

Title	The Queen v Faroz Ali and Jafar Kurisi (NZ's first people trafficking conviction)	Case No.	15-A
Type	Contract slavery	Location	Tauranga kiwifruit orchards + Auckland gib company
First Known	July 2015	Duration	16 victims over 18 months

Who it happened to

16 Fijian nationals, 15 who were in Fiji initially, and 1 who was already in New Zealand illegally.

Who the perpetrators were

Mr Faroz Ali, AKA Feroz Ali, Age 46 (as of Sep 2016), a Fijian national with New Zealand residence (pictured).

Mr Jafar Kurisi, AKA Md Wagid Ali, AKA Tauranga Ali.

Ms Geeta Anjana Chandar, (Faroz Ali's de-facto wife).

Ms Seta Sanjana Ram, Age 31 (as of Nov 2018) (Geeta's sister).



1. Faroz Ali

How victims were obtained

The promise: Working visas, wages of \$17 per hour, and free accommodation.

“Mr Ali's de facto wife, Ms Geeta Chandar (Geeta), operated a travel agency known as Deo's Travel Agency. Her twin sister, Ms Sanjana Ram (Sanjana) operated another travel agency, known as Ram's Travel & Immigration Services. Both businesses operated out of premises in the same suite of an office building in Suva, Fiji. At various times, on behalf of their respective agencies, Geeta and Sanjana placed advertisements in the Fiji Sun newspaper. The advertisements were aimed at the vulnerable, and they were designed to excite the interest of people living in Fiji who were prepared to travel to Australia and New Zealand to earn a significantly better income than they could earn in Fiji.

The fifteen complainants responded to those advertisements. Each consulted either Geeta or Sanjana (or one of their respective employees), about travelling to New Zealand to undertake the advertised work. A common theme of their evidence their desire to travel to New Zealand and to

work to make more money so that they could provide a better lifestyle for themselves, their families and wider village communities. On the basis of representations made to them, most expected to earn up to seven or eight times more money per week than what they were able to earn in Fiji.

In most cases, a victim would be required to pay a consultation fee before being given any further information. Further costs were incurred when someone at the travel agency filled out visa application forms to enable the victims to travel to New Zealand, and when their passports and visas were available for uplift. In total, those fees varied between about \$FJ1500 and \$FJ4000. Those amounts were grossly disproportionate to the amount of money that each of the complainants could earn in Fiji. Many borrowed significant sums from relatives, or from communal funds operated in their respective villages, to meet those costs. The fees charged in Fiji were extortionate in nature.

The general thrust of the evidence was that each complainant was asked to sign a visa application in blank. The required information was filled in by Geeta, Sanjana, or one of their employees. In all cases, the applications contained false or misleading information. A visitor's visa was sought on the basis that the applicant intended to travel to New Zealand to visit friends and family. Those false statements had the effect of concealing from those responsible for approving the application the fact that the applicants intended to work in New Zealand. A visitor's visa gave no right to work in New Zealand." [Ref 5]

What happened to them

"A number of complainants noticed, when the visa was obtained, that it was a visitor's visa, rather than a work visa. A theme of the largely unchallenged evidence was that each complainant was assured by one of Geeta or Sanjana (or in two cases, an employee) that they could travel to New Zealand to work on the visitor's visa, and/or work permits would be available on their arrival.

Most of the complainants understood that their accommodation and food costs were covered by what they had paid in Fiji. However, in almost all cases, they knew that they had the responsibility to meet the cost of their airfare to and from New Zealand. Contrary to what most understood, costs of food and accommodation for almost all of the complainants were unlawfully deducted from monies paid to each.

Most of the complainants were met at Auckland airport, by Mr Ali and/or an associate. Mr Ali operated a construction business in Auckland. Some of the complainants went to live at his home, a small unit in Papatoetoe, and worked in his business. They slept on the floor, or on a sofa in the lounge area of that unit. On more than one occasion, Mr Ali took a victim to a solicitor in Auckland to ensure documentation was prepared to extend the visitor's visa. No attempt was made, at any time, to have their working status legitimised.

Others went to work for another man in Tauranga, Mr Jafar Kurisi (also known as "Tauranga Ali") pruning kiwifruit vines. One particular group, consisting of three women and one man, were housed by him in sub-standard rented accommodation, near Tauranga. All four were given a single room in which to sleep on the floor in a basement area that was originally a garage. All complainants say they were poorly paid." [Ref 5]

Justice Paul Heath was told the 16 workers were owed \$128,000 in unpaid wages and fees they had paid to the Fijian travel agency.

That figure didn't include the profit Ali would have made by exploiting the workers to orchards in Tauranga, and within his own Auckland gib business. The victims were paid little to nothing and were only granted visitors' visas with no provision for work, the court heard.

One of Ali's victims told the court that she was forced to lie about visiting non-existent friends and families in New Zealand to avoid detection at the border.

The accommodation arrangements were described by the Judge at sentencing as "shamefully poor". Once in New Zealand they were forced to sleep in the lounges and basements. Three married women and one married man were told they would share a basement with other people. There was no bedding to speak of and only one mattress was available.

They were required to work long hours. One exploited worker was required to work from 6am to 5pm up to seven days a week.

Clancy said Ali "knew they had been deceived about what to expect when they got here" and that he had "deliberately and repeatedly flouted the law."

"He did that all quite simply out of greed."

It was found that Ali saved \$100,000 from his failure to pay minimum wages and holiday pay.

"Most workers who were hooked into this scam were poor people living in difficult circumstances ... Instead of having this opportunity to work and make money [and] provide for their futures, they were exploited, left with nothing and had to return to Fiji ashamed ... that they had been misled, deceived and ripped off."

In a victim impact statement Fijian woman Suliana Vetanivula said she had borrowed large sums of money from friends and family to pay the travel agency, but had returned to her country with just \$300 despite working for weeks.

"When I go out I feel ashamed to see the people I owe in my village. When I returned to the village I felt like I wasn't wanted anymore. It was like I stole money from them," she said.

Another worker, Siose Matia, told the court Ali had treated him and the other workers very badly, and he wanted to forget what happened.

Ali knew the man didn't have a work permit but that he was desperate for money and knew he wouldn't complain to authorities.

"I had to take whatever money I could earn to support my family," he said. "It was all about making money for Ali... Ali treated me and the other boys badly. He would talk to us like dogs. He knew we would not complain about it."

How they were made to stay

It is reported that when the workers challenged how much they were being paid they were threatened with being taken to the Police, as they were illegally working on visitor visas.

How it ended

Detected by an Immigration New Zealand investigation.

"Before I conclude the sentencing, I express the community's gratitude to the immigration officials involved in the difficult and time consuming investigation that led to the detection and prosecution

of the offending involving Mr Ali and Mr Kurisi. It is vital that the Ministry should be taking steps to stamp out conduct of this type. The means by which the investigation took place should be commended." [Ref 9]

"It took almost 6000 man hours, multiple trips to Fiji and complex analysis of information from cellphone transmitter towers to gather enough evidence to launch a prosecution against Ali.

"It was a massive resource investment," said Murray. "We were looking for the first conviction in New Zealand history."" [Ref 10]

Judicial outcome

Faroz Ali

Faroz Ali was found guilty at trial on 12th September 2016 of 15 counts of human trafficking, and 16 charges of aiding and abetting Fijian workers to enter or remain in the country illegally. He also pleaded guilty to 18 charges of exploitation and eight charges of aiding and abetting the workers to breach their visas. There were 57 charges in total. [Ref 5]

Faroz Ali was sentenced to 9 years and 6 months prison, and ordered to pay \$28,167 in reparation to the workers. [Ref 5]

"Crown Prosecutor Luke Clancy said there were no mitigating factors in Ali's defence. "He's expressed no remorse whatsoever," he said." [Ref 3]

It was the first time someone had been convicted of people trafficking in New Zealand. The maximum penalty is 20 years imprisonment.

From the sentencing notes:

"Because this is the first sentencing of its type I need to say something about the relative seriousness of your offending in relation to other cases that might come before the Courts in the future.

This is a serious case of its type but it is possible to envisage much worse. For example, those who traffic innocent children from poor countries to work in the sex industry would be regarded as having a much higher culpability, with a starting point near to the maximum. In my view, your offending sits around the middle of the range for offending of this type.

Taking account of the aggravating factors to which I have referred and the maximum available sentence of 20 years imprisonment, I take a starting point of 10 years imprisonment."

"Mr Ali:

- a) On each of the trafficking charges you are sentenced to nine years' and six months' imprisonment.
- b) On each of the exploitation charges you are sentenced to five years' imprisonment.
- c) On each of the Immigration Act charges you are sentenced to three years' imprisonment
- d) You are ordered to pay reparation in the sum of \$NZD28,167, on the basis that I have already described.

All sentences of imprisonment are to be served concurrently." [Ref 9]

Faroz Ali was released on parole on 25 Nov 2019 after just 3 years and 2 months in prison. [Ref 12]

“After serving three years in prison, the Parole Board believed Ali no longer posed a risk to the community. The board noted Ali had completed courses while in prison and there had been no issues with his behaviour. Ali's lawyer, Shayne Lawrey, told the board his client had support in the community and a strong work ethic.

The board's decision said initially, Ali did not believe he had exploited the workers."He preferred to think that he was helping people from Fiji."

However, the board said since completing a rehabilitation programme, Ali had a better understanding of his actions. "Now that he is able to look at the wider picture he is clear that what he did was wrong, and he will have no part in that sort of activity."

Ali told the board he intended to work as a taxi driver when he was released." [Ref 13]

Jafar Kurisi

Ali's co-defendant Jafar Kurisi, who supervised the workers during their work in Tauranga, was convicted of four representative charges relating to 13 workers who were not entitled to work in New Zealand. Kurisi was sentenced at the Tauranga High Court on 2nd February 2017 with 12 months home detention and required to pay reparation of \$55,000 by the end of March 2017. [Ref 4]

“Justice Heath told Kurisi he would have gone to prison if it had not been for his offer to pay full reparation and his significant health problems. He also gave Kurisi credit for pleading guilty to the charges.”

Justice Health said he also took into account a recent medical report which outlined Kurisi's health problems, which included recently having heart surgery.

"Ordinarily this type of offending would demand a prison sentence but in your case, after allowing for the mitigating factors, I'm prepared to commute that to home detention." [Ref 8]

Geeta Chandar and Sanjana Ram

As of September 2018 Geeta Chandar and Sanjana Ram were in the process of being also brought to justice.

“Ms Ram is charged alongside her sister Geeta Anjana Chandar who is still in overseas with 17 counts of trafficking in persons, 16 counts of obtaining property by deception and two counts of money laundering.” [Ref 7]

After being remanded for a couple of months Seta Ram was granted bail on 12th Nov 2018 while the case is being prepared.

Geeta appears to still be on the run in Australia.

Faroz Ali's lawyer

Ali's lawyer, Mohammed Idris Hanif, was also later found guilty of knowingly providing false and misleading information to INZ which helped enable the offending.

Hanif was sentenced last September to 10 months' home detention with six months' post detention conditions and ordered to pay reparations to the three Fijian workers who were exploited.

Last week Hanif was struck off the roll of barristers and solicitors by the New Zealand Lawyers & Conveyancers Disciplinary Tribunal.

Fate of the victims

Based on the accounts in the various articles it sounds like the Fijian people went back to Fiji in shame and almost empty handed. It is not clear if they were deported, but that would presumably have been the case if they didn't go voluntarily. Eventually they will presumably receive the payments made by Faroz Ali and Jafar Kurisi.

References

1. <https://www.stuff.co.nz/business/102220175/peter-cullen-modern-day-slavery-and-human-trafficking-in-new-zealand>
2. <https://www.stuff.co.nz/national/crime/84262716/Faroz-Ali-found-guilty-of-human-trafficking>
3. <https://www.stuff.co.nz/auckland/87587570/he-treated-us-like-dogs-people-trafficker-jailed>
4. <https://www.immigration.govt.nz/about-us/media-centre/media-releases/sentence-in-people-trafficking-case>
5. https://sherloc.unodc.org/cld/case-law-doc/traffickingpersons/crimetype/nzl/2016/the_queen_v_faroz_ali_and_jafar_kurisi.html
6. <https://www.radionz.co.nz/international/pacific-news/365701/fijian-woman-yet-to-face-court-over-human-trafficking>
7. <https://www.fijitimes.com/human-trafficking-suspect-granted-bail/>
8. https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11793545
9. <https://offenders.sst.org.nz/wp-content/uploads/2017/08/Faroz-Ali-Jafar-Kurisi-Sentencing-Notes.pdf>
10. https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11711211
11. https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12229442&fbclid=IwAR1QqLqYlY5xztrz4Cu5XvSvnGqmDiRaBSyHMoas1IeQn5Nf7o4CyyIohv4
12. https://www.paroleboard.govt.nz/decisions/2019/faroz_ali_-_08112019
13. <https://www.stuff.co.nz/national/crime/117812515/nzs-first-convicted-human-trafficker-freed-after-serving-third-of-prison-sentence>