



HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY
- Defending Maritime Human Rights -

The Human Impact of Crew Abandonment

MV Liberty Prrudencia IMO 9250141

Indian Crew Evidence

February - March 2017

“My old aged parents suffering with medical problems and my eight years old son, he is a special child suffering with autism problem now the situation at my home in very bad condition, I want to sign off from here with all my pending wages so kindly help me.”





HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY - Defending Maritime Human Rights -

Table of Contents

Important notes	3
Introduction	3
Facts	4
Stakeholders	6
Monies Owed	7
Issues	8
Crew Position and Impact Statements	10
Crew Impact Statements	11
████████████████████ – Second Officer	11
██████████ – Third Officer	11
████████████████████ – Able Seaman	12
████████████████████ – Electrical Officer	12
████████████████████ – Able Seaman	13
████████████████████ – Engine Fitter	13
████████████████████ – Deck Fitter	13
████████████████████ – Oiler 2 / Motorman	14
████████████████████ – Fourth Engineer	14
████████████████████ – Second Engineer	14
████████████████████ – Chief Cook	15
████████████████████ – Oiler 1 / Motorman	15
████████████████████ – Able Seaman	15
████████████████████ – Able Seaman	15
Owner / Technical Managers Response	16
Responses on Behalf of Crew	17
Human Rights at Sea Response	17

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HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

Important notes

1. The following facts and supplied evidence is correct at the time of writing having been supplied by the Indian crew of the MV Liberty Prudencia with explicit written permission for Human Rights at Sea to reproduce in good faith.
2. The facts may alter following publication as the situation on-board changes.
3. The report has been redacted with blacked-out text [REDACTED] to protect the Indian seafarers from actions of revenge, blacklisting or illegal pressure applied to either themselves, or their families.
4. **This report contains some potentially distressing images.** Readers of this report view the images at their own discretion and risk.

“I have debts on me as no wages from past 4 months how can I go home without wages because lenders asking for money to my family.”



Introduction

1. **The Indian crew of the MV LIBERTY PRRUDENCIA remain at Zhoushan anchorage China waiting final sign off from their existing employment contracts and payment in full of their outstanding wages.** The health and general welfare issues that were previously in question having seemingly been abandoned by the vessel's owner still remain, though the crew should be home soon and be able to gain proper medical treatment.

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INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

2. Currently still deprived of all of their outstanding wages, the crew have appealed for assistance from every quarter in order to help support them in their case for full and final wage payment and repatriation to India.
3. Compelled to remain on board and fight for the right to their hard-earned money in order to pay off personal loans and support their dependent family members, **the crew have been forced to agree** their employers a deal of the owner's offer of only one month wages before sign off, with the remainder to be remitted through the P& I club. Meantime, the owners are refusing to pay their wages in full while alleging lack of funds.
4. At the time of publishing, the crew are requesting travel allowances 200 USD to each crew member, a letter of guarantee from the P&I Club, the owner, the Indian Consulate and the ITF for the outstanding wages owed up until the date of signoff; the remainder to be remitted within three months or earliest possible date thereafter. Meantime, it is reported that the vessel has been loaded with cement clinker and will be bound for Chittagong, Bangladesh.

Facts

Vessel Name	IMO Number	Flag
MV LIBERTY PRRUDENCIA	9250141	HONG KONG
Owner	Technical Manager	Vessel Location
PARAMOUNT LIBERTY SHIPPING (HK) LTD	SUSHE MARINE SERVICES PVT LTD	ZHOUSHAN, CHINA

1. **Situation.** In early November 2016, the MV LIBERTY PRRUDENCIA arrived in Changjiangkou, China for discharge operations. After discharging her cargo of coal the vessel sailed to outer anchorage for hatch cleaning. Upon completion of hatch cleaning she returned to port to load her cargo of cement. On or around 10 December 2016, once loaded, the vessel commenced her voyage to her next port of call. When she reached mid-sea Changjiangkou, the vessel's main and auxiliary engines failed forcing the ship to drop anchor. Without power and with only ten days' provisions on board the safety of the crew and vessel were severely compromised. Finally, on or around 10



HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

January 2017, after one month at anchor, the vessel was towed to Zhoushan port China, for repair work. Since then she has been anchored at IMCYY Shipyard awaiting repair.

2. Wages Since November 2016, the crew of the MV LIBERTY PRRUDENCIA have not received their monthly salary. **The outstanding full amounts owed range from \$34,799 to \$743 USD.**
3. Despite regular correspondence with the owner, Paramount Liberty Shipping (HK) Ltd, and technical managers, Sushe Marine Services Pvt. Ltd., the Master as agent for the owners, has not been able to secure full payment for the crew.
4. Crew members were always prepared to sign-off upon receipt of full-payment of all monies owed. However, the owners have declared that they are without funds and can only afford to pay one month's salary, the remaining sum payable subject to either a successful P & I insurance claim, the policy of which expired on 20 February 2017, or to the sale of the vessel. It is noted however, that the vessel is now loaded with a new cargo and is getting ready to sail.
5. In addition to non-payment of wages, the crew have cited unsafe and unhygienic working conditions as further evidence of owner's breach of contract. Water, food and heating have been in limited supply, though re-supply has been undertaken. There is clear photographic evidence of sickness among the crew that requires medical attention. The crew were still carrying out all necessary works for the safety of the vessel and for life at sea, but beyond that, no work on board was being conducted until such time as the wages were paid.
6. Various third parties have been contacted in order to help mediate between the crew and owners/technical managers. However, although seeking a favourable outcome for crew members, the advice to accept the employer's offer remains at odds with the expectations of the crew due to their need of their wages to support their families back home in India.
7. Over the course of the last four months the relationship between the Master and the crew has reportedly broken down. The crew believe the Master to be siding with the owners/technical managers. Further, an allegation of assault

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INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

has been made by the Second Officer against the Master, recorded in a photograph and supported by a crew statement that has been signed and dated. Despite these alleged difficult relations, the Master has corresponded with owners/technical managers on behalf of the crew and he is also listed as not having received payment for the last four months himself.



Stakeholders

8. The crew have sought assistance from various parties in a bid to secure the payment of their owed wages. In addition to negotiating with the owners/technical managers via the Master, the crew have directly contacted the Indian Consulate in Shanghai, the International Transport Workers' Federation (ITF) in Hong Kong, the Hong Kong Flag State, the vessel classification society (Lloyds Register), the Chinese Maritime Safety Administration (MSA), the crew manning agency Arctic Offshore and Manning Company Pvt. Ltd., and the independent charity, Human Rights at Sea.
9. Indirectly, the crew's plight has been communicated to Japan P & I Club, the Director General of Shipping in India, and the Maritime Union of India. Further, the ITF have sought legal advice in relation to the matter.



HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

Monies Owed

10. A outstanding sum of **\$148,465.25** is owed to the crew, the breakdown of which is below:

No.	Name	Rank	Nov 16 (USD)	Dec 16 (USD)	Jan 17 (USD)	Feb 17 (USD)	Leave Wages (USD)	TOTAL (USD)
1	[REDACTED]	Master	8000.00	7550.00	8000.00	2516.00	8733.20	34,799.20
2	[REDACTED]	C/O	6850.00	6940.00	6920.00	2086.17	908.33	23,704.50
3	[REDACTED]	2/O	1990.00	2150.00	2290.00	694.17	726.67	7,850.84
4	[REDACTED]	3/O	390.00	405.00	395.00	123.77	1473.23	2,787.00
5	[REDACTED]	CDT	150.00	100.00	150.00	45.00	298.33	743.33
6	[REDACTED]	C/E	7625.00	7400.00	7615.00	2298.70	1278.93	26,217.63
7	[REDACTED]	2/E	3930.00	3915.00	4135.00	1245.49	1766.67	14,992.16
8	[REDACTED]	4/E	1290.00	1205.00	1300.00	393.77	701.23	4,890.00
9	[REDACTED]	AB 1	555.00	530.00	575.00	176.60	684.40	2,521.00
10	[REDACTED]	AB 2	885.00	830.00	870.00	268.60	428.73	3,282.33
11	[REDACTED]	AB 3	825.00	800.00	880.00	267.10	428.73	3,200.83
12	[REDACTED]	AB 4	570.00	435.00	550.00	177.60	704.07	2,436.67
13	[REDACTED]	Oiler 1	115.00	835.00	885.00	266.16	287.13	2,377.33
14	[REDACTED]	Oiler 2	580.00	485.00	570.00	176.60	704.07	2,515.67
15	[REDACTED]	D/FTR	115.00	855.00	850.00	270.20	287.13	2,377.33
16	[REDACTED]	E/FTR	515.00	520.00	515.00	160.07	1007.60	2,717.67
17	[REDACTED]	Cook	570.00	430.00	560.00	171.07	787.60	2,518.67
18	[REDACTED]	Tr/GS	160.00	115.00	160.00	85.93	671.70	1,192.63
19	[REDACTED]	E/O	1965.00	1770.00	1990.00	604.50	1000.00	7,329.50
	TOTAL		37080.00	37270.00	39210.00	12027.50	22877.75	148,465.25

11. Significant sums of money are therefore still owed to each crew member, many of whom have families and dependents to support.



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- Defending Maritime Human Rights -

Issues

12. The crew are still currently faced with several challenges compounded by a lack of will on the part of owners/technical managers to reach a full and fair settlement. **Chief among the issues faced is the fear that full payment will not be made once the crew sign-off.** Although an offer to pay one month's salary in return for the crew's agreement to sign-off has been made and accepted, the crew do not believe that they will be able to recover their lost earnings in due course. Further, the issue of deportation of the crew after their visas have run out has been raised, thereby adding pressure for them to take the limited offer. Owners suggest an intention to fulfil their contractual obligations to the crew either through the proceeds of sale of the vessel or through the insurers. However, both options are time consuming, fraught with uncertainty and leave the crew with little control over the process.
13. The experience of previous crew members is testament to the validity of the crew's concerns. Despite repeated attempts at finding a resolution, [REDACTED], [REDACTED], previously employed in the capacity of motorman on board the MV LIBERTY PRRUDENCIA, has not received payment for his contract since signing-off for medical reasons. Further, anecdotal evidence of others who have worked on the vessel suggest that the owner/technical managers have form for non-payment of wages.
14. **Court action.** Although legal advice has been sought on behalf of the crew in relation to this matter, pursuing such a course of action yet again presents difficulties. The cost of taking the owners/technical managers to court is not something the crew can afford. Furthermore, it is not certain that filing suit will result in the desired outcome that could leave the crew in an even worse financial situation, and **potentially may also see them blacklisted for speaking out.**
15. **Loans.** Many of the crew have Equated Monthly Instalment (EMI) loans that they have been forced to default on in some cases. The knock-on effect has caused these loans to fall into arrears and dependent family members will be the first to suffer the financial consequences unless payment of wages is received. Indebted family financial bondage is a potential likelihood.
16. **Dependants.** Family dependency is a key concern for crew members. Many, if not all, of the crew send their wages home, which in turn support their immediate and extended kin in their day to day lives. Education fees for children, medical care fees for elderly parents and grandparents, family



HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

marriages, these are just some of the issues facing crew members on board. Further, correspondence with family is proving difficult in certain cases due to the reported inability to purchase international phonecards.

17. **MLC Protections.** The International Labour Organisation (ILO) confirmed in the recent amendments to the Maritime Labour Convention (MLC) in 2014, **that as of January 2017, seafarers and their families would be assured of protection in cases of abandonment.** Through the operation of a financial security system, ship owners are now obligated under international law to compensate seafarers and their families should such a situation arise. As this amendment has only just come into force however, the necessary enforcement mechanisms are yet to be properly tested resulting in continued abuse of seafarers.
18. **Assault.** Allegations of assault by the Master against crew members have been made by the crew. These allegations are supported by written and signed testimony. In particular the Second Officer, [REDACTED] alleges that he was struck with a golf club by the Master. The circumstances leading up to this event are unknown, but one disclosed photograph shows the Second Officer bleeding with obvious marks. 12 crew witness statements confirming his account have been submitted in support of his case.
19. **Logistics.** Provisions on board have run low though evidence has shown re-supply by the owners and their agents. How long food and water will continue to be delivered to the crew is not known. Further, there is no hot water or heating on board with the crew resorting to using an industrial heating element to make hot water. With temperatures apparently dropping at night to 3 degrees Celsius there is a concern that this could cause significant health problems among the crew. Some crew are already presenting with medical conditions that need attention.
20. **Sign-off.** Many of the crew sought to sign-off in January 2017 due to the deteriorating conditions on board. They did so in some cases knowing that their visas would be expiring and that without the ability to renew their visas owners would not repatriate them. This caused significant anxiety among those affected who remain onboard.



HUMAN RIGHTS AT SEA

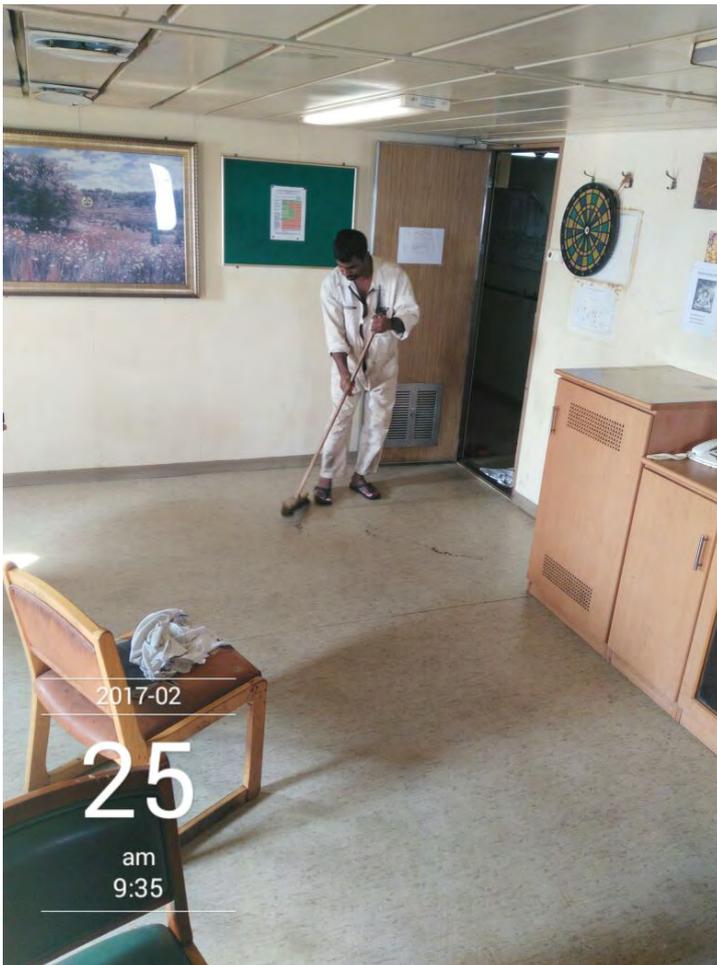
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- Defending Maritime Human Rights -

Crew Position and Impact Statements

21. **Crew position.** The crew position is straight-forward. They seek full payment of all owed monies before agreeing to sign-off. However, as a symbol of their reasonableness and willingness to negotiate, on 27 February 2017, the crew made an offer to the owners. They were prepared to sign-off on the basis that they each receive two months' full wages, plus leave wages remitted to their individual bank accounts. Further, they seek assurances that all remaining monies will be paid within three months of sign-off and that they are repatriated to their respective hometowns. Whether this is to be agreed by the owners is yet to be determined.

22. Although their negotiating position is clear, their circumstances are anything but. The crew impact statements below highlight some of their concerns:





HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

Crew Impact Statements

██████████ – Second Officer

“I already asked for my sign off well before on 03/01/2017 because owner not complying with contract and safety of seafarer and ship.”

“Every time short of provisions and store supply what ever (sic) we request they supply us what they want (cheap store only).”

“The reason behind all this caios (sic) is owner and technical managers , if they won't supply store and not paying the crew how they are expecting the smooth run of ship...”

“Sir, as I am having my marriage after sign off, so need this wages very much, me under lot of stress, because every time my family ask me for money because they are o (sic) planning for it, I don't have any answers.”

“Sir I have loan on me have to pay monthly emi, it's been very difficult to manage things now...”

“It (sic) affecting my health because situation on board is not so good, all.crew (sic) is demoralised and getting sick due to unacceptable condition created by owner.”

██████████ – Third Officer

“All crew are living in their freezing cabins. There is also no hot water supply on board, we are using a heating rod to warm the water so that crew can get hot water from there.”

“The crew is getting sick due to cold weather and skin problems.”

“Crew is still doing the work for the safety of ship and for survival. We don't understand what else the owner expect from us even he is not paying us. Even the Chinese yard watchkeeper for generator are feeling cold, and looking for warm spaces.”

“We all requests you to please consider our serious situation. All we need is our hard earned wages to be cleared and signoff as soon as possible.”

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INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

Because working in these conditions, without wages is not acceptable and not safe.! (sic)



██████████ – Able Seaman

“My family is too much tensed, we don't have any other source of income, I am the head of family, here I am working under too much pressure and problem only to just see my family happy.”

“I work without money In any case or various emergency for this company , still they are telling to leave the vessel without wages...”

“I have debts on me as no wages from past 4 months how can I go home without wages because lenders asking for money to my family.”

“Every time I have seen short of provision and supply of stores since I joined vessel and a delay of wages for month. (L)ast wages received on date Nov 25 , 2016 for the month October.”

██████████ – Electrical Officer

“After all of our efforts, still conclusion not came in favour (sic), still owner saying sign-off the vessel without wages, we cannot trust him because he



HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

have very bad reputation, many of our seamen brothers which signed off from the vessel after July 2016 still pleading for wages, all they get is no response from management company shushe marine(sic)."

"Please look into the matter and do the needful, here in such intense cold weather we are, serving hard only with a hope to get our hard earned wages. So we can look after our family, we all didn't received wages for the month of Nov 2016 upto (sic) now."

██████████ – Able Seaman

"Sir since November till now I have not received my wages..physical condition is very brutal I already went to hospital and still it's not OK. (T)his Ship have no medicine for any disease and living Things (sic) (water,food,)..i am in critical situation in piles..."

"My family member they are eager to waiting for my wages.."

"...my family members depend upon me only..my father age 55 he is a Fisherman he can't able to work daily.. In my sister waiting for marriage this year may month her marriage...my family member eating food getting loan from others past 2mnths..(sic) They are call and crying telling they are situation...please help for our wages and sign-off..."

██████████ – Engine Fitter

"The owner of the company did not comply with the contract agreement and not providing us the proper standards of living on board. We are asking for our hard earned wages but they are not considering our wages payment and not following MLC conventions."

██████████ – Deck Fitter

"...in my family five people depending on me and have debts in banks (emi) here the weather was very cold but we are not getting hot water since three months we are suffered with insufficient provisions, hot water, calling cards and medicines."

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INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

“My old aged parents suffering with medical problems and my eight years old son he is a special child suffering with autism problem now the situation at my home in very bad condition, I want to sign off from here with all my pending wages so kindly help me.”

██████████ – Oiler 2 / Motorman

“I have completed contact (sic) of 6 month and haven't paid my wages from the owner (sic). (A)fter complaning (sic) thought ships complanit (sic) procedures to the owner (sic) and company, since they haven't agreed to pay my wages. I am facing lot of financial problems in my home due to my home loan dues. (T)he owner (sic) of the company did not complet (sic) with the contact agreement and not providing us the proper standards of living on board.”

██████████████████ – Fourth Engineer

“The owner of the company did not comply with the contract agreement and not providing us the proper standards of living on board. We are asking for our hard earned wages but they are not considering our wages payment and not following MLC conventions.”

“Due to my financial problems at home I request you to kindly solve my wages issues as soon as possible. We have contacted ITF, China Psc, Indian consulate at China but still didn't receive any positive news from the owner.”

██████████████████ – Second Engineer

“I haven't paid my wages from the owner/company since November 2016. After complaining through the ship complaint procedures to the owner/company. Since they have not agreed to paid our due wages. Due to unpaid of wages I am facing lot of problems to my pay home loan EMI's. Here, we are asking for hard earned unpaid wages.”



HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

██████████ – Chief Cook

“I have completed 6 months onboard. I didn't receive my 4 month wages from the owner. After complaining through proper onboard complaint procedures, they have not agreed to pay my wages.”

“I have financial problems in my family, I have to pay the medical expenses of my family member who (sic) is hospitalized. Even after explaining the situation to the company and my family members informed the company persons about the medical emergency and need of my wages. The owner and the company not paid my wages. I am mentally stressed about my family situations.”

██████████ – Oiler 1 / Motorman

“I have completed (sic) my contract of 3 months here and still not paid wages from the owner. I am facing financial loans problems in my home and after two months my sister marriage is planned. Since I am the only earning person in my family and have no other income sources. My family members are facing hard times for food and other expenses.”

██████████ – Able Seaman

“(S)ince we are in China we continue facing troubles regarding food, living, safety and all human basic needs. (W)e already approached (sic) the other authorities but all in vein (sic).”

“...my family depends on me and I cannot give up like this we are seafarers if this owner can do like this then other can also do same.”

██████████ – Able Seaman

“I am only the earning person to my family and they all are depending on me, and I facing lot of problems like every time shortage of provisions and other requirement stores. (T)ere no safety standards and owner was not complain the contract here all time I facing shortage of food and no drinking water supply.”



HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

“(O)n 22.11.2016 my mother was hospitalized due to back bone injury and I asked my sign-off mean time my agents in India asked all the doctor's report to enquiry in hospital for my sign-off and I sent all the doctor's report to Manning agents but they did' t reply and I asked captain every day he said owner was pending my sign-off untill (sic) now. My family facing a lot if (sic) problems in my home untill (sic) (4 months) I did' t get wages my family was completely depending on me.”

Owner / Technical Managers Response

23. **Non-abandonment.** The owner and technical managers deny that they have abandoned the vessel and blame members of the crew for over-dramatising the current situation. They have stated in disclosed email exchanges that they have complied with all their responsibilities throughout and have remained in regular correspondence with all relevant parties. The reason it took so long to salvage the vessel after technical difficulties was down to a combination of poor sea conditions and restrictions imposed by Chinese MSA officials, they say. They further deny any attack by the Master, but instead assert that it was the crew who attacked him, despite significant evidence to the contrary.
24. **Crew concerns.** The owners state that the crew have been their priority concern and they deny that provisions are in short supply. Water and food stores have allegedly been delivered in sufficient quantity and it is the crew who are not rationing their stores responsibly that is a problem in this case.
25. **Owners.** The owners state that they would not have towed the vessel into port had they wished to abandon the vessel. They seemingly say this without regard for the safety and welfare of the crew. Further, they allege that exit visas were arranged for up to eight crew members whose contracts were due to expire, but that the crew refused to sign-off.
26. **Off-hire.** With the vessel in need of repair, the owners state that it is currently off-hire. They state that all income has subsequently stopped citing the downturn in the international shipping industry as the reason for this. Owners and technical managers believe that they have discharged their duties in relation to the crew and allege that the crew have been on strike since late January 2017.



HUMAN RIGHTS AT SEA

INVESTIGATIVE REPORT & CASE STUDY

- Defending Maritime Human Rights -

Responses on Behalf of Crew

27. To date, a number of known actors have responded on behalf of crew. There may be others not highlighted who are involved.
28. The crewing agent, Arctic Offshore & Manning Company Pvt Ltd, have carried out their own investigation into the matter. In particular, they were concerned with the allegation of assault by the Master towards the Second Officer as well as general crew welfare and lack of payment of wages. They have repeatedly engaged with the owners requesting fair resolution. Further, the ITF in Hong Kong and the Indian Consulate in Shanghai have both attempted to negotiate with owners/technical managers.

Human Rights at Sea Response

29. As an independent maritime human rights defender, Human Rights at Sea provides this independent investigative report and case study as a publicly available document in order to objectively highlight the deprivations faced and endured by the crew which may otherwise have been ignored or gone unreported. Please see the full text of our Disclaimer.

END.



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