Nick has woken up with rats crawling on him, there are snakes within the compound. He shares a cell of five men. They are forced to sleep on concrete slabs ...

Lisa Dunn, sister of Nick Dunn
MV Seaman Guard Ohio Crew Member
FAMILY IMPACT STATEMENT | Lisa Dunn
MV Seaman Guard Ohio | Indian Authorities Unlawful Detention of Crew

My name is Lisa Dunn and my brother Nick Dunn is a veteran of the Parachute Regiment of the British Forces. He served tours in Northern Ireland, Afghanistan and Iraq. Nick left the armed forces after nearly 8 years in order to pursue a career in the private security industry. He gained many qualifications in security, close protection and maritime security which was a natural progression from the military. Nick then worked several contracts at sea as an anti-piracy operative. He provided armed protection for the crew of merchant ships and their cargo against pirate attacks as they sailed between the high risk areas of Africa and the Indian Ocean. He was then offered a contract with an American owned company, Advanfort. In September 2013 Nick, who was then aged 27 years old left the country for an initial period of three months. I took him to the airport, waving him off as he went up the escalator to departures. I was anxious as I always was whenever he went on a contract, knowing the risks he could potentially face but never expecting the heartbreaking twist of events that would follow.

On the 12th October 2013 my brother was on a vessel called the M/V Seaman Guard Ohio. This was an accommodation and floating armoury vessel used to transport the anti-piracy operatives and weapons to the vessels that they would then conduct their operations on. This vessel has been checked in many ports with no issues, including the port of Tuticorin off the Southern coast of India in August 2013. The 35 men on board the vessel consisted of 6 British, 3 Ukrainian’s, 15 Estonian’s and 11 Indians. They were en route to Sri Lanka in order for the 24 privately contracted maritime security operatives including my brother, to await their next transit. At the time the men were resting between their transits and so effectively they were all passengers on board. Nick telephoned on the 1st October and stated that all was going well and he would call in a few days once he reached Sri Lanka. We never received a phone call at the time that he should have arrived at his destination. We read in the newspaper that there had been a cyclone in the area however we were not unduly worried by this and thought that perhaps he had not been in a position to call and he would call as soon as he could. Nick would always telephone when he could; we are an incredibly close family.

When Nick eventually telephoned me on 17th October 2013, he told me that the vessel had gone off course due to the cyclone and they had been running very low on fuel and provisions. At that time, the vessel was at anchor in International waters, just off the coast of Southern India and the port of Tuticorin. The coastguard had approached the vessel and asked them to sail into the port. The weapons that were locked away on board the vessel were declared immediately and once they arrived in port, they were boarded by several Indian authorities for standard document checks. Nothing could have ever prepared any of us for what was about to unfold. Nick reassured me that they were just routine checks, normal procedure but he did say that they seemed to be going over the paperwork numerous times, more than necessary. He also mentioned that the men found it slightly concerning that when they arrived in port, there were many reporters and television cameras on the dock filming them. I telephoned Advanfort and spoke to representatives in both America and India who all assured me that there were no issues and this was routine and that they would be back on their way to Sri Lanka the next day. Nick telephoned again confirming the same. However, the following day, Nick telephoned in the very early hours to say that he and his colleagues were being arrested, it was far from over and in fact the situation took a horrendous turn for the worse. We later learned that all 35 men on board were ordered to sign blank pieces of paper, documents that the authorities refused to translate. Their passports were seized and they were told they were being taken to hospital however, as they stood at the side of the road my brother and his 34 colleagues were all taken straight to prison.
Indian media later portrayed my brother and the crew to be spies and terrorists linked with Al Qaeda and the Tamil Tigers. Have you any idea how deeply offensive it is to have your loved one linked as a terrorist? My brother fought for our country against terrorists and now protected shipping and crews from terrorists of the high seas. He was not a terrorist himself.

All men apart from the Indian crew were later transferred to a prison deemed more suitable for westerners. This was a bus ride which took 12 hours to a notoriously harsh prison called Puzhal Central Jail in Chennai which houses murderers, rapists and terrorists. The 6 British men collectively became known as The Chennai 6. No charges were applied to any of them until three months later when they were told they had been arrested for entering Indian waters with illegal firearms and illegal procurement of fuel. While at anchor, the company owners had organised a container of fuel to be delivered to the vessel due to them being dangerously low. All men remained imprisoned until bail was finally granted in April 2014, some 6 months after their arrest. Once on bail, the men had to attend the police station twice a day to report and then finally the long awaited news arrived in July 2014 that the Madras High Court dropped all the charges. Nick and the men could finally return home. The relief to us all was immense especially as Nick said that he would rather face enemy fire than go back in that prison for another second. As the men were all proved innocent of any wrongdoing and had no charges against them, legally India had no further rights to keep them detained however refused to give their passports back. Nick tried to get an emergency travel document however because he did not have an entry visa into India, this was denied. Q Branch police, the investigating body had 90 days in which to appeal the decision. It is at this stage that the British Government should have ordered the return of their passports. Instead it took over three weeks for them to write a letter to the Indian authorities requesting them. The British Government stated that the men needed to remain in India to wait and see if the police were going to appeal the charges which was against the advice of the lawyers who advised us that the men can leave India and return home. Q Branch police waited until the last day they could and lodged an appeal meaning the men needed to remain in India to face a trial. The trial took over a year and a half to be heard and this took place at a lower court to the court who dropped all charges. In January 2016, the lower court found all men on board guilty of entering Indian waters with unlicensed weapons and sentenced them to 5 years rigorous imprisonment. The men were once again taken to Puzhal Central Jail. The exact same charges and exact same sentence applied to every single man regardless of job specification, from captain to deckhand, even the cook. The men submitted an appeal against this wrongful conviction and this was heard in the High Court in November 2016. Indian law states that a verdict from an appeal is to be issued within 3 months of the hearing however, after 9 months of waiting, the men and their families are still waiting for this verdict. A petition has been submitted in order to request this verdict be passed as soon as possible but unfortunately that has been disregarded by the court.

There is extenuating evidence proving these men were doing a worthwhile, necessary role with dangers involved and were conducting their roles legally, proving their innocence. The British Government actually issued the licences for the weapons that India claim are not licensed. There is no evidence that proves that my brother was guilty of any wrongdoing. The only thing him and his colleagues have been guilty of, is trying to earn a living for themselves protecting others. These innocent men have been in India for four years now. They have served two years of a five year prison sentence. I would like to know why our Government appear to feel this is acceptable treatment of our veterans.

My brother has now spent four years being detained and now over 2 years behind bars for a crime that he has not committed, a gross miscarriage of justice that we can’t seem to put an end to which is at the detriment of all of their health, wellbeing and safety. For the duration of this intolerable situation, we have all had to try to get through the most immense pain and anguish knowing these innocent men are at the centre of this devastating injustice. To sustain this for one day was exruciating enough but the suffering we feel four years on is truly indescribable. Never would any of us have ever imagined back in 2013 that we would still be living through this very real nightmare today. Nick and his colleagues are currently locked away in a prison cell having to exist in the most horrifically inhumane and barbaric conditions.

Nick has woken up with rats crawling on him, there are snakes within the compound. He shares a cell of five men. They are forced to sleep on concrete slabs, they do not get washing facilities, making do with a bucket of cold water. Sometimes they do not receive that if the prison guards turn the water pump off. They have a hole in the ground in their shared cell that they must use as a toilet so there is no dignity. The men have to cope with the arduous, intense heat that often reaches almost 50 degrees with no fan. They must buy drinking water although do not get paid for any work they do. They cook their own meals which has been helped enormously by food parcels posted from family, friends and very kind, generous supporters. Nick has gone into the kitchen to cook and there has been human faeces and urine in there. The conditions that our men have to live in are insufferable. The men are not allowed any phone calls to family back home so any communication we have is purely written.
Advanfort as a company abandoned the men fairly quickly after this situation began. They have never paid the men a penny since their arrest and have never paid any legal fees. They have never paid any hostel fees while the men had to remain in India awaiting trial. Samir and Ahmed Farajallah, the Palestinian father and son who own Advanfort have contacted me several times throughout telling me that I need to raise £1,000,000 in order to rectify this situation. They have betrayed and abandoned their employees in the most despicable way without making any attempts to intervene and help.

Since the day the vessel was brought into port on 12th October 2013, our lives have been nothing short of a horrific roller coaster of so many emotions, some I didn’t even know existed. An ordeal that no words can describe anywhere remotely close to how its actually been for us. A living hell sounds almost pleasant. For us as a family, the pain of this situation has unfortunately been magnified beyond measure. Whilst Nick was detained in prison during the first arrest, on 21st December 2013, our mother suffered an enormous bleed on her brain from two aneurysms that she was not aware she had. She had to undergo an emergency craniotomy and the consultant after describing the bleed as catastrophic, stated there was no doubt in his mind that the stress she was suffering as a result of her youngest son’s detainment was a contributory factor. Our mother was extremely lucky to survive as we had been told to prepare for the worst. She spent over 4 months in hospital and is now brain damaged with life changing disabilities including loss of her speech. Nick has not physically seen our mother or his elder brother since September 2013. He will not fully grasp the enormity of her condition until he can finally see her again.

Nick blames himself for this and has said numerous times that when he finally comes home, he will never ever be able to put this horror to the back of his mind because every time he see’s his mother, it will be a constant reminder that her ill health occurred during this ordeal. The thought that my younger brother blames himself for our mothers illness devastates me. That is just touching slightly on how this has personally affected our family. This does not take into consideration the hurt and pain of another family, nor the hurt and pain of the other 5 British families. You cannot then begin to imagine the torment suffered by 35 families having to try to cope through their own painful grief. There are families including our own, who have lost loved ones, families have lost their homes, marriages and family units have now been torn apart, children have been born and children are growing up without their fathers, precious moments missed that can never ever be replaced. This is all because of a catalogue of events leading to one of the most horrendous travesties of justice the maritime world has known.

The British Government have lobbied Indian counterparts and we are truly grateful for that. The extent of lobbying on this case has gone as high as Prime Minister level and on more than one occasion. The British Government continue to tell us it’s one of their most important cases and at the top of their agendas. The fact that they have raised this case with the Indian authorities over 50 times brings me very little comfort because this situation is still ongoing. The men are still in prison with a conviction that is wrong. The men are still waiting for a verdict from their appeal which they should have had in February meaning India are violating their own laws. The men are still suffering. We are still suffering. At this stage, I can’t see that any lobbying that has been done has made any difference. It’s absolutely shameful that our government knowing full well of the men’s innocence, having the proof in print in front of them, having actually issued that proof, still don’t have the backbone to stand up to the Indian authorities and demand the release of innocent men. They still don’t have the backbone to stand up and really fight for them and fight this despicable injustice against their own!

Our aim is simple and that is to raise as much awareness of this case as we can and increase the pressure that is necessary on our Government pleading with them to ensure action really must be the priority now between the United Kingdom and India. The only way we can build momentum and sustain it, is by support from maritime and military communities coming together. It’s by support from the general public asking our Government to call for the release of these brave, innocent men. We must get action from this increased pressure and we won’t stop until we do. 35 men’s human rights have been breached beyond imagination. This is what I am fighting for. This is what I will continue to fight for until my brother Nick and the other men are all safely back home with their families. I will not give up this fight for justice. I will not give up this fight for their freedom.