



HUMAN TRAFFICKING WORKING GROUP
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CASE REPORT

Current as on: October 29, 2009

Case Name	<i>DPP v Kam Tin Ho, Ho Kam Ho, Chee Fui Hoo, Slamet Edy Rahardjo, Sarisa Leech & Ba Phac Tran.</i>
Reported in	Pending
Date(s)	First trial commenced: April 21, 2009 First trial verdict delivered: July 27, 2009 Second trial verdict delivered: October 15, 2009
Court/Jurisdiction	Victoria
Charges	S 270.3(1)(a) <i>Criminal Code</i> (Cth): possessing a slave S 270.3(1)(b) <i>Criminal Code</i> (Cth): exercising over a slave any of the powers attaching to the right of ownership S 270.3(1)(c) <i>Criminal Code</i> (Cth): entering a commercial transaction involving a slave S 31 <i>Financial Transactions Reports Act 1988</i> (Cth)
Co-accused	As above.

Case Details

This case involves a number of accused from Melbourne including Kam Tin Ho, Ho Kam Ho, Chee Fui Hoo, Slamet Edy Rahardjo, Sarisa Leech and Ba Phac Tran. The accused were involved in a sex slave racket which trafficked women from Thailand to Melbourne.

The scheme involved six Thai women¹ who were allegedly 'purchased' for \$20,000 each by the accused before being placed on one-year contracts to work in Melbourne brothels in 2003.² They were forced to perform between 650 and 750 sex acts under debt-bondage conditions.³ At a rate of AUD 50 per act this represents a debt of between AUD 32,500 and 37,500. Of the AUD 125 charged to clients for the acts, the women only received AUD 5 except for Sundays where the women were able to keep the AUD 50 themselves; a system similar to that used in the case of Ms Wei Tang and her co-accused.⁴ Additional reports have emerged from the trial placing the debt at AUD 80,000–90,000, although it is not explained how this figure is commensurable with the other information reported.⁵

The women, who had their passports seized, were kept in houses in Mount Waverley, Ashburton and North Fitzroy and rarely let out unsupervised.⁶ Five of the six victims knew they were to be working in the sex industry in Australia⁷ but were forced to perform unsafe sex acts.⁸ At least one woman was able to transfer some money to Thailand while she was under debt-bondage conditions.⁹

The accused were trialed separately in two cases, with Mr Kam Tin Ho appearing in both. The first trial was in relation to five of the six women and the second trial was in relation to a sixth woman.

The trial of Kam Tin Ho, Ho Kam Ho, Chee Fui Hoo, Slamet Edy Rahardjo, in relation to the trafficking of five of the six women, was originally due to commence on March 12, 2009. However, due to the adverse publicity generated by an article appearing in the Melbourne newspaper *The Age*,¹⁰ the trial was delayed to April 21, 2009. The Supreme Court of Victoria delivered a verdict in July 2009. Mr Che Fui Hoo was acquitted of a single count of exercising a right of ownership over a slave,¹¹ while verdicts were not delivered on a further two counts of intentionally possessing a slave.¹² Mr Rhardjo was acquitted of a single count of entering a commercial transaction involving a slave.¹³

The leader of the trafficking ring, Mr Kam Tin Ho, was found guilty of five out of the fourteen counts of intentionally possessing a slave with which he was charged in addition to four counts of conducting transactions so as to avoid financial reporting requirements.¹⁴ He was

¹ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

² Julia Medrew, 'Court told of 600 acts as 'sex slave'', *The Age* (Melbourne), 22 May 2007.

³ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

⁴ See, for example, *R v Wei Tang* (2008) 237 CLR 1.

⁵ Melissa Iaria, 'Thai Sex Workers Were Slaves: Court', *Australian Associated Press*, 22 Apr 2009;

Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

⁶ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

⁷ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

⁸ 'Sex Worker Was Told to Have Unprotected Sex: Court' *Australian Associated Press* (Australia), 27 April 2009.

⁹ "'Sex Slave' Sent Home \$32,000', *Herald Sun* (Melbourne), 25 Apr 2009.

¹⁰ Maris Beck, 'Bought & Sold', *The Age* (Melbourne), 12 Mar 2009, 19.

¹¹ Section 270.3(1)(a) 1st alt *Criminal Code* (Cth).

¹² Section 270.3(1)(a) 2nd alt *Criminal Code* (Cth).

¹³ Section 270.3(1)(c) *Criminal Code* (Cth).

¹⁴ Section 31 *Financial Transaction Reports Act 1988* (Cth).

sentenced to 14 years' jail, with a minimum of 11 years.¹⁵ The charges for conducting transactions so as to avoid financial reporting requirements appear to be in relation to Mr Kam Tin Ho trying to conceal cash transfers to the women's families in Thailand.¹⁶ Mr Ho Kam Ho, the brother of Mr Kam Tin Ho, was sentenced to 10 years' jail, with a minimum of seven years, after being convicted of three counts of exercising power over slaves and one count of entering into a commercial transaction involving a slave.¹⁷

In a second trial in October 2009, Mr Kam Tin Ho was found guilty of using a sixth woman as a slave, but not guilty of possessing her.¹⁸ Sarisa Leech, 37, was also convicted of possessing and using the woman as a slave.¹⁹ It was alleged in court that Leech had bought the woman in Thailand, arranged travel to Australia and lived with her to control her movements.²⁰ The pair are yet to be sentenced.

The final accused, Ba Phac Tran, was arrested in 2004 and reportedly charged with one count of submitting a false document to the Department of Immigration for his alleged involvement in the racket.²¹ It was reported that Leech consulted Tran, a migration agent, in order to obtain a visa for the woman.²² Whilst there has been no reported outcome of this charge, Tran's name appeared along with Kam Tin Ho and Sarisa Leech in the daily court list on July 22, 2009, when the second of the two cases was listed for mention in the Supreme Court, and on August 31, 2009, when the case was listed for final directions. Ba Phac Tran was, however, not listed in the daily court lists when Kam Tin Ho and Sarisa Leech went to trial in October 2009.

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¹⁵ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

¹⁶ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

¹⁷ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

¹⁸ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

¹⁹ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

²⁰ Kate Hagan, 'Man found guilty in sex slave case', *The Age* (Melbourne), 16 Oct 2009.

²¹ Julia Medrew, 'Court told of 600 acts as 'sex slave'', *The Age* (Melbourne), 22 May 2007.

²² Julia Medrew, 'Court told of 600 acts as 'sex slave'', *The Age* (Melbourne), 22 May 2007.