



**HUMAN TRAFFICKING WORKING GROUP**

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**CASE REPORT**

Current as on: October 20, 2009

<b>Case Name</b>	<b>Puongthong Simaplee</b>
<b>Reported in</b>	NSW Deputy State Coroner (2003) <i>Inquest into the death of Puongthong Simaplee</i> , (Carl Milovanovich, New South Wales Coroners Court), NSW.
<b>Date(s)</b>	Death in immigration detention: September 23, 2001 Coroner's Report: April 24, 2003
<b>Court/Jurisdiction</b>	NSW, Westmead Coroner's Court
<b>Immigration Matter</b>	S 236 <i>Migration Act 1958</i> (Cth): breach of visa condition and subsequent detention and deportation order
<b>Appeal</b>	n/a

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## Case Summary

On September 23, 2001, the 27 year-old Thai national Puongthong Simaplee was found by Australian Government authorities in a Sydney brothel and detained by the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA, now DIAC). She was then placed in the Villawood Immigration Detention Centre in Sydney, where she died 72 hours later.

At the time of her arrival at the detention facility, Ms Simaplee was severely emaciated, had self-harm scars, hepatitis C, an eye infection and possibly also pneumonia. She suffered from heroin addiction and began withdrawal from the drugs during detention, while observed half-hourly by the centre's staff. When too unwell to access the bathroom, she was provided with a bucket, in which to vomit, urinate, and defecate but was not taken to either the detention centre's clinic or a hospital.<sup>1</sup> On September 26, 2001 she died and was found in a pool of her own vomit in her room. Ms Simaplee's death occurred a short time after she had been injected with the medication largactil, but her death was not attributed to this action in the subsequent coronial inquest.<sup>2</sup>

During her time in detention, Ms Simaplee told immigration officials that she had been brought into Australia for prostitution aged 12 (approximately) and had almost continuously engaged in sex work since then. In a conflicting report, she also told the authorities that she had been sold into prostitution at the age of 12, came to Australia aged 15 on a false Malaysian passport and had been in prostitution ever since.<sup>3</sup> The nature of her work was disputed by her parents, as well as by Elena Jeffreys, the president of the sex-worker group Scarlet Alliance, who asserted that Ms Simaplee was not a victim of trafficking, but had come to Australia willingly to seek sex work.<sup>4</sup>

A coronial inquest into the death of Ms Simaplee was held between March 12 and 14, 2003 before Deputy State Coroner of New South Wales Mr Carl Milovanovich. Mr Michael O'Brien, the counsel assisting the deputy coroner noted that the inquest was:

not an inquiry into Australian immigration policy, it is not an inquiry into the sex industry [...]. It is an inquiry into the nature of the deceased's detainment [...] and how that detainment may have contributed to her death.<sup>5</sup>

The Deputy State Coroner found that the medical treatment Ms Simaplee had received was inadequate and inappropriate and recommended that the detention center

consider establishing some form of dialogue with organisations like Project Respect which might assist in identifying, assisting and providing the appropriate medical, community and translator services to women who might be identified as being victims of trafficking.<sup>6</sup>

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<sup>1</sup> Georgina Costello, *Puongtong Simaplee – The Death of a Trafficked Woman in Villawood* (2003), available at [www.liv.asn.au/members/interest/volunteer/pdf/volunteer\\_respect.pdf](http://www.liv.asn.au/members/interest/volunteer/pdf/volunteer_respect.pdf) (accessed 25 Nov 2008).

<sup>2</sup> Elisabeth Wynhausen, 'Coroner in call for action on sex slaves', *The Australian* (Sydney), 25 Apr 2003, 5.

<sup>3</sup> Leonie Lamont, 'Sold at 12: nightmare ends in death', *Sydney Morning Herald* (Sydney), 13 Mar 2003, 7. See further Section 2.?? Above.

<sup>4</sup> Elena Jeffreys, 'Truth and visas will set Asian sex workers free', *Sydney Morning Herald* (Sydney), Apr 4 2008, 15.

<sup>5</sup> Leonie Lamont, 'Sold at 12: nightmare ends in death', *Sydney Morning Herald* (Sydney), 13 Mar 2003, 7

<sup>6</sup> Georgina Costello, *Puongtong Simaplee – The Death of a Trafficked Woman in Villawood* (2003), available at [www.liv.asn.au/members/interest/volunteer/pdf/volunteer\\_respect.pdf](http://www.liv.asn.au/members/interest/volunteer/pdf/volunteer_respect.pdf) (accessed 25 Nov 2008).

Overall, the inquest underscored the lack of understanding about the problem of trafficking and highlighted failures in the Australian legal system to provide justice for the victims of trafficking. Whilst no charges came out of Ms Simaplee's case, it represented a pivotal point in the way Australia viewed human trafficking as a serious problem.

### Media reports

A media furore surrounding Ms Simaplee's plight ensued after her death, drawing debate about mandatory detention, immigration laws and human trafficking.<sup>7</sup> There was a variety of commentary from both journalists and lobby groups, with views ranging from sympathy for Ms Simaplee to cynicism about her story.<sup>8</sup> Her photo also appeared in the editorial of Sydney's *Daily Telegraph* and in *The Australian* newspaper.<sup>9</sup>

Additionally, the coronial inquest itself garnered further media attention, with many articles using the facts of Ms Simaplee's death as a means of inquiring into the issue of trafficking in persons in Australia and contributing to a surge in the level of public discussion and interest in the topic.<sup>10</sup>

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<sup>7</sup> See, for example, Leonie Lamont, 'Sold at 12: nightmare ends in death', *Sydney Morning Herald* (Sydney), 13 Mar 2003, 7; Elisabeth Wynhausen & Natalie O'Brien, 'Death exposes agony of sex slaves', *The Australian* (Sydney), 15 Mar 2003, 5; Elisabeth Wynhausen & Natalie O'Brien, 'Tragic sex slave finds peace', *The Australian* (Sydney), 26 Apr 2003, 4.

<sup>8</sup> Piers Akerman, 'When the truth spoils a good slavery story', *The Daily Telegraph* (Sydney), 3 June 2003.

<sup>9</sup> Jennifer Burn et al, 'Combating Human Trafficking: Australia's Response to Modern-Day Slavery' (2005) 79 *Australian Law Journal* 543.

<sup>10</sup> See, for example: 'Villawood death highlights people smuggling perils: commissioner', *ABC News*, 25 Mar 2003, available at [www.abc.net.au/news/newsitems/200304/s839902.htm](http://www.abc.net.au/news/newsitems/200304/s839902.htm) (accessed 20 Oct 2009); Natalie O'Brien, 'Sex slaves may get witness protection', *The Australian* (Sydney), 26 Mar 2003, 16; Elisabeth Wynhausen, 'Coroner in call for action on sex slaves', *The Australian* (Sydney), 25 Apr 2003, 5; Michael Barnard, 'Sex slave victims deserve a hearing', *Sunday Herald Sun* (Melbourne), 4 May 2003, 83.