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Unprecedented lawsuit filed on behalf of child sex exploitation victim

Rare case seeks monetary damages for rape ordeal.

By [David Chanen](#) Star Tribune

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Family photo Panyia Vang at age 14, when she was lured to a hotel in Laos and raped.

Panyia Vang was a 14-year-old aspiring singer living deep in Laos' countryside in 2006 when a much older man from Minnesota flew to her home and offered her a music video audition.

After a 12-hour bus ride to the capital city of Vientiane, Thiawachu Prataya took the shy girl to a hotel room and brutally raped her.

Vang, who soon found herself pregnant and bound to a traditional Hmong marriage with Prataya, moved to Minnesota with her father. There, Prataya, then 43, threatened to deny her visitation rights to their child unless he could continue to have sex with her.

In late 2010, Vang met Twin Cities attorney Linda Miller, who immediately recognized that the strong young woman in her office had an extraordinary case that could help break through the legal roadblocks faced by young sex exploitation victims in confronting their perpetrators.

Miller, who has handled dozens of human trafficking cases in her long legal career, has filed an unprecedented lawsuit that attempts to recover monetary damages for violations of federal laws regarding child sex tourism and trafficking. She also is discussing the case with the U.S. attorney's office in hopes of federal charges.

Miller has the support of many local and state Hmong advocacy groups that hope to end the tradition of child marriage among some in the Hmong community.

"This is just an enormous issue," Miller said. "Her young life and innocence was crushed. It's ruining so many people's lives in Minnesota."

Der Yang, Prataya's lawyer, said it would be inappropriate for her to comment on a pending suit. The case has come before U.S. District Judge Joan Ericksen, who is reviewing a summary judgment motion filed by Miller. If Ericksen's ruling goes in Miller's favor, the case would end with a financial award and wouldn't go to trial. Vang has asked for \$450,000 in damages, the minimum amount allowed under the statute for the three criminal counts alleged in the suit.

The legal picture

Miller's law firm brought the suit in 2011 under Masha's Law, a 2006 federal statute that gives children the right to sue anyone who produces, distributes or possesses their pornographic images. The act is named for a 5-year-old who was adopted from a Russian orphanage by a man who began sexually abusing her the night she arrived in the U.S. Masha's Law also allows the plaintiff to sue anyone who has downloaded the pornographic images.

Prataya admitted to all of the elements of child sex trafficking and child sex tourism under Masha's Law, the suit said. He lived in Minnesota and traveled to Laos in 2006, and he had repeated sexual contact with Vang that he paid for.

In court documents, Prataya claimed he didn't know Vang was a minor. In a deposition, he said he wasn't worried if she was 12 or 13, because that's why he paid her family \$5,000 to be his bride. He said the sex was consensual.

Miller's suit got a boost from a 2013 federal Court of Appeals ruling that reinstated the convictions of two South Dakota men who had tried to pay for sex with minors over the Internet. The ruling now allows consumers, not just suppliers of commercial sex acts, to be prosecuted under the federal trafficking statute.

Former South Dakota U.S. Attorney Brendan Johnson, who prosecuted the case, said Miller's suit is unique because victims rarely go after their perpetrators for financial damages. Her suit has good legal standing to succeed, he said.

Miller believes the only other civil suit filed under Masha's Law involved Thomas White, who died in a Mexican prison in 2013 while awaiting extradition to the U.S. None of the boys he was charged with molesting in Mexico and Thailand received any money from that suit.

Offered fame, then raped

Vang's case came to Miller's attention after Prataya went to Laos and gained custody of Vang's baby in 2010. Miller, who had been handling trafficking and child exploitation cases for years, also was part of the state's first human trafficking task force in 2005.

While the circumstances of Vang's ordeal may be unique, cases like hers are far from unusual. From 2010 to 2014, U.S. Immigration and Customs Enforcement (ICE) initiated 4,279 human trafficking investigations, made 5,852 arrests and received 3,252 grand-jury indictments that led to 2,440 convictions. Last year, 1,036 children were identified in ICE and Homeland Security child exploitation and sex tourism investigations, and ICE's office in St. Paul was responsible for 71 indictments.

Assistant U.S. Attorney Laura Provinzino, the Minneapolis office's human trafficking coordinator, is part of a statewide task force of law enforcement authorities and prosecutors who meet monthly to discuss cases and issues. They also strategize about new trafficking trends on social media and the growing sophistication of traffickers, she said.

"We have handled child sex tourism cases," she said. "We see trafficking across the state. The most vulnerable kids are exploited, such as runaways, kids in juvenile detention, foster [children] and immigrants."

Twelve years before Prataya went to Laos in 2006, he had pleaded guilty to sexually assaulting a woman for whom he was interpreting in a hospital. He had an office at a nightclub, where he received contact information for Vang's family.

Vang, now 22, was lured to an audition for a music video by Prataya's former wife, who called herself a movie star. Vang was offered beautiful clothes and the chance for fame, Miller said. She was able to flee the hotel after she was raped, but Prataya and some friends tracked her down and raped her again, the suit said.

"I was raped when I was 14 in Laos, and when I escaped, I was recaptured, bleeding and crying, and taken back to be raped again," Vang said through her attorney. "I thought my body, my life and my future were ruined forever."

Prataya has filed for bankruptcy and also has sought to have the suit dismissed. U.S. District Judge Robert Kressel ruled against him, calling Vang's experience in Laos "heartbreaking."

A well-known 'secret'

Vang's story and those of other exploited Hmong women are known to Sia Her, executive director of the Council on Asian-Pacific Minnesotans. In the Hmong community, such crimes involving young girls are referred to as "international abusive marriages," she said.

"It's a complex issue, but we recognize how harmful and dangerous it is," she said. "This is an open secret that everybody knows in the Hmong community."

It takes courage for the victimized women or their children to come forward, she said. They are vulnerable to criticism because some believe that they agreed to participate in a cultural marriage and that the men are doing them a favor by bringing them to the U.S., she said.

"Many elders will say this is an airing of dirty laundry," Her said. "Or such marriages have always been allowed for men."

Vang always wanted Prataya to go to jail "because everything he does hurts the world," she told Miller.

The attorney said that if she had to put her client on the stand for a trial, she would break everybody's heart by telling the truth.

"That's what so special about her," she said.