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***525 R. v Agron Demarku**

Court of Appeal

20 July 2006

[2006] EWCA Crim 2049**[2007] 1 Cr. App. R. (S.) 83**

Lord Justice Gage , Mr Justice Nelson and Sir John Allott :

July 20, 2006

Sentence length; Trafficking for sexual exploitation

H1 Trafficking for prostitution and conspiring to cause women to engage in sexual activity without consent—trafficking foreign women into the United Kingdom and forcing them to work as prostitutes—length of sentence

H2 Sentences totalling 18 years' imprisonment upheld in the case of a man convicted of trafficking women, including a 16-year-old, for sexual exploitation or prostitution.

***526**

H3 The appellant was convicted of six counts of trafficking in women for sexual exploitation. A 16-year-old Lithuanian girl was tricked into travelling to London where she was met by two men and driven to Sheffield where she was told she was going to work as a prostitute. She was later driven back to London where she was told she would be sold and would have to work as a prostitute. She was employed at a brothel run by the appellant and others working for seven days a week. When her family contacted the police, the police visited the premises where she was and found a number of women. Observation was kept on six other brothels operated by the appellant and his co-accused. Sentenced to a total of 18 years' imprisonment.

H4 **Held:** the sentencing judge accepted that while some of the women concerned worked willingly as prostitutes, some were trafficked against their will, bought and sold and tricked into prostitution. One of the counts involved a girl under the age of 18. It was submitted for the appellants that the sentences were excessive in total. The Court considered that the offences were exceptionally serious and involved a degrading, despicable activity producing untold misery and in so far as the girls who were unwilling and forced into prostitution were concerned, had echoes of slavery. The Court could not see anything wrong with the total sentence of 18 years' imprisonment. Those who committed these offences must expect very lengthy sentences. The appeal would be dismissed.

H5 **References:** trafficking for purposes of prostitution, *Current Sentencing Practice* B4A–11

H6 Representation

- J. Scobie for the appellant.
- O. Glasgow for the Crown.

JUDGMENT

Gage L.J.:

1 I will ask Nelson J. to give the judgment of the Court.

Nelson J.:

2 On November 28, 2005 in the Crown Court at Southwark, the appellant was convicted of six counts of trafficking women for sexual exploitation or allied offences. On December 1, 2005 he was sentenced for those offences as follows. For conspiracy to traffic women into the United Kingdom for sexual exploitation—11 years' imprisonment; for conspiracy to traffic women within the United Kingdom for sexual exploitation—10 years' imprisonment, concurrent; conspiracy to

cause women to engage in sexual activity without consent—14 years' imprisonment, concurrent; conspiracy to cause prostitution—six years' imprisonment, concurrent; conspiracy to control prostitution—six years' imprisonment, concurrent; and controlling child prostitution—four years' imprisonment, consecutive, making a total of 18 years' imprisonment. He appeals against that sentence by leave of the single judge.

3 His three brothers **Flamur**, Bedri and Xhevahir **Demarku** and also Isset Fejzullahu were also charged with a similar group of offences. Fejzullahu was sentenced to 14 years' imprisonment and recommended for deportation; **Flamur** *527 **Demarku** to 18 years' imprisonment and recommended for deportation; Bedri **Demarku** to eight years' imprisonment and recommended for deportation; and Xhevahir **Demarku** to five years' imprisonment and recommended for deportation. Xhevahir **Demarku** was the only one of the co-accused who pleaded guilty.

4 The facts were that a 16-year-old Lithuanian girl, Roberta, was tricked in November 2004 into travelling with two fellow countrymen to London where she was met by two Albanian men. Her identity card was taken from her and she was given a false passport and driven to a house in Sheffield. She was told she was going to be working as a prostitute. After five days she was driven back to the airport, met several newly-arrived girls plus the appellant, and two of the co-accused. The girls asked her what she had been doing. She insisted she wanted to go home, realising that she had in fact been tricked. But she was driven to an address in Hounslow, where she met seven other Lithuanian girls and Bedri, the co-accused. She was told that she had been sold and would have to work as a prostitute to recover money; it was impossible for her to escape and there was no one who could help her.

5 Thereafter she was employed at one of the brothels ran by the **Demarkus**, working seven days a week, irrespective of her menstrual cycle. Her services involved a charge of £40–£100 a time. All the money, between £300–£800 a day, went to her pimps.

6 When her family realised she was missing, they contacted the Lithuanian authorities and the British police were notified. On December 16, 2004 police visited the brothel in Pears Road and discovered that there were various women there. They found four women and the appellant, who said he was a Kosovan. Roberta was also at the premises. She was taken into protective custody and returned to her parents. She subsequently attended identification parades, picking out the appellant and two of the co-accused who had met her on her arrival at the airport. Surveillance observation was kept on six other brothels as being controlled by the appellant and co-accused. Some of the prostitutes were being moved around between brothels operated by the gang.

7 Two Lithuanian women were discovered by the police to be being used as prostitutes against their will. But it is right to say that not every woman encountered at the brothels was there against her will; some appeared happy to earn sums of money that would be undreamt of in their home countries.

8 When interviewed, the appellant and Xhevahir and **Flamur** all refused to answer questions. During the course of the raids on the brothels, documentation linking the **Demarkus** to them and the renting of the properties was discovered, together with documents which indicated that advertising alone for the services offered at the brothels was of the order of some £35,000.

9 The appellant is now 23 years old. He was born in Albania. He was of previous good character. There were no reports before the court. When the judge sentenced the appellant and the co-defendants he said that the counts reflected the aspects of the business that the conspirators ran in relation to the international and domestic trafficking of women for prostitution and the activities relating to the running of that business. There were women who worked willingly and were content to do so, and those who did could return home and come back as they pleased, but some *528 women were trafficked against their will, bought, sold and tricked into prostitution, effectively for no pay and under continued threat of being sold on. Roberta, who was 16, was one such example, although the court accepted that she was thought to be 18 by the **Demarkus** when they first met her, though not in fact later on when this appellant realised that she was in fact under the age of 18.

10 The judge took into account the fact that the appellants were of good character, the youngest being 22, whilst the oldest was 34. All, except the one, had pleaded not guilty and that had removed their effective mitigation. The appellant was living wholly on the earnings of prostitution and, in fact, set up the business. There was an extensive advertising campaign. The appellant

was able and intelligent and the founder of what the judge described as the family firm. He started the business probably with willing women, expanding into the area of trafficking unwilling women. He met them at airports and bought and sold them. He was the principal partner, a first amongst equals.

11 In relation to count 7, which is the child prostitution count relating to the victim Roberta, the judge observed that this was a different count to those general conspiracies relating to the activities of the family group. This was the deliberate control of a child, reasonably believing and later knowing that she was in fact under 18; it was a special and extra factor that demanded a consecutive sentence. It was aggravated by the fact that he knew she was unwilling. In sentencing for that offence a term of nine or 10 years might have been appropriate, but for the reason of totality of sentence alone the term on that particular sentence would be reduced far below what it would have been had it stood alone, hence the sentence of four years.

12 In the grounds, it is submitted that the sentence is wrong as a matter of totality. In particular it is submitted that count 7, the child prostitution charge with its consecutive sentence of four years, made the sentence too long. However you looked at it, it was an excessive sentence, 18 years in all, particular focus being made on the four-year sentence.

13 The submissions made before us today are succinct. They repeat the totality point, in particular relating to four years on count 7. Bearing in mind in particular the fact that this appellant was 22 at the time they were committed and although a prime mover, the sentence was quite simply too long.

14 We have considered those submissions in the context of the advice. These were exceptionally serious offences. As the judge said when sentencing, this was a degrading, despicable activity producing untold misery and in so far as the girls who were unwilling and forced into prostitution were concerned, it had echoes of slavery. A lengthy term of imprisonment was inevitable. The complaint made of the sentence as a whole is in particular focused on count 7, given the fact that 14 years had been passed on the other counts on a man who was only 22 and was indeed of good character.

15 The submissions have been considered, but we cannot accept them. Even though the appellant knew in relation to count 7 that the girl in question, Roberta, was under age only for some two to three weeks before she ceased to be a prostitute, she only ceased to be a prostitute at that time because it appears on the evidence she was rescued by the police after some excellent and persistent detective *529 work by her mother. In other words for some two weeks plus the appellant was prepared to make money from a child prostitute and by inference would have continued to do so had she not been rescued by the police. This was an exceptionally serious offence. The appellant effectively knowingly permitted a child to be raped on a regular basis for his financial benefit. In spite of the his age and good character, we see nothing wrong in the four-year consecutive sentence. Nor do we see anything wrong in the total sentence of 18 years. Those who commit these offences must expect very lengthy prison sentences. The appeal is dismissed.

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