



INDEPENDENT REVIEW

INDEPENDENT CASE REVIEW INTO THE INVESTIGATION OF THE DEATH OF KIRIBATI FISHERIES OBSERVER ERITARA AATI KAIERUA

INCLUDING

Family Impact Statement
Independent Counsel Legal Letter
Outstanding Investigation Questions
Human Rights at Sea Recommendations
and
Infographic of Timeline of Events

19th MAY 2021



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Human rights apply at sea, as they do on land



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Table of Contents

Glossary	2	4. Third Pathologist Report	18
Foreword	3	5. Lack of Forensic Evidence Gathering	18
Author	6	6. CCTV Cameras and Crew Devices	18
Contributing Authors	6	7. Lack of Forensic Investigation	19
Independent Legal Review	6	8. Allowing WIN FAR NO.636 Lawyer Access to Eritara’s Confidential Information	19
Drafting Support and Review	6	9. Disclosure of Information	19
Funding	6	10. Eritara’s Health Status	20
Conflict of Interest	6	11. Eritara’s Daily Journal and Log Book	20
Disclaimer	6	Family Impact Statement by Tekarara Aati Kaierua	21
Executive Summary	7	Recommendations	27
Introduction	7	Conclusion	27
Aim and Scope	7	Appendices	28
Intent.....	7	Appendix 1: Death Notification and Medical Registration of Cause of Death.....	28
Key Objectives	8	Appendix 2: Letter to President of Kiribati from Eritara’s Sister, Nikora Aati Kaierua	29
Background	8	Appendix 3: Counsel’s Letter to Kiribati AG Dated 28 December 2020	35
The Death of Eritara Aati Kaierua	8	Appendix 4: Infographic of Timeline of Events	37
What Changed Prior to Eritara’s Death?	9	Who We Are	39
High Court of Kiribati: Facts and Evidence	9		
Timeline of Events	10		
Evidence, Questions and Family Concerns	17		
1. Release of the FV WIN FAR NO.636	17		
2. Second Forensic Pathologist Report	17		
3. Undermining the Decision of the High Court of Kiribati	18		

Glossary

AG	Attorney General	GMT	Greenwich Mean Time
APO	Association for Professional Observers	HRAS	Human Rights at Sea
CCTV	Closed-circuit television	KFL	Kiribati Fish Limited
CEO	Chief Executive Officer	INTERPOL	International Criminal Police Organization
CID	Criminal Investigation Department	IST	INTERPOL Investigative Support Team
CoC	Chain of Custody	MEHR	Ministry of Employment and Human Resources
CPPL	Central Pacific Producers Limited	MFMRD	Ministry of Fisheries and Marine Resource Development
DNA	Deoxyribonucleic acid	MOTC	Taiwan’s Ministry of Transport and Communication
DPP	Director of Public Prosecutions	NGO	Non-governmental organisation
DWF	Distant Water Fleet	OCCID	Officer Commanding Criminal Investigation Division
EEZ	Exclusive Economic Zone	OIA	Official Information Act 1982 (NZ)
FCF	Fong Cherng Fishery Co, Ltd	TFA	Taiwan Fisheries Agency
FFA	Pacific Islands Forum Fisheries Agency		
FSM	Federated States of Micronesia		
FV	Fishing vessel		



Eritara's children waving to his aircraft on his last trip

Eritara Aati Kaierua with his wife and children

Foreword

This independent public case review has been instructed at the request of the family of deceased Kiribati Fisheries Observer, Eritara Aati Kaierua, following his untimely death at sea sometime between 3 and 4 March 2020 in the Nauru Exclusive Economic Zone (EEZ). Eritara was 40 years old at the time of his passing.

The review has been undertaken on behalf of the family due to concerns they have consistently raised with the Kiribati authorities about the conduct of the investigation, the time being taken to investigate and the associated ramifications for the safety, security and well-being of Fisheries Observers globally should such an event occur again under similar circumstances.

The decision to publish the review has been taken in the public interest having prior informed and disclosed to the Kiribati authorities its contents, noting that the interests of justice should be done and be seen to be done in a timely manner.

The family urgently seek full disclosure and final closure of this dark period in their lives, and appeal to all parties involved in the management of the investigation to be transparent and forthcoming in all aspects of the case.

Foreword by Nicky Kaierua, sister of Eritara Aati Kaierua

It is hard to imagine how anyone could have died with no proper explanation to the cause of his death. This is the story of a very humble, happy and calm 40-year-old father of four, Eritara Aati Kaierua, my beloved younger brother.

Eritara grew up with the sea being the centre of his life. Being a Pacific Island child, the beach, shorelines, reefs, pools and the ocean were his daily playground. He grew up on Nikunau, a coral raised atoll in the southern part of the Kiribati Islands.

The island is surrounded by pristine coral reefs, with the deep blue Pacific Ocean a mere hundred metres away from the shoreline, behind these reefs. In his early teens and like every other boy on the island, he learnt the island traditions of fishing and took to fishing on the reef and beyond the reef.

He chose a career path working at sea. Straight from high school, he joined the Maritime Training Centre where he excelled in his studies and got employed quickly by the South Pacific Marine Services as a seafarer and was deployed to work on German cargo vessels. He was a seafarer for nearly 12 years and spent much time away from home. He got married and decided to stay close to his family so he changed career to becoming a Fisheries Observer where the time at sea was shorter so he could spend more time with his wife and children. He was an Observer for approximately eight years. He loved the sea so much that he treasured it. He enjoyed his work as an Observer and valued the importance of this job to his country and to the future generations of Kiribati. He took his job very seriously and in October 2020, seven months following his death, following a review of his logs it was clear that he was both diligent and highly dedicated to his work, in the words of the Association for Professional Observers (APO), he was "A True Observer".

It is a well-known fact in the fisheries world that the Observer's job comes with risk.

Every Observer I have privately talked to and every Observer's family member I have privately talked to, including fisheries officials have said the same thing over and over again – “the Observer's job comes with huge risk”. My brother told of a number of instances where he felt threatened, including an offer of a bribe to ignore shark finning which he refused. This raises many questions – if the job comes with risk, what is being done about it? Why let it run as a risky job for years without doing something to address those risks? It is very clear – there is no risk management system in place, and if there is, it has not been working properly!

4 March 2021 marked one year after Eritara was reported dead on fishing vessel WIN FAR 636. My brother died at sea under mysterious conditions, we still do not know what exactly happened. The initial and the only physical forensic pathology inspection concluded that it was a murder case, a blunt force trauma to the top of his head. Then seven months later a second opinion and third opinion determined remotely, without examining my brother's body, that he could have died of natural causes. What are we, the family, supposed to believe?



FV WIN FAR NO.636. Photo Credit: Wei-Lin Chen, Taiwan Ships Watchers

The investigation was underway in March 2020 and, despite the release of the vessel (the crime scene) in October, is still ongoing. We found the investigation flawed from the very beginning, so the family undertook our own research, looking for answers. We were desperate and we reached out for help. We found APO who have been with us providing us support from the outset, as we started to build our own family investigation looking for answers. Media approached us and we gave the journalists what we knew. Human Rights at Sea (HRAS) heard our cries and offered to help us by reviewing case studies for everyone to learn from. They also helped us conduct a survey and reports to elevate our cries to the authorities such as WCPFC, FFA and PNA, Greenpeace and APO the case to the United Nations. We have formed a close relationship with other families of missing and dead Observers. We have also formed a very close relationship with professionals and generous people from outside Kiribati who have been our biggest support during these most difficult times.

Fishing has brought so much money to our country; Kiribati owns the largest sea mass of ocean in the Pacific. Observer safety has been highlighted in meetings at regional meetings. Minutes of these meetings were the same year in year out since 2016. What happened to effectiveness of these meetings?? Were there any means of monitoring that the decisions made at regional meetings were implemented? Quite simply **NO!!**

We learnt of New Zealand's NZAID donations to provide safety equipment for Observers, what happened to the two-way communication devices they funded and why was Eritara not provided with one by fisheries in Kiribati prior to departing on that fateful voyage?

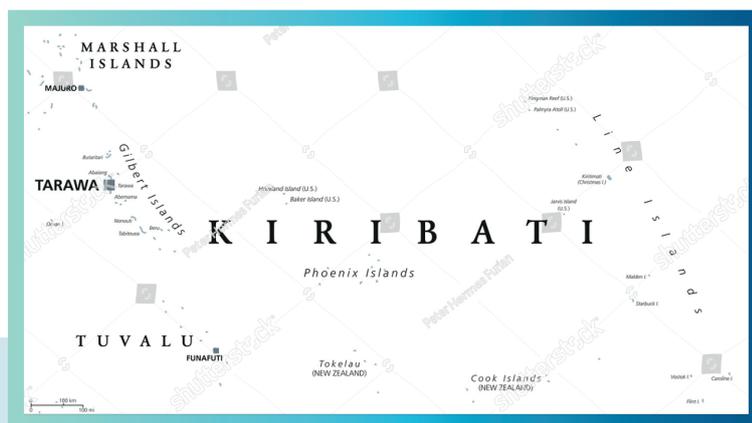
The investigation, and the fisheries management system in my country and internationally, have let us down and while we are still looking for answers, we are hoping that lessons will be learned, and positive changes made to the fisheries management system to ensure that safety for Observers is prioritised in future.

This report has been compiled by HRAS with the contribution of APO and other parties. I would especially like to mention the resources that were invaluable in creating this report. Tekarara Eritara, the wife of the late Eritara, is the main contributor. APO's Chairperson Liz Mitchell and her team, HRAS's David Hammond and his team, and I would not forget the generous man behind the sponsorship of activities and reports, Mr John Burton and his supportive partner Claire Pugh. We also acknowledge the painful contributions of experiences by other family members – Buaua Moanniki, Letty Lasisi, Lily Masibalavu – and many others who have not put their sorrows and mourning to a closure yet, we hope one day God will give us all peace. I composed, recorded and dedicated a song to Eritara Aati, Moanniki Nawii, Keith Davies, Charlie Lasisi and others, all of you gone but never forgotten. The song is titled 'I WONDER HOW'.

Every day I wonder how my beloved brother died and will continue to do so until the outstanding matters highlighted in this report are resolved and only then can myself and the family sleep peacefully as my brother is now doing.



Nicky Kaierua



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The author of this independent case review is the UK-registered charitable non-governmental organisation (NGO), Human Rights at Sea (HRAS).¹ It is regulated by the UK Charity Commission and overseen by a Board of Trustees under English law. The work has been closely supported by the family of Eritara Aati Kaierua, instructed international legal counsel from 9 Bedford Row Chambers, London, and subject matter experts (SMEs) from within the global civil-society fisheries community and supporting international organisations, including the Association for Professional Observers (APO).

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Conflict of Interest

There are no known conflicts of interest to be declared in the concept, preparation, drafting or publishing.

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¹ <https://www.humanrightsatsea.org>

² <https://www.gov.uk/find-charity-information>

³ <https://www.humanrightsatsea.org/reports/>

Executive Summary

Eritara Aati Kaierua was officially reported dead on 5 March 2020 while undertaking Fisheries Observer work on board the Taiwanese flagged fishing vessel (FV) WIN FAR NO.636. His unexpected death came as a shock to all who knew him.

Following the first anniversary of his loss in March 2021, significant unanswered questions remain over aspects of the investigation into the circumstances surrounding his untimely death. In this public review there are 26 proposed outstanding questions.

In no specific order, the core matters-in-issue are that full disclosure of the facts relating to Eritara's post-mortem reviews are yet to be made available to immediate family members and their legal representatives; that reasonable enquiries to Kiribati authorities remained unanswered; and apparent shortcomings in the crime scene management procedures of the Kiribati Police Service have raised doubts over the reliability of the evidence used to determine the cause of death.

Further, crucial IT device evidence has not been adduced, the crime scene of the vessel was released on request by the owners to continue fishing in surrounding waters, and forensic evidence has been lost through lack of in-country resources and delay. This is set against the context of the COVID-19 pandemic and a potential lack of formal procedural requests for external subject matter expert support.

The Kiribati police investigation into Eritara's death remains open but crucially there is no end in sight for the family who are left to second-guess what happened to their husband, father, brother and son some 14 months later at the time of writing. The details of the concerns are reflected in the enclosed Family Impact Statement of Eritara's wife, Tekarara, and in the annexed legal letter sent to the Kiribati Attorney General (AG) by Steven Kay, QC, of Counsel, London.

Introduction

Aim & Scope

The aim of this independent case review is to provide increased public awareness about the ongoing concerns that the immediate family of Eritara Aati Kaierua have in terms of the circumstances surrounding his untimely death, the ways and means evidence has been collected, the gaps and the conduct of the investigation to date. This is to ensure that the family's position is documented, represented and addressed by the competent authorities due to a current lack of direct engagement on issues raised.

Intent

The intent of this case review is to ensure that lessons are identified, actioned and that all pertinent facts are disclosed in a transparent manner, both in the public interest and in the interests of justice for the family.

Key Objectives

There are three objectives.

- 1 Highlight issues of concern about the circumstances of Eritara's death and the subsequent case investigation.
- 2 Highlight facts, evidence and outstanding questions requested of the authorities by the family to be taken into account.
- 3 Highlight gaps, lessons identified and provide recommendations for conduct of future investigations into the deaths, disappearances or other human rights abuses towards Fisheries Observers.

Background

Background facts relating to Eritara's case have been previously reported in 2020 HRAS international publications.⁴ Some of these facts are nonetheless reproduced below for the reader's awareness, clarification and context purposes.

The Death of Eritara Aati Kaierua

Eritara Aati's death was first reported on 5 March 2020 by the crew on board the WIN FAR NO.636 while the vessel was fishing in the Nauru Exclusive Economic Zone (EEZ).⁵

According to the Taiwan Fisheries Agency (TFA),⁶ it notified the WCPFC and the Kiribati Observer Coordinator on 00:24 5 March 2020 (local time: 18:24 4 March 2020). The matter was further publicly highlighted in a TFA press statement which noted that: "*With regard to the case of WIN FAR NO.636, the FA will collect all relevant evidence, conduct investigation in accordance with relevant regulations, and provide the investigation report to WCPFC and Kiribati authorities in fulfilling of Taiwan's responsibility as a flag State.*"⁷

On 24 March 2020, Kiribati Police Commissioner Ioeru Tokantetaake confirmed that a pathologist from Fiji had conducted an autopsy. On 25 March 2020, the Police Commissioner confirmed that the autopsy revealed "**severe intra-cranial haemorrhage (sic) and traumatic brain injuries due to severe traumatic head injuries and blunt force head trauma**" were the cause of death.⁸ The Kiribati police subsequently opened a murder investigation. This information became a matter of public record after the owners of the WIN FAR NO.636 in Civil Case 43 of 2020 applied to the High Court of Kiribati to have the vessel released from police detention.⁹

4 https://www.humanrightsatsea.org/wp-content/uploads/2020/07/HRAS_Abuse_of_Fisheries_Observers_REPORT_JULY-2020_SP_LOCKED-1.pdf and https://www.humanrightsatsea.org/wp-content/uploads/2020/11/Recommendations_Policy_for_Fisheries_Observers_Health_Safety_Wellbeing_11Nov20_SP_LOCKED-Optimised.pdf

5 Noting that Nauru has no jurisdiction in the matter.

6 Letter of evidence submitted to HRAS dated June 9, 2020 from Deputy Director Kuo-Ping Lin of the Taiwanese Fisheries Agency, Council of Agriculture, Executive Yuan.

7 Taiwan Fisheries Agency (2020). Correction Notice – Taiwan Fisheries Agency expressed condolences on the death of a Kiribati Observer and has required concerned vessel to fully cooperate with the investigation by Kiribati. Press Release, 14 May 2020 (corrected from original 29 April 2020). <https://www.fa.gov.tw/en/Announcement/content.aspx?id=77&chk=608ddc10-53a7-4b94-b60b-5fb0b158b1cb¶m=pn%3d1>

8 Hsieh Lung-Kuei v Attorney General [2020] KHC 15; Civil Case 43 of 2020 (26 June 2020). <http://www.pacii.org/cgi-bin/sinodisp/ki/cases/KIHC/2020/15.html?stem=&synonyms=&query=CIVIL%20CASE%20NO.%2043%20OF%202020>

9 Ibid.

What Changed Prior to Eritara's Death?

From the family's position, the last recorded contact from Eritara to his wife was from an email sent on Friday 21 February 2020 at 7:38 pm (local) from his official Observer's account on board the WIN FAR NO.636. The email highlights, *prima facie*, at that time there appeared no notable issues with either his work or the crew.

- **Outstanding Question 01**

What changed in the intervening 11 days to lead to his premature death noting the first pathologist's findings noting he was medically cleared fit for work?

As an Observer, Eritara had previously had incidents of trouble while working at sea in his role. For example, a news article reported that Eritara allegedly told his sister about attempts to bribe him over a shark fin catch in 2016.¹⁰

High Court of Kiribati: Facts & Evidence

On 26 June 2020, the High Court of Kiribati heard an application for the release of the WIN FAR NO.636 from police detention. The plaintiff in the case, Hsieh Lung-Kuei, representing the owners of the vessel, argued that its continued detention was unlawful, since no order of the Court for detention had been made and no warrant of arrest had been issued. The Defendant argued that sections 45(2) and 61 of the *Police Powers and Duties Act* authorised the police to detain the vessel without Warrant for as long as it was 'reasonably necessary' to do so.

Presiding over the hearing, The Honourable Chief Justice Sir John Muria considered when the police commenced their investigation into the death of Eritara, what the forensic pathologist, Dr James Kalougivaki, determined as the cause of death, and the detail and extent of the investigation undertaken by the police to date. The Court determined that an extensive investigation had already taken place while investigations into the death of Eritara on board the vessel were ongoing.

The vessel was detained for the purpose of investigation into the alleged crime committed on board. Until investigations determined otherwise, the vessel therefore constituted a 'crime scene'. The plaintiff's arguments about investigation by the Ministry of Fisheries, Marine Resources Development (MFMRD) into breaches of fisheries laws and fisheries licences were considered irrelevant. The vessel was not arrested nor detained. The vessel had voluntarily come into port for the purpose of returning Eritara's body.¹¹

The Court reasoned that the police were justified in detaining the vessel under section 45(2) of the *Police Powers and Duties Act* without Warrant.¹² However, the ongoing detention of the vessel hinged on the 'reasonable necessity' of doing so as any length of detention must be commensurate with this section of the Act. As investigations were ongoing, the Court ruled in favour of the defendant and refused the plaintiff's application for the release of the vessel.

In addition to the application itself, the hearing shed light on key stages of the police investigation to date, information of which was not, until the High Court hearing, in the public domain.

These key stages are highlighted below in the Timeline of Events.

¹⁰ Vance A (2020). Death on the high seas; the mysterious death of a humble fishing observer. Stuff, 12 April 2020. <https://www.stuff.co.nz/environment/120864997/mysterious-death-of-a-fishing-observer-sparks-police-investigation>

¹¹ The body had been frozen having been stored and transported in the vessel's cold store

¹² http://www.paclii.org/ki/legis/num_act/ppada2008253.pdf (accessed on 27 November 2020)

Timeline of Events

* subject to update and reflecting limited disclosure and publicly available information.

FEBRUARY 2020

13

Boarding of vessel

Eritara boards the Taiwanese flagged FV WIN FAR NO.636 at 1420 POINT (FSM) and cleared medically fit for work.

21

Final email to wife

Eritara sends what would be his last email to his wife, Tekarara, indicating that he was in Papua New Guinea and that fishing was slow. As Eritara was not in possession of the required two-way communication devices as stated by the WCPFC Minimum Standards,¹³ he had to use the vessel's email address to send his last email. Below is a translated copy of his email:¹⁴

Hello my wife and children whom I love so much.

I apologise that I have just managed to get in touch, it has been over one week fishing on this vessel and we have just caught only 70 tonne of catch. Fish is a little scarce or maybe this location is not fertile, we are now fishing in Papua New Guinea and we are still here.

How are my children? Yes, let them know to go hard at school so that they become intelligent and wise. Tell them to study really hard and to be obedient to you at all times.

And you, how is your sickness? Please try to stay well, and do not miss any of your medicine dosage so that you recover, and I will try my best to stay healthy from here too. I guess that is it for now for the fishing net is now going to be [released] but I will hear back from you.

I love you all and wish you all the best.

MARCH 2020

3-4

Death

At some point between Tuesday 3 and Wednesday 4 March 2020, Eritara dies on board WIN FAR NO.636. The vessel is the crime scene with the body located in a cabin on board the WIN FAR NO.636.



5

Death informed

The TFA informs, among other stakeholders, the WCPFC Secretariat and Kiribati Observer provider of Eritara's death.

Eritara's wife is also informed of his death by the Director of the MFMRD.

6

MFMRD update

Eritara's wife informed by the Director of the MFMRD that Eritara's body will not be brought to Kiribati until 7 March 2020 due to bad weather and rough sea conditions.

¹³ WCPFC ROP Minimum Standards - Updated 2019. <https://www.wcpfc.int/docx/wcpfc-regional-observer-programme-standards%20updated%202016>

¹⁴ Last email from Eritara, 21 February 2020, translated by sister, Nicky Kaierua.

7

Vessel arrives in Kiribati

The WIN FAR NO.636 arrives in Tarawa, Kiribati with Eritara's body.

Eritara's family wait at the port to receive his body but are told that they were not allowed on board the vessel or alongside to see his body due to police investigation protocols.

8

Eritara's belongings

Kiribati police return some of Eritara's belongings to his wife as they are deemed no longer relevant to the police investigation. Eritara's wife reluctantly and under protest takes possession of his belongings believing these items to be fundamental to the police investigation.

9-18

Visits to MFMRD

Eritara's wife visits the offices of the MFMRD on numerous occasions to obtain updates and information relating to Eritara's contract, journal, logs and reports from his last trip. She is told that in order to obtain a copy of his contract she should instruct a lawyer.

Eritara's wife is also told that the information she is requesting is not available to her as all Eritara's belongings are with the police. She sees that some of Eritara's belongings, in particular his notebook and wristwatch, are in the offices of the MFMRD. Her suspicions are raised as a consequence.

19

Pathologist's report

After examining the deceased's body, Dr James Kalougivaki, the forensic pathologist assigned to Eritara's case, produced a medical report confirming the cause of death of the deceased being:¹⁵

- (a) Immediate cause: severe intra-cranial haemorrhage and severe traumatic brain injuries;
- (b) Antecedent or underlying causes: severe traumatic head injuries;
- (c) Antecedent or underlying causes: blunt force head trauma.

Eritara's wife and family members have a conversation with Dr Kalougivaki the same day. **According to Eritara's family, Dr Kalougivaki concluded that Eritara could not have sustained his injuries as the result of a fall and implied that the manner of his death was homicide.**

19
MARCH
to
28
APRIL

Crew statements

Police obtain statements from the members of the WIN FAR NO.636 crew. The crew members' passports are also seized.

20

CCTV footage

The Kiribati Police Criminal Investigation Department (CID) receives closed-circuit television (CCTV) footage of the vessel taken from the vessel's cameras. The CID receives the CCTV footage from officers from the Ministry of Fisheries and Marine Resources Development (MFMRD).

Crew DNA testing

Dr Kalougivaki obtains saliva samples from members of the WIN FAR NO.636 crew for DNA testing at the Betio Police Headquarters.

Funeral

Eritara's body is laid to rest.

¹⁵ Death Notification and Medical Registration of Cause of Death, a copy of which is appended to this report.

21

Birthday

Eritara's youngest son turns two years old.

22

Celebration held

A feast is held in honour of Eritara, to celebrate his life and to show the family's gratitude and appreciation to all the family and friends who had supported them during the most difficult time of their lives.

APRIL 2020

4

Crew DNA flown to Fiji

Dr Kalougivaki leaves for Fiji on a special chartered flight with the DNA samples for testing in Fiji.

15

WIN FAR NO.636 suspended

The PNA issues a suspension notice for the WIN FAR NO.636 to FCF.¹⁶

28

INTERPOL engagement

Kiribati police formally requests assistance from INTERPOL.

MAY 2020

beginning

INTERPOL engagement

The evidence obtained including CCTV footage, the crew's statements, the pathologist's report and some seaborne documents are sent to INTERPOL.

7

DNA samples submitted for testing

Delayed due to COVID-19 and the 14 days' quarantine requirement, Dr Kalougivaki submits the DNA saliva samples for testing. It was expected the results would be available within one or two months from 7 May 2020. At the time of writing, the DNA sample evidence was not heard about again, at least not within the public domain and it has not been released to the family or their legal representative.

9

Crew information technology (IT) seized

Police conduct search of the WIN FAR NO.636, at which time crew IT devices were seized. The local IT experts are not able to extract information from the seized devices and so the Kiribati police state that, "*our option will be to send the devices to our counterparts to extract the evidence and analyse them*" for the case.

11

Vessel search warrant issued

Police apply for a search warrant. The Magistrates' Court grants the order issuing a search warrant on 21 May 2020 to search the vessel. This application is submitted to regularise the police investigation process.

¹⁶ PNA issued a suspension notice for the WIN FAR NO.636 to Fong Cherng Fishery Co, Ltd (FCF) on 15 April 2020, as corroborated by MSC. The vessel was on a MSC trip at the time of the death.

24

Owners' civil case against Kiribati Government

Eritara's family learns that the WIN FAR NO.636 owners are suing the Kiribati Government in order to have the vessel released from detention.

29

HRAS engagement with TFA

HRAS sends Letter of Enquiry to the TFA as to circumstances of Eritara's death following 1 July 2020 HRAS report 'Fisheries Observer Deaths at Sea, Human Rights and the Role and Responsibilities of Fisheries Organisations'.¹⁷

JUNE 2020

9

Pacifical offer

Pacifical,¹⁸ the global tuna market development company jointly set up by the eight PNA Western Pacific island countries, offers US\$10,000 to Eritara's wife as a contribution to support the family.

15

Insurance matters

Eritara's wife obtains a copy of his insurance certificate detailing the cover held by the owners of the WIN FAR NO.636.

21

Local lawyer instructed

Eritara's wife instructs a local lawyer, Mr Tabibiri Tentau, who writes a letter to the MFMRD to attempt to open her 'workman's compensation claim'.

26

WIN FAR NO.636 refused release

The High Court of Kiribati refuses an application to have the WIN FAR NO.636 released from detention.¹⁹

JULY 2020

4

Pacifical offer refused

Eritara's wife informs her sister-in-law that she wants to refuse the contributory offer of US\$10,000 made by Pacifical on 9 June.

AUGUST 2020

31

Insurance claim

Mr Tentau receives an email response and letter from the MFMRD in relation to Eritara's wife's 'workman's compensation claim' and Eritara's insurance pay-out, informing him that the MFMRD are progressing on this. The email states:

¹⁷ <https://www.humanrightsatsea.org/publications/>

¹⁸ Pacifical c.v. is the global tuna market development company jointly set up by the eight PNA Western Pacific island countries in 2011. <https://www.pacifical.com/about-pacifical/>

¹⁹ Hsieh Lung-Kuei v Attorney General [2020] KIRC 15; Civil Case 43 of 2020 (26 June 2020). <http://www.pacilii.org/cgi-bin/sinodisp/ki/cases/KIRC/2020/15.html?stem=&synonyms=&query=CIVIL%20CASE%20NO.%2043%20OF%202020>

“The Ministry would like to inform that we had received insurance cover from the company and it is now ready to be processed to the beneficiaries upon receipt of the court order. The Ministry is ready to work with you on this matter.

“With regards to workman’s compensation, this is a matter to be dealt with by the Ministry of Labour, therefore, I would request if you could kindly assist your client to bring her request to the [Ministry of Employment & Human Resource Kiribati] MEHR.”²⁰

OCTOBER 2020

11

WIN FAR NO.636 release

Eritara’s sister learns that the WIN FAR NO.636 is being released from detention:

“It is sad for us to learn just moments ago that the Win Far 636 is being released from Port. According to Tekarara – Police told her, another specialist from New Zealand reviewed the medical report from the autopsy and said Eritara had died from high blood pressure. The specialist who [did] the autopsy agreed.”

The second pathologist report concludes that Eritara could have died from natural causes contradicting Dr Kalougivaki’s findings though details have yet to be disclosed to the family or legal representatives as of April 2021.

15

Second pathologist’s further report pending

Eritara’s sister learns that the Kiribati Police Service is awaiting another report from the same New Zealand pathologist and based on the contents of this report the WIN FAR NO.636 may be released the following weekend or the week after.

18

Departure of WIN FAR NO.636 from Kiribati

According to data published by Marinetraffic.com the WIN FAR NO.636 leaves the port of Betio, Kiribati, on 18 October 2020 at 09:18 am local time (UTC+12). It is not known who ordered the release of the vessel. There is no evidence of a Court Order sanctioning its release. The vessel and its crew are apparently released with a security payment of US\$100,000.

NOVEMBER 2020

2

Second pathologist details

An ABC article reports that the aforementioned New Zealand pathologist was also hired by the owners of the WIN FAR NO.636, according to information received from the owners’ lawyer, Mr Banuera Berina.²¹

3

Second pathologist details

Eritara’s sister is made aware that the New Zealand pathologist’s name is Dr Martin Sage.

²⁰ Ministry of Fisheries and Marine Resources Development (MFMRD). Email, 31 August 2020.

²¹ Auaiiitia, Tahlead. “Kiribati Observer’s Family Shocked over Release of Vessel and Change in Cause of Death - Pacific Beat - ABC Radio Australia.” ABC, 2020. <https://www.abc.net.au/radio-australia/programs/pacificbeat/folo-kiribati-winfar636/12837846>

7

Family legal representative instructed

The New Zealand Lawyer, Mr Isaac Hikaka, is instructed by Eritara's family to support possible legal challenges and to help coordinate efforts.

10

Third opinion requested

Eritara's sister learns from the Kiribati police that a third forensic pathologist opinion has been requested.

Legal representation

A Kiribati lawyer, Mr Birimaaka Tekanene, is retained to represent Eritara's family in Kiribati. Among others, he is instructed to engage with the local police and other interested parties in relation to the death of Eritara; to establish the reason for the second post-mortem; to advise in relation to the current status of the investigation and any prosecution. Also, if necessary, to issue court proceedings (obtaining full disclosure) against relevant third parties.

Letter to the President of Kiribati

Eritara's sister writes to the President of Kiribati, Taneti Maamau, highlighting the main issues of contention in Eritara's case and asks for his direct remedial intervention.²²

23-24

UK pathologist

The option of instructing an independent UK-based pathologist review into Eritara's death is explored. This exploratory measure is supported by the Ministry of Fisheries and Te Beretitenti, President of Kiribati, who indicated to the family they should gain approval from the police.

25

Official Information Act (OIA) request

OIA request submitted to NZ police by NZ lawyers on behalf of Eritara's family requesting all information held on Eritara, including all information relating to his death and any subsequent investigations or enquiries.

DECEMBER 2020

1-3

Third pathologist report

Eritara's sister learns that a third report has been produced by an Australian pathologist who allegedly concludes that Eritara's death was the result of natural causes. The family are not given sight of this third report and HRAS has received only partial access to the report's contents without full corroboration available.

Consequently, the option of the UK pathologist's involvement is no longer sanctioned, according to information relayed by investigator in charge, Mamara Ubatoi.

12

Insurance Compensation

Insurance compensation received in Kiribati and distributed to Tekarara and her children in January following the court decision regarding its allocation.

²² Letter to the President of Kiribati, a copy of which is appended to this report at Appendix 2.

JANUARY 2021

21

OIA request response

NZ police email letter dated 11 December 2020 to the NZ lawyer acting on behalf of Eritara's family responding to the OIA request. The police decline to provide the information requested on the premise that to do so would prejudice the entrusting of information to the Government of NZ on a basis of confidence by the Government of Kiribati. The family are urged to request such information through direct engagement with the Kiribati Police Service Commissioner.

22

NZ lawyer contacts NZ police

NZ lawyer acting on behalf of Eritara's family follows up in relation to the outcome of the OIA request. The lawyer specifically challenges aspects of the NZ police's decision not to provide the family with certain information.

FEBRUARY 2021

5

NZ lawyer contacts NZ police

Further contact with the NZ police is made by the NZ lawyer after receiving no response.

NZ police respond to the NZ lawyer the same day and arrange to discuss the matter by telephone the following week.

9

NZ lawyer and NZ police telephone call

NZ lawyer and NZ police discuss the OIA decision via telephone.

NZ police advise the lawyer acting on behalf of Eritara's family that the NZ pathologist who provided the second opinion is willing to speak to the family in relation to his findings.

MAY 2021

6

Kiribati Government Disclosure

Kiribati Government limited disclosure to Human Rights at Sea and subject to follow up.

Evidence, Questions & Family Concerns

1. Release of the FV WIN FAR NO.636.

The investigation is continuing but without a crime scene, witnesses or any suspects, by now crew changes have taken place and key material forensic evidence will have been lost.

- **Outstanding Question 02**

Why was the WIN FAR NO.636 released from detention when the vessel at the time of its release still constituted a crime scene? Investigations were ongoing. Eritara's family had received assurances from Kiribati Government authorities that the vessel would not be released until a full and proper investigation had been completed.

- **Outstanding Question 03**

Who authorised the release of the vessel and why was the vessel not detained until the Kiribati police, along with the external support it had requested, could conclude its investigation?

2. Second Forensic Pathologist Report.

A second opinion of the initial autopsy report was commissioned and the results from that concluded that the manner of death could have been natural causes. This is at odds with what was established by the pathologist, Dr James Kalougivaki.

- **Outstanding Question 04**

Does Dr Kalougivaki agree with all aspects of the findings from the second report written by Dr Martin Sage?

- **Outstanding Question 05**

What information did Dr Sage base his assessment on in the drafting of his report? Did he travel to Kiribati or indeed go on board the WIN FAR NO.636? Or was this a desktop assessment conducted on a remote basis?

- **Outstanding Question 06**

If so, is this considered standard practice among the forensic pathologist profession?

- **Outstanding Question 07**

Who commissioned the second opinion and subsequent report? Eritara's family have heard (hearsay) that this was commissioned by representatives acting on behalf of the vessel owner. If this is the case, then there is a potential conflict of interest.

- **Outstanding Question 08**

Was the WIN FAR NO.636 released from detention based on the findings from this second report, if so why?

Eritara's family have not been afforded the courtesy of having sight of a copy of the first, second and now third pathologist reports. Lawyers acting for the owners of the WIN FAR NO.636 have been given access to the first and second reports without, it seems, a Court Order sanctioning such disclosure.

- **Outstanding Question 09**

Why are the two parties not being treated equally with respect to access to such information?

3

3. Undermining the Decision of the High Court of Kiribati.

The High Court did not find any cause to question the findings of the initial pathology report into Eritara's cause of death. No one has yet seemingly questioned the findings of Dr Kalougivaki. It is therefore questionable as to why his findings were contradicted to the extent they were. Indeed, the High Court of Kiribati refused the plaintiff's application to have the WIN FAR NO.636 released from detention based on the pathologist's findings and the ongoing investigation into Eritara's death.

4

4. Third Pathologist Report.

Eritara's sister received direct correspondence from Kiribati Police Commissioner Tokantetaake advising her that a third pathologist from New Zealand had been asked to review the findings from both the first and second pathologist reports. She was also advised that the third pathologist wanted to speak with her. Prior to agreeing to such a conversation, Eritara's sister asked Police Commissioner Tokantetaake for the name and contact details of this third pathologist and also to have sight of the first two pathologist reports.

Eritara's family remain circumspect in relation to any third pathologist report commissioned by the same authorities who commissioned the second pathologist's report. As she was indirectly approached by the owners of the WIN FAR NO.636 in relation to an out-of-court settlement, Eritara's sister's concern remains that the process will be prejudiced.

5

5. Lack of Forensic Evidence Gathering.

Eritara's belongings were returned to his wife. This included his food containers, which, at the time of his death, had traces of food inside. It is highly unusual that these items were returned cleaned, instead of been retained as exhibits, and preserved for further forensic testing and/or processing. What happened in relation to Eritara's belongings is in contravention of the WCPFC CMM 2017-03, which requires the preservation of "any potential evidence and the personal effects and quarters of the deceased or missing observer".²³

6

6. CCTV Cameras and Crew Devices.

Kiribati police have acknowledged limitations in their capacity and expertise to analyse the vessel's CCTV footage and have had United States Coast Guard (USCG) and INTERPOL assistance at their disposal from an early stage in the investigations.²⁴ Indeed, this assistance has not necessarily been contingent on providing 'boots on the ground' as a significant degree of assistance was offered on a remote basis. The CCTV footage needs to be sent to a forensic expert who has the capacity to evaluate the footage and, among others, enhance the images captured from the footage. Even if there was no camera pointed at Eritara's cabin, forensic IT experts should be capable of analysing crew movements on the vessel and can detect who was where at what time, and what they were wearing.

- **Outstanding Question 10**

What happened to the seized devices, such as phones, cameras, laptops, which were sent away for analysis?

- **Outstanding Question 11**

Where are they now?

- **Outstanding Question 12**

Have they been analysed?

²³ Paragraph 3(h), WCPFC CMM 2017-03, <https://www.wcpfc.int/doc/cmm-2017-03/conservation-and-management-measure-protection-wcpfc-regional-observer-programme>

²⁴ Beginning May 2020, the evidence obtained including CCTV footage, the crew's statements, the pathologist's report and some seaborne documents were sent to INTERPOL: Hsieh Lung-Kuei v Attorney General [2020] KIHIC 15; Civil Case 43 of 2020 (26 June 2020). <http://www.palii.org/cgi-bin/sinodisp/ki/cases/KIHIC/2020/15.html?stem=&synonyms=&query=CIVIL%20CASE%20NO.%2043%20OF%202020>

6

- **Outstanding Question 13**

Has the CCTV footage been reviewed?

The WIN FAR NO.636 reported Eritara's death on the evening of 4 March 2020. Originally, the Kiribati police are said to have had a copy of the entire hard drive footage, inclusive of 3 March 2020, which they obtained when the vessel first arrived in port on 7 March 2020.

- **Outstanding Question 14**

Has this footage subsequently been restored and enhanced for facial recognition?

- **Outstanding Question 15**

Were INTERPOL or the US Coastguard (USCG) able to assist with this?

7

7. Lack of Forensic Investigation.

Eritara's family believe that the crime scene, namely the WIN FAR NO.636, did not undergo a full forensic investigation due to the limited capacity of the Kiribati police. The USCG offered such expert forensic assistance to the Kiribati police authorities, noting COVID 19 restrictions but with potential USCG asset availability to attend by sea transit.

- **Outstanding Question 16**

Why was this offer of remote forensic assistance not accepted? While capacity has to some extent been blamed on the difficulties posed by COVID-19 and the attendant restrictions, there appears to be a lack of political will to work safely around these limitations. Eritara's case has therefore arguably been prejudiced by COVID-19 limitations though justice must not be avoided if forensic evidence is available and remains to be analysed.

- **Outstanding Questions 17**

What happened to the DNA samples submitted for testing by Dr Kalougivaki? Did these test results form part of the police investigation? Was a toxicology test carried out by Dr Kalougivaki? If so, did the results from this test form part of the police investigation?

8

8. Allowing WIN FAR NO.636 Lawyer Access to Eritara's Confidential Information.

The WIN FAR NO.636 owners' lawyer, Mr Banuera Benina, has obtained copies of what are supposed to be confidential reports released by the pathologists while Eritara's family have been denied such information.

- **Outstanding Question 18**

Is this procedural irregularity legal or should the family have been notified as part of the case progression?

9

9. Disclosure of Information.

No one has been charged with the demise of Eritara, yet disclosures of information have been made to the owners' legal representative and by the State authorities to the family including from the office of the President.

- **Outstanding Question 19**

How and why then has the autopsy report been made available to the WIN FAR NO.636 owners' lawyer when it is supposed to be accessed by the police and the Director of Public Prosecutions (DPP)?

- **Outstanding Question 20**

Why is Eritara's family still denied access to these reports despite numerous requests, including no response from the office of the President?

10. Eritara's Health Status.

Medical information has been disclosed relating to Eritara's pre-deployment medical conducted on 13 February 2020. It highlights that Eritara had a singular issue of a blood pressure reading of 138/98 and no other recorded health concerns. No other related or previous medical evidence has been disclosed to date.

- **Outstanding Question 21**

If Eritara was deemed medically fit for duty on 13 February 2020, and noting the stated high blood pressure reading, is it more likely than not that this was the sole cause of his death and/or a contributory factor?

- **Outstanding Question 22**

What is the statistical chance that high blood pressure would lead to a reported blunt force trauma injury to Eritara's head in an otherwise fit and healthy man of 40 years?

- **Outstanding Question 23**

In the undisclosed pathologist reports nos. 2 and 3, have other possibilities for cause of death been thoroughly explored and assessed against, noting the assessments have been allegedly undertaken through a desk-top paper review and no review of the body has been undertaken?

- **Outstanding Question 24**

Why has Eritara's body not been exhumed and a physical autopsy undertaken despite COVID-19 quarantine restrictions?

11. Eritara's Daily Journal and Log Book.

The family have had sight of a copy of Eritara's daily log which he compiled diligently on a daily basis. There are allegedly missing pages especially towards the end of the journal. These missing pages could provide crucial information in understanding what happened in the days prior to his death. The original log is currently being held by Kiribati police.

- **Outstanding Question 25**

Have the alleged missing pages to Eritara's journal and log been confirmed and investigated?

- **Outstanding Question 26**

Have the log and journal been analysed and investigated?

Family Impact Statement by Tekarara Aati Kaierua

“ I sobbed so severely thinking and imagining the pain he went through, how he had struggled to fight for his life, and what could have been the last thoughts on his mind before he lost his life. I felt sorry for him so badly knowing he was alone and had no means to call for help. ”



Eritara's wife Tekarara Aati Kaierua with one of their children

It was a very peaceful morning of March the 5th 2020, when my phone rang. It was from the Ministry of Fisheries. I was informed that the Director needed to see me. I was surprised because I am not their employee. I asked why the Director needed to see me, and the lady answered that the Director requested to talk to me. I responded that I would see the Director the following day claiming I had no transport to get to their office. But that was my excuse to avoid seeing the Director. I had a strange feeling coming over me!

The lady hung up the phone as I sat there somewhat confused. Not long after, the call came again. It was the same lady from Fisheries. She told me that my presence was highly required and that a transport would come to pick me. I had no choice, I got into the transport and as we were heading to Fisheries office some 20 km away I kept on asking the driver why they needed me. He said he had no idea. But it wasn't until I walked into their office when all eyes were on me that I realized that something unprecedented, something wrong had just happened.

I was escorted into a room and the officer Uati, Director Aketa and another gentleman were already seated. They told me my husband had rested*, I then asked them "how do you mean he rested?" They responded in saying that he was found dead in his room.

I didn't say a word, nor did I do anything else other than crying. I just cried and cried, and they let me to do just that. After I was done crying, I wiped my tears and asked the next question, "Is my husband's body coming back?"

Uati and the Director said, "Yes, his body will be brought over tomorrow but we are not sure what time they will arrive in port." I then asked them another question, "How did my husband die? Why did he die? He was very fit when they did his medical check before his deployment, what really happened to him?"

The Director responded and said, "We are also shocked about this but don't worry the cause of his death will be found, we are currently working on getting a doctor who would come to check his body." I responded and said, "Yes it should be investigated properly cause my husband was very fit. Had I known he was sick I wouldn't have allowed him to leave. I am the sick one, not him!" and with those words my tears couldn't stop flowing. I thanked them and then I slowly walked out of their office. I got dropped off at home.

My children were very surprised to see me crying and they asked, “Mummy, why are you crying?” I did not want to say anything to them, in fact I did not know what to tell them, however I whispered to my father and mother requesting them to help me clean up and prepare the house to receive the body of my husband which they said it would arrive the following day. I found my transport and went to pick up his mum, and his closest aunty to stay with me during this time.

In the evening, his family and my family started arriving. They helped with ideas for preparation to receive his body. That night, we sent out a radio announcement to inform our families and friends of his passing and that his body was to arrive the following day.

The following morning, Friday the 6th March 2020, families and friends started to arrive in big numbers. Before lunch my phone rang, and it was Uati from MFMRD. He advised me that the body of my husband would not arrive in the afternoon due to bad weather/rough sea and that it would arrive on the Saturday 7th March 2020. So I quickly went back home to update our families and resent another radio announcement to advise of the changes as received from MFMRD.

On Saturday 7th March 2020, we woke up early. It was myself and other family members including my husband’s cousin sister and her husband, both of them are police officers. We took off to the port where the vessel would arrive and waited.

About one hour later, a police van arrived. In it were police officers and MFMRD officers. Not long after, police officers advised me that the vessel was approaching, and it would anchor at the other side of the port harbour (KPA side).

As we drove down to the other side, we were met by two police officers who advised us we are not allowed to enter the vessel. I requested to see my husband, but they regretfully advised that entry was prohibited due to police investigation. I then requested not to get on board the vessel but just to stand at the jetty close to the vessel, they also refused. I tried to get into that controlled port area, I couldn’t when all of a sudden, the crew for Kiril TV arrived and requested me for an interview. I told them, “Please wait, let me ask police officers first.” Then I went over to police officers and asked, “The media is here to interview me but how can I answer to their questions without knowing what is happening to my husband’s body? Can I join you? Look I really need to work with you people on my husband’s case!” They advised me to wait and they drove away. They returned and took me in their vehicle then I asked for my husband’s cousin sister (the police officer who came with me to port) if she would be allowed to come. They agreed and we got taken to the jetty.

As I stood there, I saw officers from Agriculture Quarantine, Police and MFMRD on the vessel. I saw the vessel crew gathered on deck. Officers started working and I saw them unloading my husband’s belongings. I saw the things that were unloaded, and I recognized them.

Work continued and I returned to give updates to families waiting at home that Eritara’s body would be taken home briefly for families to see before it would be taken to hospital where it would be kept in the deep freezer (not morgue) awaiting the post-mortem.

Not long after, I received another call from police that the vehicle carrying the body of my husband was prohibited from stopping at our house for our family to see Eritara, it would go straight to the hospital instead. Along with some other relatives, we followed to the hospital. I watched them unloading his body from the vehicle to a room and they told me his body would be stored in the deep freezer awaiting a forensic pathologist to arrive from overseas.

I found it very sad because I expected to see his body when he came off the vessel, but I couldn't, and they had wrapped him up in a very heart-breaking way. His face was no longer the face who left us to work for us his family, when he was fit and healthy.

Police told me that a doctor from overseas would arrive on the Sunday flight. I returned home and updated our families and relatives.

That Sunday morning, 8th February 2020, some family members and I went back to the hospital and we didn't see anyone there not even police officers. There were only security guards. I asked other doctors I met at the hospital if they were aware of a doctor arriving from overseas to conduct the post-mortem on my husband's body and they were not aware. I then decided to go to the airport knowing well there would be only one international flight arriving that Sunday, to find out if the doctor would arrive on that flight according to what police had told me the day before. As I drove over to the airport, I saw the familiar police van, so I went over to ask them what the story was with the arrival of the doctor (pathologist). They said they had no idea cause the responsible officer in charge was away.

One officer told me, "We are here to return your husband's belongings as per the instructions of the investigator in charge."

Not long after, the officer in charge showed up and confirmed, "Yes we are returning your husband's belongings to you," he said. I told him to hold on to them while they are doing their work. He responded and said that they didn't need those things for their investigation.

I questioned why and reiterated that I didn't need his belongings returned so quick and that they should keep them until their job was done. The reason I did that and said that was because I am not new to police doing exactly what they had done in returning exhibits or potential exhibits to families. I had been a court clerk for ten years and I have known this as a weakness in their system. The forensic doctor had not even started his job yet, so I found it very odd that his belongings were returned so quickly.

My husband's belongings [were returned] but they only held on to the pillow and the laptop. I got frustrated thinking that they should hold every belonging for my husband's case.

The police informed that the doctor didn't come on the flight and that he would come the next flight. The police were also at the airport to drop one officer but her flight was delayed and so they said that on their way back they would drop Eritara's belongings. I separated his belongings as I kept them at my house.

The pathologist arrived and was put in self quarantine due to the COVID-19 requirement. There was no quarantine centre at the time, but the MFMRD had organized a place where he would stay in isolation. The following day he was released. The pathologist came to check on my husband's body but when he got there, the body was very frozen since he had been stored in the deep freezer at the ship and at the hospital too. The pathologist then gave instructions to leave my husband's body out in the room to defrost. I was there at the hospital at that time.

The following morning, it was Thursday 19 March 2020, and the work commenced on the post-mortem, but we were not allowed to enter the area because it was for authorized personnel only. We were waiting outside the area and we could see the pathologist and the police wearing mask and gloves.

When they were done, the pathologist and some police officers came out to me and the family members waiting with me outside the room where the post-mortem was conducted.

Then I heard Mamara saying to the pathologist, “Could you repeat what you have said to me before and this time in front of this lady because this is the wife of Mr Aati.” Then the doctor slowly explained to me and in simple English, the result of his post-mortem inspection and this is what I can remember:

“ Your husband died because of injury to the brain, there was an internal bleeding to his brain, and this could have happened from something so strong that would have hit his head, accompanied by force. No matter how high the steps he had fallen, this internal bleeding could not have happened. Which now means this is a murder case! ”

It took thirteen days from the day his body got to shore to finally know what had caused his death.

My tears poured down like rain and I didn't say any word except thanking him because I believed strongly all along that my husband was very fit and for him to go the way he did go was very heart-breaking. I heard Mamara questioning why his skull did not break or why it was not damaged. The pathologist said it could not be damaged if it was properly cushioned with a pillow or something like that.

When the doctor left, my family, my husband's family and myself especially, all we could do was cry, broken heartedly having received confirmation that my husband had been murdered.

I sobbed so severely thinking and imagining the pain he went through, how he had struggled to fight for his life, and what could have been the last thoughts on his mind before he lost his life. I felt sorry for him so badly knowing he was alone and had no means to call for help. I thought of our four children and I cried bitterly even more knowing I am the one sickly and unemployed, and my heart broke thinking of what may happen to our four kids now who were only 10, 7, 5 and 1 year old. I was torn and shattered into pieces. I never felt this kind of pain in my entire life before.

The pathologist advised that the body of my husband could then be released as he had done his job. Before we were going to take him home, my family and my husband's family including myself wanted to change his clothes into the white attire for the wake and funeral, but the pathologist advised against it and so I bought white linen/cloth and wrapped him up in it.

Then we laid him down on the wooden stretcher that they used for handling his body from the ship to the hospital. I then gently moved his body into a big black plastic so that his body fluid and blood following the autopsy would not leak out. In doing that, I purposely hid my husband's body so that nobody could see how terrible his face had looked. His face had turned dark/black while it was in the freezer and during the post-mortem. But the main reason of hiding his body was because I did not want to see my children seeing their father like that as I did not want them to be traumatized.

We left the hospital, and I accompanied my husband's body along with some of his family members. Our families already gathered at home awaiting his arrival but when I got home, the first thing I did was asking and requesting all of the family members not to see his face, telling them that the face they used to see was no longer the same. I wanted them to remember him the way he looked when he was happy and healthy. Decisions were made that evening to bury him the following day, 20th March.

The 21st March 2020, his youngest son turned two, how heartbreaking that was! I tried to be quiet about his birthday, but his older siblings already knew that he had turned two on that day.

Our children at the time still did not believe that their father had died, all they knew was that he was working on a ship. Our last-born Tutu who just turned two would not accept that his father had died. He was telling people that his father didn't die and that he went on the plane. In fact, his children waved him goodbye from the side of the airstrip fence when his flight took off on that last trip.

On the 22nd March 2020, I held a feast to honour my husband, to celebrate his life and to show my gratitude and my appreciation to our families and friends who had been there for me and my children during the most difficult time of our lives.

The week after the WIN FAR 636 had got to Port, Nikora (Nicky) Kaierua, my husband's sister came from the Solomon Islands to see her brother. She had been doing some investigation to find out why her brother got murdered. I told her about the person named Liz who had been in touch with me on Facebook, who had also been wanting to find out what happened to my husband. Because my English was not that good, I asked Nikora to be in touch with Liz. She left for the Solomon Islands on the same day the post-mortem check was conducted and so she missed out on the post-mortem check.



Photo: Nikora (Nicky) Kaierua with Eritara

A day or two after the funeral, Nicky who was communicating from the Solomon Islands informed me that the lady Liz and some more people were willing to help me and to support my husband's case. When I read that message regarding the support of Liz and APO, I was very thankful.

One week before the pathologist arrived in the country, I had already made a few visits to the Ministry of Fisheries and the AG's office. APO had advised me to look for some important information and it started with the contract. I went to the Ministry of Fisheries requesting my husband's contract. I got referred to Uati Tirikai, who was (is) the officer in charge of Observers. I requested him for my husband's contract, but he advised me to go back, as he would need to talk to the Director of Fisheries Aketa Taanga first about it. So, I went back home that day empty-handed.

The following day I went to the police to find out what the latest was with my husband's case and they informed me that the case was still continuing. I went back to the Ministry of Fisheries after visiting the police only to find out that Uati and Aketa were not there to help me with the contract.

Two days later, I went back to the Ministry of Fisheries for the contract. When I got there, the Director of Fisheries was in office and she advised me to write the letter requesting the contract. She also advised me that it would be better to find a lawyer to write the letter on my behalf. I pleaded with her, that I was not able to afford any lawyer because I was (am) unemployed and if I were to engage a lawyer the process would take months. The Director insisted that it would be better for me to get a lawyer. She also informed me about my husband's last payment and that they would help me to process it. She also explained to me that the payment was from the day he flew out to the day he died. I thanked her and I requested her to process it.

I went home and got in touch with my sister-in-law, Nicky, telling her that I needed a lawyer and she supported me to look for one. She recommended me to find a private lawyer. I went to see Biri Tekanene, but he was not available. Then I went to see another lawyer named Taoing Taoaba, but I found out from her staff that WIN FAR had already retained her. Her staff apologized that they could not act as my lawyer because they had already been retained by WIN FAR company.

Day after day, I went to the Ministry of Fisheries hoping that my husband's contract had been processed and also to deliver the letter of request to have a copy of his contract together with the enquiry regarding his PF (Personal File). They kept on apologizing, time and time again, saying they could not process the last payment because they needed to verify the dates against my husband's journal. They also told me that the journal was with the police and they advised me that I must take that journal from the police.

One day I went to follow up on my request again, and that time the Director apologized that they could not find his personal file and that when they find it they would let me know.

At the same time, I requested if I could see his logs, journal, reports on that last trip. Again, they apologized saying I was prohibited from having the documents, as they were at the police for investigation. They also told me that they did not have any of his documents because they were all at the police. I asked them, "Oh really? You do not even have something belonging to him?" Then Uati responded with a yes – they do not have anything. Then I said as my eyes caught a glimpse of some of my husband's belongings, "Excuse me, then what is this notebook doing here? It belongs to my husband!! And how come you just said that the police were handling his notebook? And this wristwatch, it belongs to him too! Why is it here?" I saw his wristwatch broken. I heard that the watch was found in his room close to where he laid down and died. "How could it ever get to your office when you said everything that belonged to him was at the police?"

From that moment, I began to wonder and was suspicious of the kind of work they were doing handling my husband's case. Uati responded saying he had no idea how they got to Fisheries.

I sat there in shock and in total dismay because I could not believe that the exhibits had not been secured or handled properly. I could see that the police investigators had started making mistakes. Or maybe it was just me!!

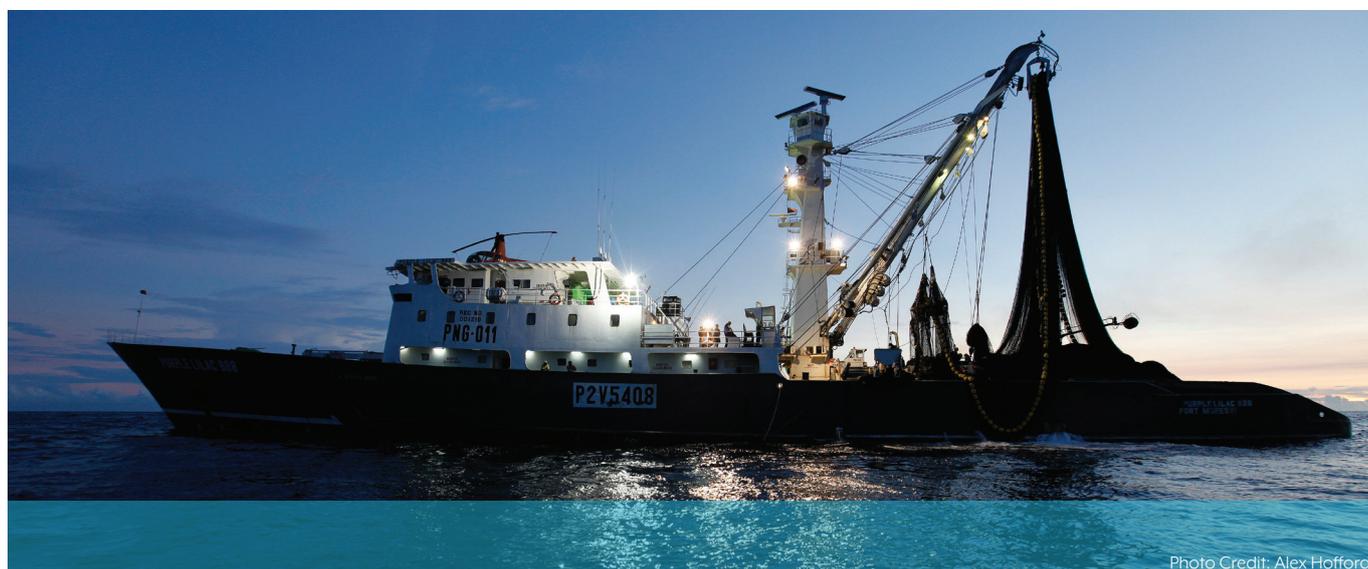


Photo Credit: Alex Hofford

Recommendations

HRAS recommends:

- 1** That timely disclosure of information be made available on written request to immediate family members and their legal representative, both on compassionate grounds to alleviate unnecessary suffering and anxiety, and for the legal representative themselves to assess if additional evidence is required and/or to be requested and/or submitted for the conduct of the investigation.
- 2** That transparency and equality of arms should be maintained at all stages of civil and criminal justice proceedings, where rules of evidence expressly allow to ensure public trust in the rule of law and for victims and/or families of alleged crimes to see that redress is fair and that justice is being done.
- 3** That minimum forensic capabilities, expertise and ongoing professional training are maintained by police departments and their personnel. Where core expertise falls outside such a capability, arrangements are continuously maintained with external subject matter experts which are promptly put into effect to protect the integrity of the evidential chain of custody.

Conclusion

Noting the context of the global restrictions the COVID-19 pandemic has imposed on day-to-day business around the world, the untimely passing of the 40-year-old Kiribati Fisheries Observer Eritara Aati Kaierua while engaged in fisheries duties on the Taiwanese flagged fishing vessel WIN FAR NO.636, has raised significant matters about the conduct of the investigation into the circumstances surrounding his death. In this review, there are 26 outstanding questions which remain unanswered.

This independent review, drafted and issued at the explicit request of the deceased's family, highlights not just their concerns about potential loss of key evidence, conflicting expert evidence, and a lack of expedited investigation with a lack of resources; but it demonstrates the effect that such a tragic incident has on a family as fair and reasonable questions go unanswered 13 months on.

Appendices

Appendix 1: Death Notification & Medical Registration of Cause of Death

Redd 17/11/2020
[Signature]

DEATH NOTIFICATION AND MEDICAL REGISTRATION OF CAUSE OF DEATH

DEATH NOTIFICATION AND MEDICAL REGISTRATION OF CAUSE OF DEATH <small>(Births, Deaths and Marriages Registration Ordinance 1972, Section 20 (2))</small>	
Patient MRN:	Personal Identification No:
Source of Notification	
<input checked="" type="checkbox"/> Medical Practitioner <input type="checkbox"/> Medical Assistant	District: TARAWA
If from a Health Facility: Hospital/Facility: TARAWA CENTRAL HOSPITAL Mortuary: MORTUARY Hospital Ward:	
Information of Deceased	
1. Father's Name (or Surname of deceased): AATI	Mother's name: ERITARA
2. Date of Death Day: 04 Month: 03 Year: 2020	3. Date of Birth Day: 08 Month: 12 Year: 1979 Age in (100 years): 41 years
4. Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Other	5. Nationality <input checked="" type="checkbox"/> Kiribati National <input type="checkbox"/> Non-National
6. Ethnicity <input checked="" type="checkbox"/> Micronesian <input type="checkbox"/> Other <input type="checkbox"/> Melanesian <input type="checkbox"/> Polynesian	7. Religion <input type="checkbox"/> Catholic <input type="checkbox"/> Seventh-day <input type="checkbox"/> KUC <input type="checkbox"/> Baha'i <input type="checkbox"/> Ylomon <input type="checkbox"/> Other
8. Marital Status <input type="checkbox"/> Never Married <input type="checkbox"/> Divorced <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> De Facto	9. Place of Death: WIN FAR 636 FISHING VESSEL IN KIRIBATI WATERS
11. Occupation SEAMEN	12. Current Address: KIRIBATI
13. Home Address: KIRIBATI	
Cause of death <small>(Only to be filled by a Registered Medical Practitioner or a Medical Assistant)</small>	
I (a) Immediate cause SEVERE INTRA-CRANIAL HAEMORRHAGE & SEVERE TRAUMATIC BRAIN INJURIES	
Antecedent or underlying causes	(b) Due to (or as a consequence of) SEVERE TRAUMATIC HEAD INJURIES
	(c) Due to (or as a consequence of) BLUNT FORCE HEAD TRAUMA
	(d) Due to (or as a consequence of)
	II Contributory causes
Whether a Maternal Death or not Tick "✓" relevant box	
(1) Was the woman pregnant at the time of death? • If yes, please answer question (2) only • If no, please answer question (1a), (1b) and (2)	
(1a) Did the woman deliver a baby within 6 weeks (42 days) before the date of death?	Yes No
(1b) Did the woman have an abortion within 6 weeks (42 days) before the date of death?	Yes No
(2) What is the length of time (No. of days) from delivery or abortion to death?	
Declaration: I do hereby declare the above to be a true and correct statement.	
Print Name: DR JAMES KALOUGIVAKI	Designation: HEAD OF FORENSIC PATHOLOGY
Signature: <i>[Signature]</i>	Date: MARCH 19TH 2020
Declarer Address: WAILA, NAUSORI, FIJI.	Phone: + 679 9905 601
OFFICIAL DOCUMENT Please turn over for instructions	

Appendix 2: Letter to President of Kiribati from Eritara's Sister, Nikora Aati Kaierua

Mbua Valley.
Honiara,
Solomon Islands

10 November 2020

Te Beretitenti
His Excellency Taneti Maamau
Office of Te Beretitenti
Bairiki
KIRIBATI

Cc: Minister of Fisheries
Secretary to Cabinet
Secretary, OB
Commissioner of Police
Attorney General
DPP, AG's Office.
Private Secretary, OB

Dear Beretitenti Taneti,

Appeal & Grievance over the handling of investigation into the case of the late Eritara Kaierua

N aran Iesu Kristo ae te Atua te Tama, te Atua te Nati ao te Atua te Tamnei ae Raoiroi, Ko na Mauri!

I write this letter with the utmost respect to Your Excellency on behalf of the family, his wife and children of the late Eritara Kaierua, former Observer with the Ministry of Fisheries & Marine Resources Development from 2012 until his demise in March 2020.

Beretitenti, I am taking this matter up to your leadership, with urgency, on behalf of Eritara's entire family. I humbly implore you to intervene to order a review into the failed investigation into the death of Eritara's and to get justice for Eritara's abrupt loss of life.

Following is a list of reasons underpinning this concern:

- 1. First and foremost, the release of the fishing boat Win Far 636.** The Win Far 636 is currently a crime scene and this was ruled to be the case in the High Court of Kiribati on



June 26, 2020¹. It was ruled by that honourable court that the vessel was to be held until the completion of the investigation. We family are shocked and saddened to hear that the boat has been released prematurely despite this ruling and previous promises from our Government authorities that it would continue to hold the Win Far 636 until a full and proper investigation had been completed.

We are heartbroken to learn that the investigation is continuing without the crime scene. We have no confidence in, and are deeply saddened by the decision that allows the crime scene and suspects to go, knowing that there is high possibility of crew change as well as the destruction of material forensic evidence. We want to know who approved the release of the vessel and why the vessel could not be held while waiting for borders to reopen to allow for professional external support for Kiribati Police in conducting their murder investigation.

2. The imposition of a second opinion medical report (autopsy).

We have heard that a second opinion of the autopsy report was commissioned and the results of that concluded Eritara's cause of death was hypertension. This is clearly at odds with what was established by the pathologist, Dr. James Kalougivaki.

It is unclear to the family who commissioned the second opinion. We have heard that this was commissioned by both the lawyer acting on behalf of the vessel owner as well as the New Zealand Police. But if this is the case, then there is a serious conflict of interest. How come the vessel is released based on this conflicted second opinion?

Your Excellency, we want to better understand why a second opinion was called for.

3. The ignoring of both a reputable pathologist initial report and the High Court of Kiribati: We, Eritara's family agree with the original conclusions of Dr. Kalougivaki and see this reversal as highly unusual and unprecedented. Appeals to have the vessel released were laid out in the aforementioned July 26, 2020 High Court decision to further hold the vessel until the investigation was complete.

4. The lack of evidence gathering: Eritara's belongings were returned to his wife. This included his food containers that had traces of food at the time of his death. We find it highly unusual that these items were returned cleaned, instead of being retained as exhibits; tested for food or other poisonings; and/or processed for fingerprint collection. This is also in contravention of the WCPFC CMM 2017-03, which requires preservation of all evidence.

5. The CCTV camera and Devices: Kiribati Police have acknowledged shortcomings in their expertise to analyse the vessel's CCTV footage. The CCTV footage needs to be

¹ See: High Court of Kiribati. 2020. Hsieh Lung-Kuei v Attorney General [2020] KIHc 15; Civil Case 43 of 2020 (26 June 2020) before The Honorable Chief Justice Sir John Muria (<http://www.pacii.org/cgi-bin/sinodisp/ki/cases/KIHc/2020/15.html?stem=&synonyms=&query=Win%20Far%20636>)



sent to a forensic expert who has the capacity to evaluate the footage and, amongst other things, enhance the images. Even if the camera is not pointed at my brother's cabin, the experts are able to analyse movements on the vessel to detect who is where at what time, who has changed clothes around what time, etc..etc. The captured devices, such as phones, cameras, laptops which we heard were going to be sent away for evaluation, where are they now? Have they been analysed? Has the CCTV footage been evaluated?

- 6. Lack of forensics investigation:** The crime scene has not undergone a forensic investigation due to limited capacity of the Police. While this is blamed on the difficulties posed by Covid-19 limitations, there appears to be a lack of political will to work safely around these limitations.
- 7. Allowing the Win Far 636 company lawyer access to Eritara's confidential information:** Win Far's lawyer, Banuera Benina, has obtained copies of what is supposed to be a confidential report(s) released by the pathologists. It is deeply concerning and saddening to hear that total strangers – those opposing our call for justice - were given access to this information before Eritara's own family and **that we even had to ask for it**. On top of this lapse of moral judgement, we believe this process to be illegal. No one has been charged yet, therefore disclosures are not yet warranted. Therefore, our question is how has the autopsy report been made available to Win Far's lawyer, when it is only supposed to be accessed by the police department and the Director of Public Prosecution? Why are we denied these reports despite numerous requests?
- 8. Lack of Transparency:** The two autopsy reports have not been made available to us, the family. We have been pleading for months for the initial report including Eritara's logs and have requested the second opinion report but we have received nothing, yet we found out that Win Far lawyer had got the reports. We have rights to have those reports. How come Banuera Benina had access to them and not us? We need to understand and would request clarification as to who made the reports available to Benina.

We are aware that the US Coast Guard has offered to assist in many ways with the investigation, free of charge. However, their proposal for Covid-19 precautionary measures were not accepted by our Government and we respect that decision. However, we are humbly requesting your good government and the Kiribati Covid-19 taskforce to properly examine the proposal from USCG or any other investigation organisation, and to negotiate further with them to facilitate their assistance under strict coordination with the Covid-19 taskforce.

Additionally, we would like to request that the original principal cause of death prevail, as established from the first post mortem – which was also recognized in the June 26, 2020 [decision](#) by the High Court of Kiribati. With regard to this second medical opinion, this has improperly, and possibly unlawfully, been withheld from us. Though we haven't even been afforded the courtesy of being supplied with a copy of the opinion, we understand that it is the New Zealand police and the vessel owner who requested it, which does not make sense to us:

- On what basis do they have the authority to even make such a request?
- Do they have jurisdiction to request the second opinion?



- Given their apparent involvement, why did the NZ police not assist the Kiribati Police in relation to matters relating to DNA fingerprinting, CCTV analysis, forensic and other investigation processes? Why have they focused on the reviewing of the initial pathologist report changing the cause of death?
- How is it that a second report can claim to have reached a reasoned conclusion on the cause of death seven months after the post mortem and without physically examining the body?
- We have grave concerns that the second report ignores the findings of a reputable pathologist – and the honourable High Court of Kiribati – which is highly unusual. The pathologist's findings, which we hope will stand, declare the cause of death of Eritara to be:
 - Severe intra-cranial haemorrhage and traumatic brain injuries;
 - Due to (or as a consequence of) severe traumatic head injuries;
 - Due to (or in consequence of) blunt force head trauma.
- This morning, I received an email from Police Commissioner Tokantetaake advising that a third pathologist from New Zealand had been engaged to confirm or dispute the findings of both the first two pathologists, requesting that this third pathologist wanted to speak with a member of the family. Prior to doing so, I have asked him for the name and contact details of this third pathologist and also to have sight of the first two pathologist's reports. But I have grave concerns, Your Excellency. These officials in New Zealand are the same officials who engaged the same pathologist hired by WIN FAR, are they not? How can we, family, be assured that they are not conflicted? Your Excellency, on the 16th July 2020, I was approached by WIN FAR through their network to settle the matter outside court and to which I refused because we had faith that your Government would stand with us in this fight for justice for your good citizen.

Excellency, as you are aware, the case of Eritara is not the first in Kiribati. In fact, this is one of a series of four fatalities experienced by Kiribati observers aboard foreign fishing vessels. The factors surrounding these deaths are not reported publicly, and surviving family members are denied access to information, just like us, thus compromising the families' access to justice. We only learned through networking with other family victims of the deaths of Antin Tamwabeti, Moanniki Nawii and Tabuia Takaie. This reveals a concerning pattern:

****Tabuia Tekaie from Arorae was reported to have died in his cabin in 2009. The New Zealand government was called in to assist with the investigation. However, they found that all evidence gathering had been fouled – the vessel scrubbed even of fingerprints and all his journals/reports deleted from his phone. In the end, they concluded hypertension as a cause of death;**

****Moanniki Nawii from Butaritari was similarly reported to have died in his cabin in 2017. Moanniki's widow was not able to obtain the autopsy report for her husband. His death was also determined to be hypertension. Like us, she was never given a copy of the autopsy or any other investigative documents.**

****Antin Tamwabeti from Nikunau was reported to have committed suicide in 2019 shortly after an observer trip. He was an observer for MRMFRD for years until he took up the same post with**



the Cook Islands. On the previous trip just prior to that, he had been harassed – which was detailed in a [report](#)² by his supervisors. He obviously was under stress that was work-related and yet, to the best of our knowledge, no investigation or toxicology was conducted at all.

I hope you will agree Your Excellency that the role Observers play is one of extreme importance given their role in securing a sustainable marine resource, providing policing and monitoring services to enforce compliance of fisheries regulations by foreign fishing vessels. This role comes with high risk given the nature of work our observers have had to adhere. For instance:

- They have to work alone as the sole I-Kiribati among a vessel of foreign crew;
- They are working without any direct communication with supervisors and instead must communicate using the ship's communication, to which the vessel personnel have access. ';
- This lack of direct communication exposes them to danger and was precisely why the WCPFC passed a measure in 2015 requiring 2-way communication devices³; a Personal Lifesaving Beacon (PLB), and that each observer programme is required to have an Emergency Action Plan⁴.

This isolation coupled with the poor means of communications is an unenviable challenge that our Kiribati Observers have had to endure. Ultimately, in times of differences or work disputes, it becomes questionable how transparent, and just, a foreign vessel team is in the handling of disagreements with Observers. One can only heed this Government to address this concern immediately and with strict adherence to administrative and judicial procedure.

Though the vessel has been released, we, the family, have not given up. We believe in you Your Excellency. You are our last hope for the Justice that a Kiribati citizen deserves for having lost his life protecting our Kiribati oceans.

Though Win Far 636 has been released, we continue to request that your Government considers other avenues to engage offshore experts and officials different from the ones who have failed

² See: IATTC. 2019. Review of the IATTC Regional Observer Programme Covering the period January 1, 2018 – February 26, 2019. MRAG, Americas Inc. March 23, 2019. https://iattc.org/Meetings/Meetings2019/IATTC-94/Docs/_English/CAF-07_ADDENDUM%201%20MRAG%20Americas%20Program%20to%20monitor%20transshipments%20at%20sea.pdf

³ <https://www.wcpfc.int/docx/wcpfc-regional-observer-programme-standards%20updated%202019>
Page16

⁴ See: WCPFC. 2017. Conservation and Management Measure for the Protection of WCPFC Regional Observer Programme Observers, Conservation and Management Measure 2017-03: <https://www.wcpfc.int/doc/cmm-2017-03/conservation-and-management-measure-protection-wcpfc-regional-observer-programme>

to protect critical information and evidence from being accessed by the WIN FAR lawyer(s), to conduct an independent physical investigation of whatever evidence left and to engage a team of non-conflicted pathologists to verify the opinion of the second pathologist and most importantly to conduct the second autopsy. We, Eritara's family, are happy to open his grave, in order for proper investigation of DNA fingerprinting and autopsy from an independent team of experts to take place. Most importantly, we request that your good Government considers not closing this case until the borders reopen and proper onsite physical examination and DNA examination is conducted on the body of Eritara.

We pray that you will consider our plea and our grievances in providing answers to our unanswered queries as we continue to pray that Justice will prevail.

Ko rabwa for your time Te Beretitenti, we look forward to receiving your kind response and fair facilitation of our humble plea.



Nikora Ati Kaierua
Elder sister and Spokesperson
On behalf of Eritara's Family, Eritara's wife and children.

Appendix 3: Counsel's Letter to Kiribati AG Dated 28 December 2020



**Steven Kay QC
9 Bedford Row
London WC1R 4AZ
England
www.9bedfordrow.co.uk**

**Eritara Aati Kaierua Office of the Attorney General
P.O. Box 62
Bairiki
Tarawa
Republic of Kiribati**

28th December 2020

Dear Attorney General,

We have been instructed by Human Rights at Sea (a registered charity in England and Wales No. 1161673) on behalf of the family of Eritara Aati Kaierua, a Fisheries Observer, in relation to the circumstances surrounding his death on the Taiwanese registered vessel Win Far 636 on or about 3rd - 4th March 2020.

We have considered the judgement (dated 26th June 2020) of The Honourable Chief Justice (Sir John Muria) in the High Court of Kiribati in the case of Hsieh Lung-Kuei v The Attorney General [2020] KIHIC 15; Civil Case 43 of 2020. It appears from the chronology set out therein that the following facts are established.

The vessel Win Far 636 entered Kiribati Port on 7th March 2020 with the body of Eritara Aati Kaierua on board and a police investigation into the circumstances of the death commenced on that date.

Following a post-mortem examination, on 19th March 2020, Dr James Kalougivaki (a pathologist from Fiji) prepared a report confirming the cause(s) of death as follows: “(a) Severe intra-cranial haemorrhage and traumatic brain injuries; (b) Due to (or as a consequence of) severe traumatic head injuries; (c) Due to (or in consequence of) severe blunt force head trauma”.

The following day (20th March 2020), the police recovered CCTV footage from the vessel's cameras and in the period up to 28th April 2020 obtained witness statements from members of the crew. It also appears that Dr Kalougivaki obtained saliva samples from the crew for DNA testing and returned to Fiji for the samples to be submitted for testing. At the date of the judgement (26th June 2020), it does not appear that the results of the testing were known.

In or about early May 2020, the authorities in Kiribati sought the assistance of Interpol and it appears that the CCTV footage, the witness statements and other unspecified documents and/or devices were sent to Interpol.

Exercising powers under the Police Powers and Duties Act, the vessel remained detained in Kiribati Port and The Honourable Chief Justice refused an application for the release of the vessel in his judgement dated 26th June 2020.

We understand that subsequently an unnamed pathologist in New Zealand reported that the cause of death was natural, citing hypertension/high blood pressure. It is unclear as to how and by whom the “second” opinion was obtained, however, it appears that the pathologist did not examine the body of Eritara Aati Kaierua before expressing the above conclusion. We have also received information to the effect that a third pathology report has been obtained from a pathologist in Australia.

We also understand that, to date, requests by the family of Eritara Aati Kaierua to be provided with copies of the reports of Dr Kalougivaki and the unnamed pathologist from New Zealand have not been acceded to. In the circumstances, the family are understandably concerned at the significant difference in the cause(s) of death. On the one hand a violent death and on the other by natural causes.

To complete the current picture, we understand that, on or about 18th October 2020, the vessel Win Far 636 was permitted to depart from Kiribati Port. We remain uncertain as to who authorised and/or permitted the departure of the vessel.

We have been authorised by the family of Eritara Aati Kaierua to request that you and/or your office provide or procure the provision of the following;

- (a) all the pathology reports received in relation to the cause(s) of death;
- (b) the witness statements provided by the members of the crew of the Win Far 636;
- (c) the results of the DNA analysis carried out in Fiji;
- (d) copies of the CCTV, documents and other devices seized from the vessel Win Far 636;
- (e) details of the authority by which the vessel Win Far 636 was permitted to depart from Kiribati;
- (f) the current position in relation to the police investigation of the death of Eritara Aati Kaierua; and
- (g) the arrangements, if any, for a coronial inquest into the death.

We trust that you will appreciate the need for transparency in relation to the death of Eritara Aati Kaierua and the understandable needs of the family to have a clear and proper explanation for the sudden death of a loved member of their family. You will also appreciate that the cause of death may give rise to claims on their behalf.

In anticipation, we express our gratitude for your cooperation. We look forward to your response.

Yours sincerely,

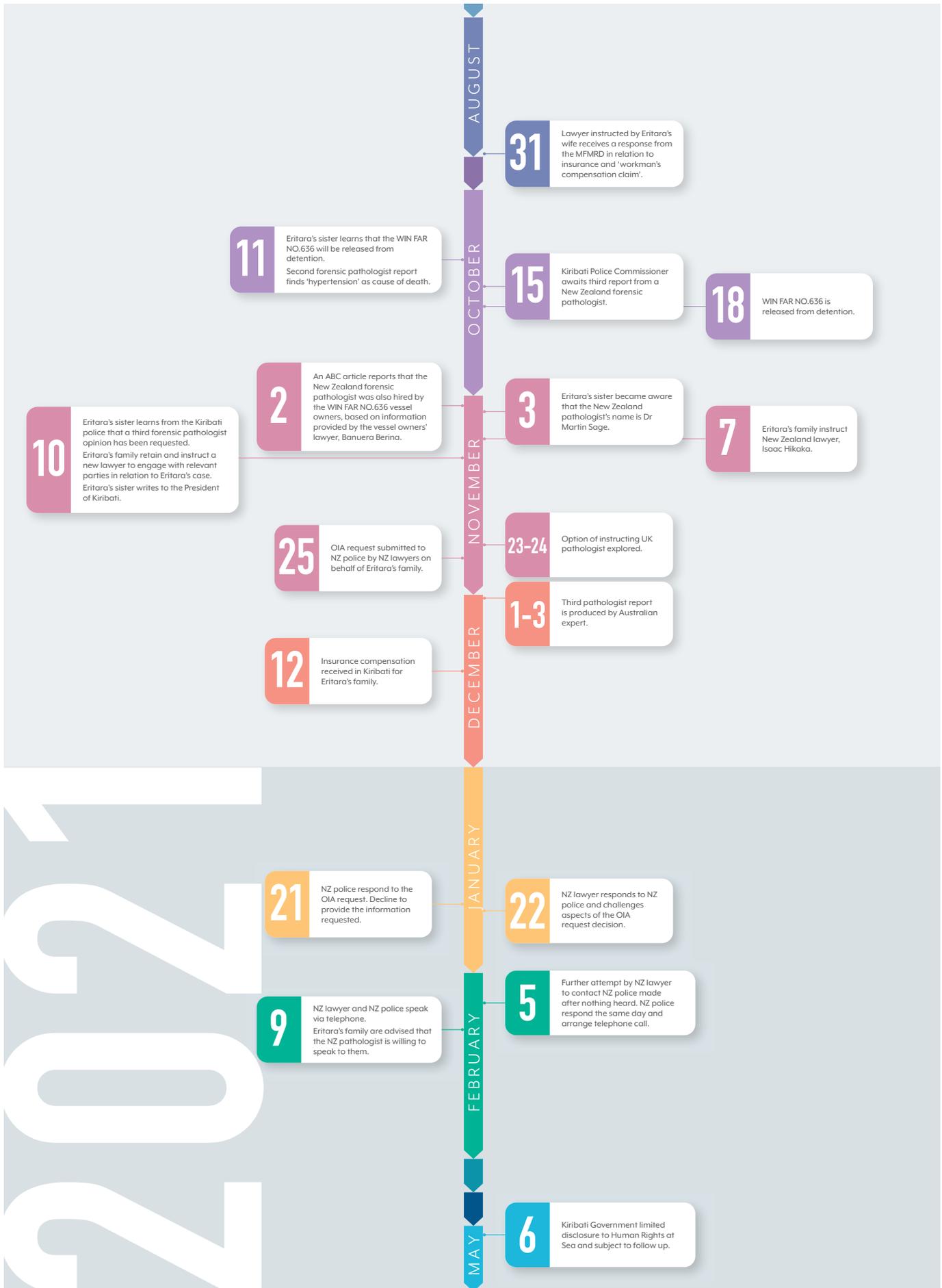


Steven Kay Q.C.

David Hughes

Appendix 4: Infographic of Timeline of Events





Who We Are

BACKGROUND

Human Rights at Sea was established in April 2014. It was founded as an initiative to explore issues of maritime human rights development, review associated policies and legislation, and to undertake independent investigation of abuses at sea. It rapidly grew beyond all expectations and for reasons of governance it became a registered charity under the UK Charity Commission in 2015.

Today, the charity is an established, regulated and independent registered non-profit organisation based on the south coast of the United Kingdom. It undertakes **R**esearch, **A**dvocacy, **I**nvestigation and **L**obbying specifically for human rights issues in the maritime environment, including contributing to support for the human element that underpins the global maritime and fishing industries.

The charity works internationally with all individuals, commercial and maritime community organisations that have similar objectives as ourselves, including all the principal maritime welfare organisations.

OUR MISSION

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.



STAY IN CONTACT

We welcome any questions, comments or suggestions. Please send your feedback to:
Human Rights at Sea, VBS Langstone Technology Park, Langstone Road, Havant. PO9 1SA. UK

Email: enquiries@humanrightsatsea.org

www.humanrightsatsea.org

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Human Rights at Sea

INDEPENDENT REVIEW

INDEPENDENT CASE REVIEW INTO THE INVESTIGATION OF THE DEATH OF KIRIBATI FISHERIES OBSERVER ERITARA AATI KAIERUA



Eritara's children waving to his aircraft on his last trip



HUMAN RIGHTS AT SEA

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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