

HUMAN TRAFFICKING WORKING GROUP
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CASE REPORT

Current as on: October 16, 2009

Case Name	<i>R v Kwok et al</i>
Reported in	<i>R v Kwok</i> [2005] NSWCCA 245
Date(s)	Arrest: 2003 Commencement of trial: June 14, 2005
Court	New South Wales
Charges	Ss 270.6(1), 11.5 <i>Criminal Code</i> (Cth) conspiracy to cause sexual servitude
Co-accused	Ms Jenny Lai Chin Ong Mr Raymond Aik Tong Tan Ms Hoseah Paryud Saputra Yoe

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The case against Mr Daniel (Danny) Sweeseang Kwok and his co-accused was the first prosecution involving charges under Division 270 *Criminal Code* (Cth). The prosecution commenced as a result of three Indonesian women who escaped from an apartment in Auburn, Sydney and reported to the New South Wales Police. Subsequent investigations by the Australian Federal Police (AFP) detected a number of other victims. The women alleged that they had been deceptively recruited to travel to Australia to work in the catering or public relations industries, but upon arrival in Australia had learned that they were to be engaged in sex work. This was to involve the performance of 800 sexual acts, for no payment and pursuant to a 'contract debt' of which they had no prior knowledge. Up to eight women were brought to Australia by Mr Kwok and his co-accused Ms Jenny Lai Chin Ong, her son Mr Raymond Aik Tong Tan, and Ms Hoseah Paryud Saputra Yoe. Ms Ong, also known as 'Mummy Jenny', was herself a former victim of human trafficking.¹ The accused were charged under ss 270.6(1), 11.5 *Criminal Code* (Cth) for conspiracy to cause sexual servitude.

The trial of the four defendants began on June 14, 2005, but the case against Mr Kwok and his co-accused was later dismissed when, on day 41 of the trial, the AFP revealed that Ms Ong, the key prosecution witness, had been under investigation herself for sexual offences since before she was arrested in 2003.² The DPP subsequently entered a submission of 'no bill',³ a statutory notice of discontinuance (*nolle prosequi*).⁴ Judge Keleman noted that this rendered the trial an 'appalling waste of money'.⁵

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¹ David King, 'Sex Slaves Forced to Work Off \$45,000 "debts"', *The Australian* (Sydney), 1 July 2006, 5.

² *R v Kwok* [2005] NSWCCA 245; Janet Fife-Yeomans, 'AFP Ruins First Sex Slave Trial - Gaffe let Accused Walk', *The Daily Telegraph* (Sydney), 7 July 2006, 9.

³ Section 7(2) *Director of Public Prosecutions Act 1986* (NSW).

⁴ A *nolle prosequi* is an entry made on the record, by which the prosecution declares that it will not proceed against the defendant.

⁵ Janet Fife-Yeomans, 'AFP Ruins First Sex Slave Trial - Gaffe let Accused Walk' *The Daily Telegraph* (Sydney), 7 July 2006, 9.