



HUMAN RIGHTS AT SEA



HRAS

Case Study

Seafarers' Abandonment in the UAE

**A Practice of Human
Rights Abuse: More than
Thirty Seafarers of Three
Vessels Stranded in the
UAE for Two Years,
Pending Sign Off**



"Where is humanity for seafarers? We need justice and our rights"

Capt. Ayyapan Swaminathan



Introduction

Human Rights at Sea has been made aware of a series of human rights and labour abusive practices against seafarers on board three vessels in the UAE belonging to the ship-owner company Elite Way Marine Services EST, incorporated in Dubai. About thirty (30) seafarers contacted Human Rights at Sea (HRAS) to report their situation, to appeal for urgent help and to provide individual statements on their physical and mental condition. All seafarers who contacted HRAS have spent more than two (2) years on-board the vessel with their salaries outstanding.

This case study aims to raise awareness and bring to light before the international maritime community, the daily struggles of the very people who have to live in appalling conditions on board the three vessels, and who are deprived of the basics rights for their subsistence.

HRAS reports that from reading the statements of the seafarers, they all suffer from physical and mental health conditions and are owed more than a year's salary each. HRAS is concerned about the increasing phenomenon of seafarers abandonment. It urges the employer Elite Way Marine Services to settle the cases by paying the respective salaries and repatriate them immediately. HRAS will be closely monitoring the case and continuing to advocate for justice.

Background

Human Rights at Sea was urgently contacted by Captain Ayyapan Swaminathan, Master M/V AZRAQ MOIAH (IMO - 961976, Flag-UAE), one of the three vessels anchored in the UAE who reported to the charity that 40 crew members, of whom 30 fellow Indian nationals were stranded in three vessels owned by the same shipping company, Elite Way Marine Services EST, based in DUBAI. All three have been located in the anchorage site at the port of Sharjah in UAE, with outstanding salaries, lack of subsistence means, and no medical assistance for more than a year.

Capt. Swaminathan has been on board the vessel for twenty two (22) months, upon completion of his eight (8) months contract. For more than a year now, he has been desperately trying to seek arrangements for his sign-off. His salaries have now been outstanding for fifteen (15) months. Elite Way Marine Services has not provided Mr. Swaminathan and the other seafarers who have completed their respective contracts on board of M/V AZRAQ MOIAH with at least the basics. Food and medical supplies are running low, dock supplies are scarce and the seafarers have to cook on top of a self-made burning fire pit.



Mr. Rajib Ali, has been the cook on board M/V AZRAQ MOIAH for 30 months to date. He is owed twenty (20) months of salaries by Elite Way Marine Services. He lost his father unexpectedly and the company did not arrange his sign off so that he could attend his father's funeral back home.

Apart from the deck cargo vessel M/V AZRAQ MOIAH, Elite Way Marine services owns three other vessels, including the deck cargo vessel M/V TAMIM ALDAR (IMO No:9580388, Flag-UAE) anchored 20 nautical miles away from Hamriyah port UAE. This vessel has been in a fully loaded condition with a cargo of rock stone for 13 months and the vessel is NOT UNDER COMMAND. The Tanker cargo M/T TAMIM (IMO No:9531375, Flag-Marshall Islands) and the offshore supply M/V AL NADER (IMO No:7027502, Flag-UAE), are both also in anchorage at the port of Sharjah, UAE. Crew members from both ships remain on board with outstanding salaries, no shore leave, no sign off and with no communication with their families.



In addition, the seafarers claim that due to lack of fuel, there are daily power cuts and that during the hot months of summer they had been left without enough fresh water to hydrate. Due to blackout conditions on the night of Tuesday 16/10/2018, the vessel M/V AL NADER/IMO 7027502/Flag-UAE/ collided with another vessel at the port of Sharjah. The managing company and the ship-owner failed to respond to the urgent calls of the seafarers and their messages. The individual statements provided by the seafarers to HRAS in writing are shocking and illustrative of a pattern of complete abandonment by the ship-owner.

Sanitary conditions are absent from all three vessels. There are no sufficient supplies of food and fresh water and no medical assistance. The crew has reported that they have also been deprived of their travel and identification documents, which were confiscated by the UAE authorities. In a constant state of worry and in limbo, they are ultimately deprived of their freedom, with minimum to no communication with their families who are wholly and financially dependent on them.



This case study has an exclusive focus on these individual stories and is structured to highlight the individual stories of the seafarers prominently. The following short statements have almost been incorporated verbatim.

In their own words...

AB Aniket Deulkar

Reports on the situation on board of M/V AL NADER/ IMO-7027502/ FLAG -UAE:

"We are burning wood and cooking food on board our vessel. The supplies are also not coming in sufficient quantity. We have insufficient bunker and our generator is also not working properly. We have to keep our vessel in blackout condition, and due to this, last month we had a collision with another vessel. In such a serious situation our management was not responding to our calls and messages on that night. After that incident we are feeling very unsafe on board now. We are feeling like we have been hijacked on our vessel by our own management. Our families' financial conditions are getting critical as the days are passing. In this critical situation we are abandoned and we are only getting fake promises from our management. We have already completed our contract period of nine (9) months on board. This is our sixteenth (16) month running with pending salary of fourteen (14) months."



Sourabh Naskar

Crew member on board M/V TAMIM ALDAR (IMO: 9580388 Flag UAE) with total sea time on board fifteen (15) months as of 27/11/2018 and with total pending salaries of thirteen (13) months and as of 27/11/2018:

"We haven't got enough food and water, no blanket, pillow or toothpaste. They have never done any type of fumigation and consequently our cabin is full of bed bugs. It is impossible to sleep on my bed. I can't take this situation any more and now I'm really very sick mentally and physically. Sir, I come from a poor family. I need my salary for my family and now my family situation is also not very good. Sir I want my sign off with my pending salary."

Bharath Haridass

Second Officer, reports on the situation on board the M/V AZRAQ MOIAH:

"I have been abandoned by my own management. They are treating us like slaves and our basic rights have been denied. We are really suffering on board, but the company does not understand and never takes this issue as a serious matter. Me, as well as my family are psychologically affected by this and we are facing immense pressure."

G Gurunathan

Chief Engineer on board M/V AZRAQ MOIAH:

"I am from Nagapattinam, Tamilnadu, India. Last week the gaja cyclone affected my house and family members. This time also, I cannot help my family. Very bad situation."



The family of seafarer **Dipak Kumar Mishra** from M/V TAMIN ALDAR has written to the UAE Human Rights Authority to appeal for the release of their son who faces serious health conditions. Below is an extract from their letter as shared with HRAS.

"Our son through RASSIYA SHIPPING, MUMBAI, RPSL, was on an eight (8) months contract. The contract period has elapsed since Nov 2017 and now is the twenty-first (21) month post completion. The ship-owner is not repatriating our son, who is suffering from high blood pressure with cardiac problems due to the prolonged stay on the ship. Additionally, they have not paid our son's wages, since August 2017. At present the ship is on standby at outer anchorage of Hamriya Port, UAE. We, his old parents, are very much dependent on our son Dipak. Therefore, we pray for you to kindly influence the U.A.E. Authority to order the Shipping Company to arrange the repatriation of our son Dipak, and to pay the pending hard-earned salary at the earliest opportunity."

Parbati Mishra (Mother) / Shri Debendra Nath Mishra (Father)

Vikash Mishra

Second Engineer on board M/V Tamim Aldar shared his own struggle with Human Rights at Sea:

"I am Vikash Mishra, working as second engineer on board M/V Tamim Aldar owned by shipping company Elite Way Marine Services EST. This is my twenty-fifth (25) month on board. My family is struggling to survive. I am trying to get sign off since August 2017. We are seven Indian seafarers on board, in very critical condition. Since August, we have daily blackouts from 5 am to 18.00 pm because we do not have sufficient fuel to run A/E 24 hrs. We do not have enough fresh water. Last time we received fresh water was 75 days ago. This is not sufficient for even one month and we only have about 2 liters water a day! Pathetic situation. Food also very limited. Mainly only rice chicken, in small quantities. We have health issues and we are in deep depression. We do not have any update regarding our sign-off from company till now only fake promises more than a year."

Lawrence Otto Tarimo

Engineer Mechanic on board M/V Azraqmoiah UAE, he has completed his thirteen (13) month contract and has received only one months salary. A Tanzanian, with his two daughters back home who cannot attend school as he cannot pay their tuition fees.

"We complained to FTA, Dubai, they helped us providing supplies and drinking water but our company is not helping us. We have not got good supplies from our company since June 2018. I am mentally disturbed, unable to call my family because I don't have money to buy a recharge card. I have two daughters, now suffering, because it is not possible for them to attend school because they don't have to pay the tuition fees. The vessel has 10 crews, myself Tanzanian, 1 Sudanese and 8 Indians. we struggling a lot please help us."



Dhvra Chandra

Chief Officer of M/V TAMIM, reports::

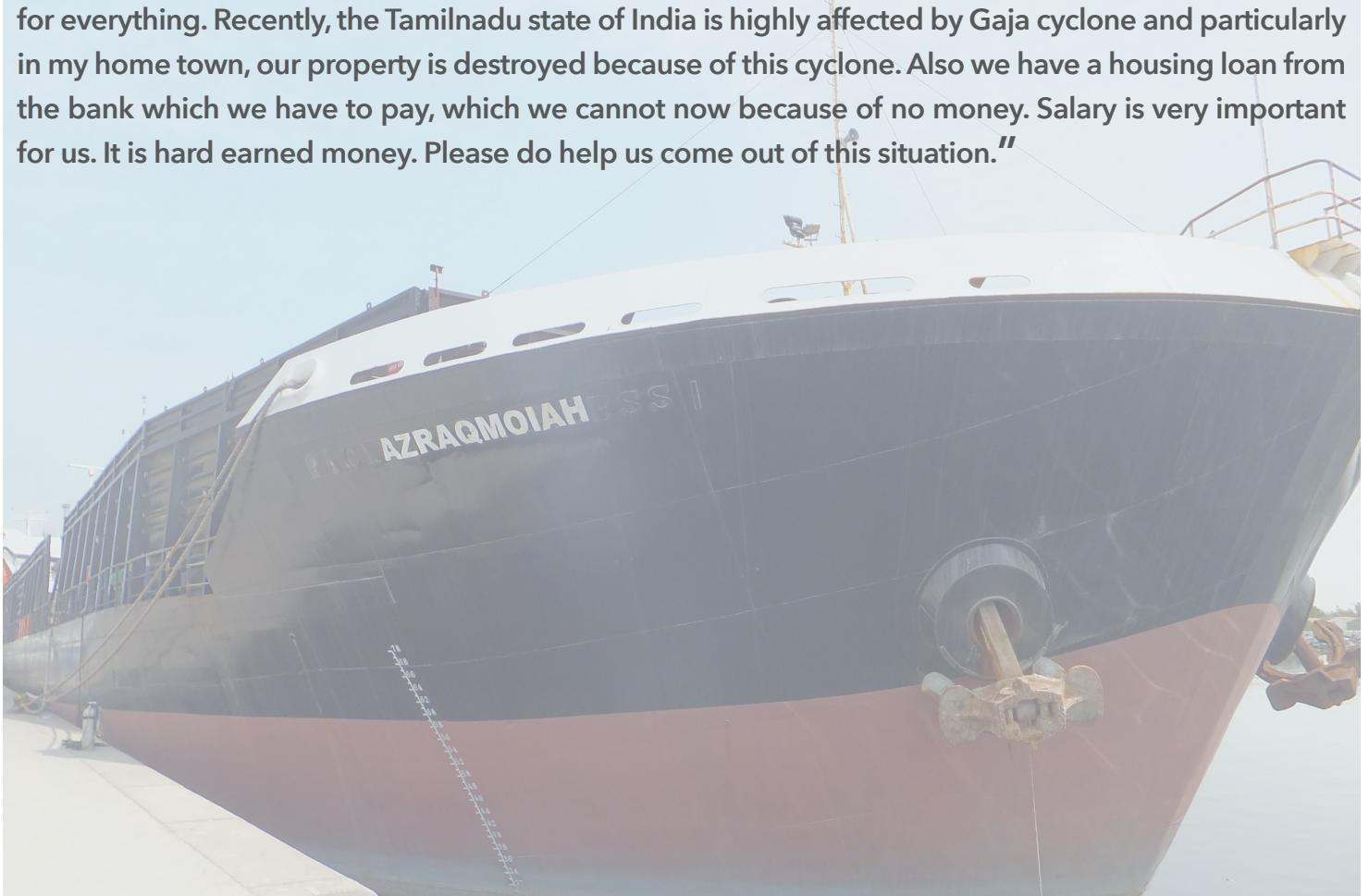
"My name is Dhruva Chandra and I'm working at M/V TAMIM, as a chief officer. I have fifteen (15) months pending salary. I have given my sign off letter to company in November 2017 but they have only made false promises. There are no medical facilities, no hygienic food and also bunker is insufficient. Somehow we have to manage the bunker with day time blackout. In the summer time no air condition, we slept in the open in 40°C. It is very hard to stay on board. I'm very stressful and mentally sick with the company's behaviour. Due to non-payment my family is suffering and the situation is getting worse. They have already had to sell their jewellery for survival and now these monies are also finished. The vessel is detained by Marshall Islands due to the yearly safety inspection delay and DPA was not contactable. I'm very stressed and hopeless now. Please help us to get out from here with my pending salary".



The seafarers' families back at home are waiting for their loved ones and struggling financially to make ends meet. The wife of **Capt. Swaminathan**, Master of the vessel M/V AZRAQMOIAH, from Tamil Nadu India wrote to HRAS :

"I am A.Menaga, wife of Captain Swaminathan, Master of the vessel M.V. AZRAQMOIAH, Elite Way Marine Services. My husband joined on board on 12 February 2017. Actually, his contract period was for six months and it was over. My husband has been asking for sign off since October 2017. Also the company has not paid 15 months salary. Sir, my husband is suffering a lot for his basic survival on board along with his crew. Each and every time, it has been a struggle to get supplies from company. The company and owner have stopped communicating with the crew on board. I am very much worried about my husband's condition. Also, without salary here we are also struggling a lot. I can depend on others, to some extent, but how long can they too help us? Our family situation is also very worse with no salary.

FTA filed a case against the company on this issue. But how long my husband has to wait since the court proceedings will take more time? We have a kid studying. We have a lot of commitments to pay for - from home rent to school fees and other expenses for our survival. We are really struggling a lot for everything. Recently, the Tamilnadu state of India is highly affected by Gaja cyclone and particularly in my home town, our property is destroyed because of this cyclone. Also we have a housing loan from the bank which we have to pay, which we cannot now because of no money. Salary is very important for us. It is hard earned money. Please do help us come out of this situation."



The case before the Federal Transport Authority (FTA) of UAE

Local authorities and the Consulate of India are aware of the case since April 2018 and according to Captain Swaminathan, master of MV AZRAQ MOIAH claims, the Federal Transport Authority (FTA) in UAE has taken legal action and banned Elite Way Marine Services EST in UAE on the grounds of seafarers abandonment. The case was filed by the FTA on the 26th of August 2018. Seafarers contend that the owner and management are telling the FTA that they will sell the vessels and then resolve the issue soon. Yet so far there has been no action. The crew wrote another letter to the FTA on the 11th of November 2018 highlighting the inaction from the employer as well as the daily struggles of the crew members. The letter of the Capt. to the FTA is illustrating of the daily struggle.

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TO

Capt. Abdulla Darwish Al Hayyas,
DIRECTOR of Maritime Transport Affairs,
FEDERAL TRANSPORT AUTHORITY,
U.A.E.
Respected sir,

On behalf of ship's all crew, this is Capt. Ayyappan Swaminathan, MASTER of M.V.AZRAQMOIAH/ IMO NO-9619763/ P.O.R-ABU DHABI/ FLAG-U.A.E / ELITE WAY MARINE SERVICES EST, DUBAI.

As we all promised to FTA, we remain patient since the case is in court. But the management has not supplied the things even for our basic survival. It has been two months since they supplied bunker. They supplied only 5.2 MT. We managed two months. We don't have fresh water now.

As we all know, Embassy supplied provisions for us. We managed with that and we are 10 members on board. But company has not even supplied basic need for us. They stopped that. We complained all these issues to FTA. All the activities of the company were upside down completely after we complained to FTA. Already we are struggling to get sign off and pending salary. They are treating us very badly because we complained the issues to FTA.

Recently, on 16th October my company's sister vessel M.V.AL NADAR double banging with another company vessel M.V.ALMANARAH 1 both the vessels were in black out. During night time, one unknown vessel collided the sister's vessel. Thank God, luckily there was no casualty on board. We too will face the same situation, what our company's sister vessel faced. All our company vessels are nearby on anchorage. So all the vessels are in black out during night time. All our lives are in danger. There is no bunker. All we are in black out. The situation is very worse on board.

On 6th November one of the crew from company vessel got signed off on emergency basis, reason his mother was expired. The total salary of his hard work for 12 months is less than \$5000. Even he is not paid a single dollar. FTA and embassy took steps for him and sent him with no salary. He did not get his salary. The Indian agent has given him Rs. 2000(100 - AED). On seeing all these, we realize the situation is getting more and worse. If they couldn't arrange salary for that one crew, then how they are going to solve others. If this is the case how could we stay positive onboard? The owner thinks that the vessel will be safe until we are on board. So only the owner is not taking any action regarding our issues.

الهيئة الاتحادية للمواصلات البرية والبحرية
Federal Transport Authority - Land & Maritime





United Arab Emirates

Date: 06/ 06 /2018 2018/ 06/ 2018

Circular No (11) 2018 **تعيير رقم (11) لسنة 2018**

Banning ships belonging to companies involved in seafarers' abandonment cases **حظر السفن التابعة لشركات غير ملتزمة بمسؤولياتها تجاه العمالقة**

إلى:

- سلطات الموانئ
- نظار الموانئ
- وكلاء السفن
- البخاراء

في إطار الجبود التي تبذلها الهيئة لحماية حقوق البحارة وللحفاظ على سمعة الدولة ، ونظرًا لتكرار حالات هجر البحارة على من السفن التابعة للشركات التالية:

- 1- ELITEWAY MARINE SERVICES L.L.C.
- 2- ABU QURRAH OIL WELL MAINTENANCE EST

1- طريق النجدة للخدمات البحرية د.م.م.
2- مؤسسة أبو قرعة لصيادة آبار النفط.

Ships listed in Annex (1) attached, are banned from operating in U.A.E ports and waters, until further notice.

FTA warn ship agents and seafarers from dealing with the companies mentioned above.

For further clarification please contact:
SHIPPING@fta.gov.ae

للاستفسار برجه مخاطبة الهيئة على البريد الإلكتروني:
SHIPPING@fta.gov.ae

د.م.م. للخدمات البحرية
الإمارات العربية المتحدة
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المدير التنفيذي لقطاع النقل البحري

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From the above first-hand testimonies and evidence, it becomes clear that Elite Way Marine Services EST, registered in Dubai, has apparently adopted a pattern of abandonment of the seafarers on board its three vessels anchored in the UAE. It has not honoured the respective contracts of employment and the corresponding legal obligations and it is fully responsible and accountable for their daily inhumane treatment. What is more, the reasons behind these apparent commercial tactics remain unknown, but are also irrelevant as a matter of law to the seafarers' claims to their freedom, right to work and right to a family life.



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Case Study

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Human Rights at Sea is a Registered Charity in England and Wales No. 1161673. The organisation has been independently developed for the benefit of the international community for matters and issues concerning human rights in the maritime environment. Its aim is to explicitly raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused.

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