec See link below.

↪ (#annotation-anchor-36732-16)

17.

Official report Dutch Public Prosecution Office, 14 December 2021. See link below.

↪ (#annotation-anchor-36732-17)

18.

Curaçao Social and Economic Council, advice on the draft national ordinance on games of chance 2021. See link below.

↪ (#annotation-anchor-36732-18)

19.

SoftSwiss Enjoys a Strong 2021, as GGR More than Doubles Across the Year (<https://www.casino.org/news/softswiss-enjoys-a-strong-21-as-ggr-more-than-doubles-across-the-year/>) , Casino.org, 29 December 2021.

↪ (#annotation-anchor-36732-19)

20.

National Ordinance 16 July 2019 no. 19/1376. See link below.

↪ (#annotation-anchor-36732-20)

21.

Curaçao Social and Economic Council, advice on the draft national ordinance on games of chance 2021. See link below.

↪ (#annotation-anchor-36732-21)

22.

National decree 25 September 2013, no. 13/2259 concerning the license given to Antillephone N.V. See link below.

↪ (#annotation-anchor-36732-22)

23.

National decree 15 November 2013, no. 13.2730 concerning the license given to Antillephone N.V. See link below.

↪ (#annotation-anchor-36732-23)

24.

Aanschrijving (instruction) minister Gijsbertha to the Chair of the Curaçao parliament. See link below.

↪ (#annotation-anchor-36732-24)

25.

National ordinance 30 December 2019 (<https://gobiernu.cw/nl/laws/landsverordening-belastingherziening-2019/>) . See link below.

↪ (#annotation-anchor-36732-25)

26.

See attachments to FOIA request on law enforcement on the Caribbean islands (<https://www.rijksoverheid.nl/documenten/woo-besluiten/2022/05/09/besluit-op-wob-verzoek-over-rechtshandhaving-caribische-landen>) (p. 60) or See link below.

↪ (#annotation-anchor-36732-26)

27.

Voorts staat tussen partijen vast dat het conform de wet niet ongeoorloofd is om op basis van die vergunning sublicenties aan andere exploitanten van kansspelen te verstrekken (CUR202100501) en De Landsverordening bevat geen bepaling die het de vergunninghouder verbiedt de exploitatie van haar vergunning deels aan derden uit te besteden. Gezien deze afwezigheid van een wettelijk verbod kan als irrelevant in het midden blijven of de overheid dat al dan niet onwenselijk vindt. (CUR202103601 (<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:OGEAC:2021:218>) ) en CUR201601614 en CUR2017I00018 en CUR2018H00148.

↪ (#annotation-anchor-36732-27)

28.

Blog, Bas Jongmans, 18 August 2019. See link below.

↪ (#annotation-anchor-36732-28)

29.

Case CUR202100501, xx & Cyberluck Curaçao N.V. vs. Cramm. See link below.

↪ (#annotation-anchor-36732-29)

30.

Letter 9 December 2014 (<https://knipselkrant-curacao.com//wp-content/uploads/2015/02/2014-12-09-sp-knipselkrant.-brief091214.pdf>) to iFusion ICT, letter 17 December 2014 (<https://knipselkrant-curacao.com//wp-content/uploads/2015/02/2014-12-17-sp-knipsel.brdomein171214.pdf>) to mijndomein.nl, letter 26 January 2015 (<https://knipselkrant-curacao.com//wp-content/uploads/2015/02/2015-01-26-sp-knipsel.hostingbrf260115.pdf>) to Hosting Concepts BV.

↪ (#annotation-anchor-36732-30)

31.

Case CUR202100501, xx & Cyberluck Curaçao N.V. vs. Cramm. See link below.

↪ (#annotation-anchor-36732-31)

32.

See CUR202103601 (<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:OGEAC:2021:218&showbutton=true&keyword=edobet>) , 1 December 2021.

↪ (#annotation-anchor-36732-32)

33.

See CUR202103601 (<https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:OGEAC:2021:218&showbutton=true&keyword=edobet>) , 1 December 2021.

↪ (#annotation-anchor-36732-33)

34.

Letter Curaçao Public Prosecution Office, 3 May 2017. Although the OPP is the correct institution to investigate criminal investigations in

Curacao, we do not think it is right to deploy criminal law to fill in deficiencies of rules and regulation.

↪ (#annotation-anchor-36732-34)

35.

Official notice online gambling, Curaçao Public Prosecution Office, 14 December 2021. See link below.

↪ (#annotation-anchor-36732-35)

36.

Announcement regarding the registration of online gambling operators, Ministry of Finance, 10 December 2021. See link below.

↪ (#annotation-anchor-36732-36)

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