

Big Win for Sex Trafficking Survivors Under the New York State START Act

September 29, 2023

Supreme Court, New York County – Today, Hon. Arthur F. Engoron of the Supreme Court of the State of New York, New York County [issued an order](#) dismissing the lawsuit filed against Ms. Virginia Giuffre, an identified victim of sex trafficking by Jeffrey Epstein. This is a big win for survivors of human trafficking.

In 2021, Ms. Oh sued Ms. Giuffre in a separate case in the U.S. District Court of Southern District of New York. *Rina Oh n/k/a Rina Oh Amen v. Virginia L. Giuffre*, Case No.: 1:21-cv-08839-NRB based on comments made on social media.

In response, Ms. Giuffre filed a claim under the New York Civil Rights § 76-a(1)(a) “strategic lawsuit against public participation” or “Anti-SLAPP” Laws against Ms. Rina Oh. The “Anti-SLAPP” laws were enacted by the New York legislature to prevent lawsuits that are filed for the sole purpose of intimidation, harassment, and/or punishment.

Ms. Oh counter-sued under the Adult Survivors Act claiming that she was sexually assaulted by Ms. Giuffre.

On September 29, 2023, Hon. Engoron applied the 2021 New York State Survivors of Trafficking Attaining Relief Together Act (the START Act) to determine that Ms. Giuffre was incapable of committing sexual offenses that Ms. Oh alleged that she committed.

The “[START Act] was enacted in recognition of the dynamic that victims of human trafficking lack agency over their actions and therefore should not be unduly punished for acts committed under the coercive control of their exploiter.”¹

The Court determined that, Ms. Giuffre is “undisputedly the victim of Epstein’s sex trafficking” citing to the US Attorney’s Office letter determination that Ms. Giuffre was a victim of human trafficking. Therefore, by law, Ms. Giuffre did not have the agency and autonomy to commit sexual offenses while under the power and control of Jeffrey Epstein.

“For this Court to hold otherwise and to use the ASA to find that plaintiff, a victim herself, was capable of being liable for the crimes alleged by defendant, would be contrary not only to the plain language of the statutes, but to the spirit and legislative intent of the START Act and, arguably, the ASA.”

¹ See, Report on Legislation by The New York City Bar Association’s Corrections and Community Reentry Committee, Criminal Courts Committee, Immigration and Nationality Law Committee, International Human Rights Committee and Sex and Law Committee. (February 2021)
https://s3.amazonaws.com/documents.nycbar.org/files/2019545-Vacating_SexTrafficking_Convictions.pdf