



**HUMAN TRAFFICKING WORKING GROUP**  
Dr Andreas Schloenhardt (Coordinator)

The University of Queensland  
TC Beirne School of Law

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## CASE REPORT

Current as on: September 10, 2009

<b>Case Name</b>	<b><i>R v FAS</i></b>
<b>Reported in</b>	<i>R v FAS</i> [2007] NSWDC 257
<b>Date(s)</b>	Period of Conduct: March 2000 - July 2002 Date of Arrest: 15 April 2006 Date of Hearings: 29 October 2007, 5 November 2007 Date of Decision: 30 November 2007
<b>Court/Jurisdiction</b>	New South Wales District Court
<b>Charges</b>	Causing Sexual Servitude: s 80D <i>Crimes Act 1900</i> (NSW) Procuring etc: s 91A <i>Crimes Act 1900</i> (NSW) Procuring Person by Drugs etc: s 91B <i>Crimes Act 1900</i> (NSW)
<b>Co-accused</b>	N/A

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## Case Outline

This matter is a pre-verdict evidential ruling by Judge Knox SC in the trial of FAS. FAS are the initials of an Egyptian man who was accused of procuring his wife, SI for the purpose of prostitution,<sup>1</sup> procuring her for the purpose of prostitution by threats,<sup>2</sup> and causing her to remain in sexual servitude.<sup>3</sup> As the matter was heard in a lower court, a verdict from the case has not been published.

FAS arrived in Australia in 1997, becoming an Australian citizen two years later.<sup>4</sup> In 2000, he married an Egyptian woman, the subject of an arranged marriage, and purportedly brought to Australia in March. At that time, the alleged victim— referred to as SI — was 20 years of age, spoke no English, and had no other contacts in Australia. The accused was 32 years old at that time.

The accused was said to have informed the victim that she had to repay him for his provision of a visa. Further, he opened a bank account in her name, keeping the access cards and information to himself, and arranged for her to receive unemployment benefits through Centrelink.

Within two weeks of SI arriving in Australia, FAS was said to have driven her to the Hideaway brothel in Banksia to commence work. Until she arrived at the brothel SI was unaware of what work she would be performing. Evidence was then submitted that SI had remained at the brothel for up to six days at a time over the next two years. FAS would pick her up on occasion, and collect her earnings which she passed to him in a white envelope. Estimates put the sum at around \$200,000.<sup>5</sup> There was evidence that FAS spent this money on an apartment, while remitting sums to his family in Egypt.<sup>6</sup>

Further, FAS was said to have restricted the victim's movements, withheld her passport and subjected her to physical violence. There was also evidence given that FAS had forced SI to undergo an abortion against her will.<sup>7</sup>

In 2002, the couple travelled to Malaysia. While there, the accused informed the victim that he had divorced her according to Islamic law, and that she would be taken by plane to Egypt without any money or belongings. SI then contacted Mr PS, a client from Australia, and the Australian Embassy in Malaysia. She returned to Australia where the proceedings were instigated.

There was also some evidence at trial that the second wife of the accused, identified as ES, had also been found at the brothel.<sup>8</sup>

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<sup>1</sup> *Crimes Act 1900* (NSW) s 91A.

<sup>2</sup> *Crimes Act 1900* (NSW) s 91B.

<sup>3</sup> *Crimes Act 1900* (NSW) s 80D.

<sup>4</sup> *R v FAS* [2007] NSWDC 257, [12].

<sup>5</sup> *R v FAS* [2007] NSWDC 257, [30].

<sup>6</sup> *R v FAS* [2007] NSWDC 257, [42].

<sup>7</sup> *R v FAS* [2007] NSWDC 257, [53].

<sup>8</sup> *R v FAS* [2007] NSWDC 257, [56]-[61].

## Human Trafficking

If indeed FAS was marrying Egyptian women only to have them work in a brothel for his economic benefit, he may also be liable under the offence of trafficking in persons in s 271.2 of the *Criminal Code* (Cth). This case would be unique amongst other cases involving human trafficking, as the exploitative party was in fact marrying women in order to gain a visa, rather than procuring a tourist or student visa, as seen in other cases.<sup>9</sup>

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<sup>9</sup> See *R v Tang* [2008] HCA 39; *R v Dobie* [2008] (Unreported, District Court of Queensland, Clare DCJ, 23 December 2008).