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JOINT IMO/ILO AD HOC EXPERT
WORKING GROUP ON LIABILITY AND
COMPENSATION REGARDING CLAIMS
FOR DEATH, PERSONAL INJURY AND
ABANDONMENT OF SEAFARERS
4th session
Agenda items 3, 4, 5 and 6

IMO/ILO/WGLCCS 4/2
13 September 2002
ENGLISH ONLY

**FINANCIAL SECURITY FOR CREW MEMBERS AND THEIR DEPENDANTS WITH
REGARD TO THE PAYMENT OF COMPENSATION IN CASES OF DEATH AND
PERSONAL INJURY AND ABANDONMENT**

Submission of the International Confederation of Free Trade Unions (ICFTU/ITF)

1 Introduction

The third session of the Joint Working Group recommended a draft Resolution and Guidelines on provision of financial security in cases of abandonment of seafarers (contained in annex 2 of IMO/ILO/WGLCCS 3/9) and a draft Resolution and Guidelines on shipowners' responsibilities in respect of contractual claims for personal injury or death of seafarers (contained in annex 3 of document IMO/ILO/WGLCCS 3/9). Following adoption by the IMO Council and the IMO Assembly in November 2001 and the ILO Governing Body in November 2001, the Resolutions and Guidelines became effective on 1 January 2002 and the Secretariats of the IMO and the ILO took steps to bring them to the attention of their respective Member Governments. The Resolutions and Guidelines are considered as the first of a two-step approach to finding solutions for the problems of abandonment and compensation for personal injury and death of seafarers. The Working Group therefore is to consider options for longer-term solutions to the problems.

2 Monitoring of the implementation of the Resolution and Guidelines on provision of financial security in case of abandonment of seafarers

2.1 The report of the first session of the joint IMO/ILO *Ad Hoc* Expert Working Group described the problem of abandoned crewmembers as 'a serious one which required urgent remedial action' (IMO/ILO/WGLCCS 1/11 para 6.23). The ITF produced for that meeting a listing from its database of 212 cases of crew abandonment in the period 1 July 1995 to 30 June 1999 involving 3759 seafarers.

2.2 Annex 1 contains a list of instances of crew abandonment recorded by the ITF in the period 1 July 1999 to 31 December 2001. Following this Annex 2 lists crew abandonment recorded by the ITF in the six month period from 1 January 2002 to 30 June 2002. In this period alone there were a total of 89 cases of abandonment involving 1780 crewmembers. Further details of some of these cases are contained in Annex 3. The fact that in the first 6 months of 2002 a minimum of 89 vessels have been abandoned is of great and continuing concern.

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2.3 With regard to the recorded cases of abandonment, in none of these cases did either the shipowners or the flag States significantly assist, financially or otherwise, in mitigating or resolving the abandonment, even when notified of the situation. On occasions the shipowners disappeared for months, only to reappear again as the original company or as a new enterprise, buying the ship back free from encumbrances. In every circumstance support was provided on a purely voluntary basis by the local community, welfare organisations, trade unions and on occasion, consular authorities of the crewmembers' own country when such authorities existed in the country of abandonment.

2.4 In the cases recorded, it is clear that there was no suitable financial security system in place to deal with the event of abandonment. It is further clear that in some instances welfare organisations and trade unions are limited in what they can achieve and the States of whom the crew are nationals are usually remote from the scene of abandonment and on occasion claim to be unable to assist under their own laws. For practical purposes then this of necessity must mean that the burden will fall on the port State in the first instance. In order to reallocate this burden, a compulsory financial security system needs to be in place.

3 Monitoring of the implementation of the Resolution and Guidelines on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers

3.1 The Resolution and Guidelines on personal injury and death of seafarers deal with the contractual liabilities of shipowners only and advocate payment of contractual compensation in full, without delay and without prejudice to other legal rights. Since implementation of the Guidelines however, the ITF has continued to encounter resistance to the application of the principles contained in the Resolution and Guidelines. Annex 4 contains examples of cases currently under consideration by the ITF where seafarers and/or their next of kin have been offered, often under pressure, contractual compensation or less than contractual compensation on a full and final settlement basis only. The cases demonstrate that, in relation to death and personal injury, there will always be circumstances where, because either the vessel concerned lacked effective P & I Club cover, or the P & I Club itself, for whatever reason, was dilatory in processing a claim, unacceptable hardship will be caused to the injured seafarer or distressed dependants.

3.2 In the formal discussions on this subject, the concerns of those representing seafarers have sought to be marginalized by shipowners and P & I clubs on the basis that injustice is only shown to occur in a small minority of cases. Shipowners and P & I clubs of course hold the full statistics on settlements of claims. On any analysis however it is inequitable that the forces of shipowners and/or P & I clubs can be set against distressed and impecunious seafarers and their families and that various methods can be used to avoid payment of valid claims, such as reliance on exclusion clauses in the insurance contract or on the 'pay to be paid' principle. Seafarers need a compulsory system in place to ensure that where a valid claim is shown, they are at least ensured prompt and satisfactory payment of their contractual entitlements.

4 The Need for a Mandatory Instrument

A. Abandonment

4.1 The subject of abandonment of crew is a scandal of the shipping industry which responsible authorities and shipowners cannot ignore. The treatment of seafarers in circumstances of abandonment violates fundamental principles of basic human rights. It cannot be acceptable that in a truly global industry such as shipping, responsible governments and

shipowners are tarnished by the practices of substandard owners who abandon crew, and by flag States who provide no recourse for the crew. Seafarers need a safety net which should be part of the regulation of the industry itself: it should not be the case that charities, missions and trade unions are the only recourse for an abandoned crew.

4.2 The ITF considers that the Resolution and Guidelines, with appropriate amendments should be adopted by way of mandatory Code. The Resolution and Guidelines are aimed at solving serious problems that require urgent remedial action and clearly represent exceptional circumstances.

B. Personal Injury and Death to Seafarers

4.3 As with the issue of abandonment, the ITF submits that the only way in which the international standard sought to be set in the Resolution and Guidelines can have any force is if it is enshrined in a mandatory instrument. Without the establishment of a certification system which can be monitored by port authorities or classification societies, irresponsible shipowners, in particular those registered in lax flag States, can ignore their responsibilities to their crews with impunity. Without a mandatory instrument, seafarers or their dependants are at risk of not recovering any compensation in valid and proved cases. In total loss cases, seafarers or their dependants will be forced to continue to take their chance in tracing and freezing hull proceeds. With a mandatory system in place, crew members will be able to understand from the certification process whether or not during the course of any voyage they are covered by appropriate insurance and will be able to readily identify through the expiry of a certificate when their insurance cover has lapsed. They will be able to ascertain which company is responsible for insuring liabilities towards them during any voyage and thereby enable them, if the circumstances demand, to contact the insurers direct.

5 Establishment of Database

5.1 In order to monitor the problem of abandonment in a comprehensive and informative manner, the ITF considers that a joint database should be maintained by the IMO and the ILO containing salient information on instances of abandonment and compliance or otherwise of involved parties with relevant international instruments. The ITF proposes that the accessible database be located at the IMO. In consequence IMO will agree to make the database available on an ongoing basis to the interested parties.

5.2 The contents of the database might contain the following:

1. Name of vessel and IMO number
2. Flag of vessel
3. Number and nationality of crew
4. Date, port and country of abandonment event
5. Detail of events constituting abandonment
6. Confirmation that the flag State has been notified.

ANNEX 1

ABANDONED SEAFARERS – 1 JULY 1999 TO 31 DECEMBER 2001

The following is a list, in order of flag, of the 118 cases of crew abandonment on the ITF database for the period 1 July 1999 to 31 December 2001. The total number of seafarers involved is 5,229.

Vessel name	Flag	IMO No	Class	No.	Abandoned Seafarers Nationality	Port	Circumstances ¹
Zaccar	ALG	7723950	GL	11	Indian	Algiers	
Med Record	ATG	7812892	GL	9	Russian, Estonian, Lithuanian, Ukrainian	Mobile	2,4
Delos	BAH	8123896	RINA	22	Filipino, Ukrainian	Port Said	1
Doxa	BAH	7919901	RINA	10	Filipino, Ukrainian	Bedi	
Enchanted Capri	BAH	7359474	DNV	190	Multinational	New Orleans	1,4,5
Sea	BAH	5136361	IR	40	Mixed	Freeport	
Bagermeyster Grushin*	BZE	8831601	RS	71	Ukrainian	Taipei	
Ice Tulip	BZE	7213125	BV	14	Russian, Latvian	Las Palmas	4
Irina Zharkikh	BZE	8606692	RS	18	Russian	Lyttelton	4,5
Julia	BZE	6717306	RS	12	Latvian, Russian, Ukrainian	Terneuzen	
Ksenia Zharkikh	BZE	8606927	LR	18	Russian	Lyttelton	4,5
Master Cody	BZE	6419497	ABS	5	Russian, Romanian, Indonesian, Sri Lankan	Singapore	4,5
Matarani	BZE	7042655	n/a	11	Ukrainian, Dutch	Belem	4
Pascua	BZE	7373808	n/a	15	Chinese	Las Palmas	4
Allah Rasan	BOL	6901696	n/a	11	Indian, Somali, Pakistani	Salalah	4
Achilles 1	CYP	7301374	HR	2	Yugoslavian	Bejaia	4
Alliance	CYP	7727126	LR	6	Ukrainian, Cabo Verde	St Nazaire	4,5
Minthi	CYP	8120806	GL	19	Ukrainian	Port of Spain	
Kawkab	EGY	7602390	DNV	5	Egyptian	Venice	1,2,4
Salvia 1	ESP	n/a	n/a	15	Chinese	Las Palmas	4
Adelfa	ESP	n/a	n/a	15	Chinese	Las Palmas	4
Petenero	ESP	n/a	n/a	15	Chinese	Las Palmas	4
Meriskil	EST	8319859	RS	34	Estonian	Las Palmas	4
Unity	GEO	7816082	n/a	14	Indian	Mukalla / Aden	4
Kherson	GEO	7733498	RS	26	Georgian	Avonmouth	1
R Three	GIB	9187887	BV	370	50 nationalities	Papeete / Tahiti	4,5
Amos	GRC	n/a	n/a	7	Greek	Constanza	1
Lion of Olympia	GRC	8219853	ABS	6	Greek, Ukrainian	Sagunto	1
Tina	HKG	7360162	RINA	15	Italian	Sohar, Oman	1,4,5

Vessel name	Flag	IMO No	Class	No.	Abandoned Seafarers Nationality	Port	Circumstances ¹
Alma I	HON	6813100	n/a	10	Ukrainian, Georgian, Russian	Ancona	
Elen	HON	5086803	n/a	11	Greek, Ukrainian, Indian	Volos	
Good Start	HON	6824422	n/a	7	Greek, Pakistani	Antwerp	4
L Campo	HON	6913302	n/a	3	Ukrainian	Azemmour	
Laila H	HON	6422298	HR	8	Egyptian, Syrian, Lebanese	Valetta	1
Passat	HON	7627613	BV	12	Croatian, Russian, Ghanaian, Indonesian, Estonian, Dutch	Skikda / Savona	1,4,5
Samuda	HON	6900331	BKI	15	Unknown	Mumbai	1
Sea Eagle I	HON	6724402	n/a	3	Romanian	Ashdod	4,5
Seerose 1	HON	5317367	n/a	7	Chilean, Spanish, German, Haitian	Poole	2
Alexander	KHM	7435890	RS	15	Ukrainian	Tuticorin	2,4,5
Victory 3	KHM	7650098	n/a	7	Korean, Burmese	Tobata	2,4
Wald Al-Agouz	KHM	7000451	n/a	30	Indian, Pakistani, Sudanese	Cochin	
White Clipper	KHM	7303487	RS	17	Ukrainian	Tuticorin	2,4,5
Victor	LAV	6814843	RS	12	Latvian, Russian	Brest	
Lady Maha	LBN	7042162	n/a	14	Syrian, Egyptian, Lebanese	Skikda, Algeria	1,4,5
Elfwaihat	LBY	7400558	LR	15	Indian	Dubai anchorage	4
R One	LBR	9156462	BV	370	about 50 nationalities	Gibraltar	4,5
R Two	LBR	9156474	BV	365	about 50 nationalities	Gibraltar	4,5
R Four	LBR	9187899	BV	370	about 50 nationalities	Papeete / Tahiti	4,5
R Five	LBR	9200938	BV	376	about 50 nationalities	Gibraltar	4,5
R Six	LBR	9200940	BV	370	about 50 nationalities	Gibraltar	4,5
R Seven	LBR	9210218	BV	377	about 50 nationalities	Dover	4,5
R Eight	LBR	9210220	BV	370	about 50 nationalities	Gibraltar	4,5
Renaissance Seven	LBR	8802882	RINA	70	about 18 nationalities	Gibraltar	4,5
Renaissance Eight	LBR	8802894	RINA	73	about 18 nationalities	Gibraltar	4,5
A.Hazer	MTA	7727891	DNV	11	Turkish	Amsterdam	2,4
Alexia I	MTA	7624312	RINA	12	Yugoslav, Ukrainian, Lithuanian, Polish	Steubal	1,4
Black Sea Star	MTA	7125029	RS	11	Georgian	Immingham	1,4
Global Reefer	MTA	7507033	BV	11	Russian, Ukrainian	Las Palmas	4
Luigi S	MTA	7357505	RINA	33	Indian	Bijela	1,4
Mayprince	MTA	7504689	ABS	22	Filipino	Antalya	4
Mayqueen	MTA	7428524	ABS	20	Ukrainian, Filipino	Libertad	4
Naval Lady	MTA	8102115	LR	18	Ukrainian, Burmese	Luanda	1
Normar Prestige	MTA	7713943	n/a	17	Indian	Chittagong	1,4

Vessel name	Flag	IMO No	Class	No.	Abandoned Seafarers Nationality	Port	Circumstances ¹
Princess	MTA	7632668	NKK	26	Ukrainian	Rijeka	4
Sun Marsat	MTA	7740817	RS	23	Georgian	Zhan Jiang	1
Tidra BC	MTA	8858025	BV	10	Ukrainian	Antwerp	1
Verona	MTA	7222982	GL	8	Polish, Filipino	Hamburg	2
Zagara	MTA	7328944	RINA	28	Indian	Bijela	1,4
Marianna	n/a	6407705	n/a	11	Greek, Pakistani, Bangladeshi	Valetta	1
Aiud I	PAN	8601795	RNR	23	Romanian, Ethiopian	Porto Marghera	
Anax Puma	PAN	8021282	n/a	14	Filipino	Seville	1
Aris	PAN	7509718	HR	22	Filipino	Dakar	2,4
Asian Coral	PAN	7714131	KR	9	Korean, Burmese	Labuan	4
Askja	PAN	6720810	DNV	13	Romanian, Senegalese, Croatian	Viareggio	1,4
Blue Sea II	PAN	6914332	HR	14	Bangladeshi, Filipino	Suez	
Caribbean Serenade	PAN	5153400	n/a	24	Romanian	Gibraltar	4
Elijeanne	PAN	7501821	HR	19	Romanian, Indian, Ukrainian, Sri Lankan	Port au Prince	
Eternal Love	PAN	7029495	n/a	13	Ukrainian	Georgetown, Guyana	4,5
Florenz	PAN	7614965	LR	22	Greek, Ghanaian, Georgian, Croatian, Cameroon, Congolese	Sete	4,5
Katah	PAN	9105360	NKK	1	Burmese	Port Stanley	
Matina V	PAN	7384479	RINA	23	Filipino, Ukrainian, Moldavian, Greek	Piraeus	
Maria K II	PAN	7521182	DNV	12	Greek, Egyptian, Russian	Perama, Greece	1,4,5
Masha	PAN	8314079	RNR	17	Romanian	Escobar	4
Myrtle	PAN	7324883	PRS	2	Russian	Latakia	
Neamonitisa	PAN	7525798	BV	18	Greek, Indonesian, Ukrainian, Romanian, Egyptian	Visakapatnam	1,4
Normar Pride	PAN	8122373	BV	19	Indian	Curacao	1
Ocean Leader	PAN	8017683	NKK	18	Sri Lankan, Indian	Bizerte	1
Pearl	PAN	7806910	RNR	14	Russian	Coatzacoalcos	4
Queen of Vevey	PAN	7022203	RINA	26	Russian, Ukrainian, Romanian	Port Stanley	1,2,4
Reine	PAN	7370143	GL	12	Mexican, Panamanian, Ukrainian, Burmese, Indian	Bahamas	1,4

Vessel name	Flag	IMO No	Class	No.	Abandoned Seafarers Nationality	Port	Circumstances ¹
Romana I	PAN	6925707	BV	16	Lithuanian, Russian	Port au Prince	
Sapphire	PAN	8030960	RNR	10	Romanian	Kalamata	
Sealink Express	PAN	6805608	n/a	1	Ukrainian	Santo Domingo	1
Seawind Crown	PAN	5160805	ABS	260	mixed	Barcelona	1,4
St George A	PAN	7366104	LR	27	Greek, Russian, Filipino	Klaipeda	3
St Nicholas A	PAN	7366128	LR	27	Greek, Russian, Filipino	Panama	
Star Hope	PAN	8421389	NKK	17	Korean, Burmese	Qindao	4
Tiffany S	PAN	7209253	HR	1	Georgian	Abidjan	4
Ardeal	ROM	8612043	n/a	15	Romanian	Mongla	1,4
Avrig	ROM	8902979	RNR	8	Romanian	Douala	1,4
International 3	ROM	9000651	RNR	12	Romanian	Ghent	4,5
Napoca	ROM	8503905	RNR	17	Romanian	Colombo	
Opal	ROM	8831261	RNR	11	Romanian	Kuwait	1,4
Soveja	ROM	7646970	RNR	20	Romanian	Orinoco River	4
Star	ROM	7618349	RNR	19	Romanian	Susa	4
Star	ROM	7618349	RNR	8	Romanians	Barahona, Dominican Republic	4,5
Kamchatskiy Bereg	RUS	8031043	RS	25	Russian	Beihai	
Kapitan Popova	RUS	8876522	RS	8	Russian, Ukrainian, Georgian	Arles	2
Kutuzovo	RUS	8008620	RS	9	Russian	Kuwait	1,4
Nikifor Pavlov	RUS	7514921	RS	64	Russian, Ukrainian	Nouadhibou	4
Penzhinskiy Zaliv	RUS	8521828	RS	27	Russian	Conakry	1,4
Rostov	RUS	8314598	RS	7	Russian	Pireaus	4
Tarasovsk	RUS	7811965	RS	16	Russian	Jebel Ali	1,4
Trunovsk	RUS	7811941	RS	9	Russian	Kuwait	1,4
Turkmenistan	RUS	7741433	RS	25	Russian	Shanghai	1,4
Ussuriyskaya Tayga	RUS	8417132	RS	23	Russian	Lagos	1,4
Vera	RUS	8859641	RS	12	Ukrainian	Varna	1,4
Volna 2	RUS	8857112	RS	6	Russian	Gdynia	
Volna 4	RUS	8857136	RS	2	Russian	Riga	2,
Vostochnyy Bereg	RUS	8131544	RS	25	Russian	Tianzin	1,4
Hadrian	STP	7112151	DNV	6	Polish	Setubal	4,5
Nerva	STP	7423744	DNV	7	Polish	Ghent	1,4,5
Avicena	SVC	8884749	BV	16	Russian, Bulgarian	Kuwait	
Giovanna	SVC	7434145	n/a	15	Polish, Ukrainian	Aarhus	1,4,5
GTS Krista	SVC	7740996	RS	32	Ukrainian	Rijeka	
Jupiter	SVC	6920159	HR	24	Russian, Greek, Turkish, Argentinean, Romanian, Bulgarian	Brindisi	1
Marina	SVC	6912712	BV	14	Dominican	Tortola	

Vessel name	Flag	IMO No	Class	No.	Abandoned Seafarers Nationality	Port	Circumstances ¹
Prince Albert	SVC	5242627	n/a	12	Ukrainian	Liverpool	1
Tirana	SVC	5208798		15	Greek, Bulgarian, Ukrainian, Albanian, Romanian	Brindisi	1
Unity XI	SVC	7411595	PRS	7	Russian, Ukrainian, Moroccan	Pasajes, Spain	1,4
Al Ghazi J	SYR	5412961	n/a	12	Syrian, Egyptian, Sudanese	Novorossisk	2
Urouba 1	SYR	5389011	n/a	4	Egyptian, Syrian	Midia, Romania	1,4,5
Pegasus 1	TGO	n/a	n/a	18	Russian, Ukrainian	Las Palmas	4
Mega	THA	n/a	n/a	9	Burmese	Bangkok	3
Marwa M	TON	8872502	PRS	2	Egyptians	Malta	1,4
Alper Bilici	TRK	7046261	n/a	9	Turkish, Ghanaian	Sfax	1,4
Can Deniz	TRK	7214363	n/a	6	Turkish	Constanza	4
Cemre 1	TRK	7218436	ABS	15	Turkish	Santiago de Cuba	1
First Rainbow	UAE	7020516	n/a	23	Indian	Djibouti	
Wurood	UAE	7126138	n/a	8	Indian, Bangladeshi	Berbera	
Alexander Matrosov	UKE	7333030	RS	24	Ukrainian	Jorf Lasfar	1
Anatoli Gankevich	UKE	8826151	RS	50	Ukrainian	Las Palmas	1
Nikolay Schukin	UKE	7529689	RS	22	Ukrainian	Tuticorin	4

¹ Circumstances of abandonment

- 1 = Ship arrested (by creditors)
- 2 = Ship detained (by authorities due to safety deficiencies)
- 3 = Shipwreck
- 4 = Non payment of wages, food, bunkers etc
- 5 = Company dissolved/bankrupt
- 6 = Change of ownership
- 7 = Ship at shipyard

ANNEX 2

ABANDONED SEAFARERS - 1 JANUARY 2002 TO 30 JUNE 2002

The following is a list, in order of flag, of the 89 cases of crew abandonment on the ITF database for the period 1 January 2002 to 30 June 2002 when the Guidelines on Provision of Financial Security in Case of Abandonment of Seafarers entered into force. The total number of seafarers involved was 1780.

Vessels name	Flag	IMO No.	Class	No.	Abandoned seafarers Nationality	Port	Circumstances ¹
Gisela	AGO	6707284	-	35	Ukrainian	Port Amboim	4
Americana	BHS	8608119	NV	18	Swiss, Panama, Ecuadorian	Veracruz,	4
Black Swan	BHS	7609714	LR	18	Ukrainian, British	Messina	4, 7
Delos Trader	BHS	7359216	-	13	Ukrainian	Tripoli	1
Gur Master	BHS	7519751	NV	18	Indian	Caen	1, 4
M. Melody	BHS	7519725	LR	21	Indian	Luanda	4
Mariner	BHS	7381506	NV	31	Greek, Filipino, Indian	Shuidong	1
Millenium Amethyst	BHS	7609659	AB	20	Russian, Ukrainian	Varna	5
Mellinium Majestic	BHS	7718175	AB	21	Russian, Ukrainian	Port Everglades	5
Arabian Victory	BLZ	8405323	BV	9	Indian, Ukrainian	Dubai	4
Ardent	BLZ	8723725	-	7	Russian	Durban	5
Brisk	BLZ	8723701	-	5	Russian	Durban	2
Svyataya Maria	BLZ	6922080	RR	18	Ukrainian	Sfax	5
Telur	BLZ	7052337	RR	13	Ukrainian, Indian	Khawr Zubyr	5
Al Helal	BOL	6720975	BV	7	Ukrainian	Constanta	4, 7
Gabrielle	BOL	6500296	HR	34	Albanian, Indian, Romanian	Brindisi	4
Adamas	CYM	7609635	NV	18	Russian	Hull	5
Millenium Aleksander	CYM	8624644	NV	20	Russian	Lorient	5
Millenium Condor	CYM	8005472	LR	20	Russian	Rio de Janeiro	5
Millenium Elmar	CYM	8623949	NV	20	Russian, Ukrainian	Tarragona	5
Millenium Falcon	CYM	8014708	LR	18	Russian	Singapore	5
Millenium Hawk	CYM	8200503	NV	20	Russian, Ukrainian	Saint Petersburg	5
Millenium Osprey	CYM	8200498	NV	18	Russian	Mormugao	5
Millenium Raptor	CYM	8025991	LR	20	Russian, Ukrainian	Vung Tau	4
Bukhta Andreeva	CYP	8808575	BV	51	Russian	Busan	4
Alexander the Great	GRC	7111731	-	75	Ukrainian, Polish, Romanian	Bijela	4, 7
Cosmos	GRC		-	13	Ghanian, Liberian, Sierra Leone	Monrovia	4
You King	HKG	7927532	BV	23	Chinese	Lobito	4
Vega	HND	8902979	RNR	18	Romanian, Indian	Libreville	4
Anastasios III	KHM	7120794	HR	15	Romanian, Greek, Egyptian, Pakistani, Tanzanian, Guinean	Ravenna	2

Vessels name	Flag	IMO No.	Class	No.	Abandoned seafarers Nationality	Port	Circumstances ¹
Furkan	KHM	5166134	HR	16	Ukrainian	Istanbul	6
Melanda	KHM	7418579	RR	12	Russian	Pasajes	1
Nahusi	KHM	8954790	-	11	Azerbaijani, Ukrainian	Midia	4
Wael 1	KHM	6412097	-	13	Syrian, Egyptian	Rijeka	2, 4
Millenium Africa	LBR	8118114	LR	21	Russian, Ukrainian	Lagos	5
Millenium Amanda	LBR	8303692	NKK	24	Russian, Ukrainian	Houston	5
Millenium Baltic	LBR	7903017	NKK	23	Russian, Ukrainian	Gibraltar	5
Millenium Eagle	LBR	8200486	NV	23	Russian	Mumbai	5
Millenium Golden Hind	LBR	7604348	GL	23	Russian, Ukrainian	Dakar	5
Millenium Jaguar	LBR	8017891	NKK	14	Filipino, Croatian	Puerto Rico	5
Alexia I	MLT	7624312	RINA	4	Ukrainian	Setubal	1
Iguana	MLT	8312710	LR	19	Russian	Dalian	5
Ileana	MLT	8325884	LR	21	Ukrainian, Kenyan	Novorossyisk	4
Med S	MLT	8620117	AB	26	Turkish, Azerbaijan	Suez	1, 4
Millenium Scorpio	MLT	7821178	BV	21	Russian, Ukrainian	Recife	5
Aldebaran II	PAN	7616731	NKK	18	Greek, Bulgarian, Chinese	Bhavnagar	4
Avalon	PAN	6804666	-	9	Russian, Namibian, Ghanian	Walvis Bay	1
Bonavis	PAN	8025329	LR	24	Georgian, Maldivian, Russian, Bulgarian	Pusan	
Christina O	PAN	8963818	-	34	Greek, Ukrainian, Indonesian, Croatian, Austrian, French, Filipino, Bulgarian	La Ciotat	4
Destiny	PAN	7406760	CRS	19	Ukrainian, Dominican, Nicaraguan	Cartagena	4
Green Coast	PAN	5209780	-	30	Chinese	Luanda	4
Ismael Express	PAN	5411137	-	4	Filipino, Chilean	Port Canaveral	2, 4
Hyundai Pongnae	PAN	7125861	NV	130	Chinese, Filipino, Vietnamese	Haikou	4
Kristen	PAN	7430369	NV	11	Ukrainian	Kingston	1, 4
Libra III	PAN	7026792	-	7	Greek, Ukrainian, Guyanese	New Orleans	5
Lioness	PAN	7207542	AB	8	Greek, Guyana, Ukrainian	Belize City	5
Lory I	PAN	7105586	AB	8	Ukrainian, Guatemalan, Dominican	Ceiba Playa	5
Maria I	PAN	7821647	HR	6	Greek, Egyptian, Pakistani, Jordanian	Malaga	4
Masha	PAN	8314079	RNR	18	Romanian	Puerto Cabello	4
Rosset	PAN	6707076	RR	24	Russian	Istanbul	4
Sakura I	PAN	7035937	AB	7	Greek, Salvadorian, Ukrainian	New Orleans	5
Star Anna	PAN	7432147	SK	7	Russian	Klapeida	5
Zee One	PAN	7380447	LR	23	Indian	Conakry	4

Vessels name	Flag	IMO No.	Class	No.	Abandoned seafarers Nationality	Port	Circumstances ¹
Alex C	ROM	7346623	RNR	23	Romanian	Rotterdam	2
Xenia	ROM	7806831	RNR	6	Bangladeshi, Indian	Casablanca	
Ana V	SLE	7806738	RNR	18	Romanian, Indian	Cochin	4
Ayham B	STP	6701450	-	10	Syrain, Lebanese	Casablanca	4
Amal	TON	7111418	-	6	Romanian, Syrian	Venice	4
Bella 1	TON	7714131	KR	20	Indian, Sri Lankan	Muscat	3
Cristi	TON	7413555	RNR	16	Pakistani, Indian, Syrian, Romanian	Constanta	4
Fadi	TON	7230202	RNR	7	Russian	Szczecin	7
Gold I	TON	6611629	-	15	Ukrianian, Romanian, Pakistani, Indian	Port Said	2
Nadi	TON	6415661	-	5	Indian, Romanian	Ras Garib	4
Alaatin Bey	TUR	7000243	GL	13	Turkish	Ravenna	2, 4
Camadan	TUR	7827407	-	11	Turkish	Catania	
Manyas 1	TUR	7533094	LR	18	Turkish	Singapore	4
Merkur	TUR	7533032	LR (s)	28	Turkish	Durban	1, 4
Pira	TUR	7386374	TLR	23	Turkish	Sorong	
Sapanca	TUR	7416777	LR	24	Turkish	Jose Ignacio	4
Fedor Korobkov	UKR	8607270	RR	50	Russian	Nouadhibou	5
Ivan Burmistrov	UKR	8607115	-	50	Russian	Nouadhibou	5
Primexpress Island	UKR	7411959	RR	84	British, Ukrainian, Romanian, Estonian, Bulgarian	Limassol	5
Alka II	VCT	7000229	BV	4	Swedish, Polish, Russian	Stenungsund	2
Natol	VCT	7703754	RR	8	Russian, Ukrainian	Jakarta	2
Star One	VCT	6921373	-	14	Greek, Egyptian, Indian, Tunisian, Tanzanian	Marseilles	1
Superba	VCT	7118002	-	11	Russian	Ghent	1, 2
Trader	VCT	7008635	RR		Ukrainian	Brindisi	
Tresnes	VCT	6724397	BV	7	Russian, Ukrainian	Valletta	4
Black Bart	VUT	7010846	LR	14	German, Filipino	Auckland	1

¹ Circumstances of abandonment

- 1 = Ship arrested (by creditors)
- 2 = Ship detained (by authorities due to safety deficiencies)
- 3 = Shipwreck
- 4 = Non payment of wages, food, bunkers etc
- 5 = Company dissolved/bankrupt
- 6 = Change of ownership

ANNEX 3

EXAMPLES OF CIRCUMSTANCES OF ABANDONMENT OF CREW

M/v Gisela, Angola. Imo 6707284

This vessel is a fish factory trawler, formerly under the Georgian flag. 21 Ukrainian seafarers contacted the ITF in March 2002 reporting that the vessel had been abandoned at anchor at Port Amboim, Angola. They had no food, water or fuel on board and two seafarers were reported seriously ill. Further the crew reported that they had not been paid wages since their embarkation in August 2000. The Angolan authorities, although approached several times, refused to get involved. After several weeks, the crew was repatriated with the assistance of the ITF and the cooperation of several humanitarian organisations and consular authorities.

M/v Mariner, Bahamas. Imo 7381506

This VLCC ship was abandoned off Shidong in China in April 2002 with a crew of 31 Greek, Indian and Filipino seafarers. The ship had been arrested by bunker suppliers, the mortgagee bank and other creditors with claims to the value of US\$ 9 million. At the time of the contact, the crew had food for only two more days and had been unpaid for over 5 months. Following ITF's intervention the ship was supplied and in June 2002 and repatriated.

M/v Svyataya Maria, Belize. Imo 6922080

In March 2002 this vessel was detained by the local authorities in Sfax, Tunisia, for damaging a submerged pipe and the quay during an emergency manouver. The owner declared bankruptcy and disappeared. The Ukrainian crew reported to the ITF that they had no supplies and also that they had not been paid for 12 months. The crew remained abandoned for 4 months whilst efforts were made to find the shipowner. Eventually he was traced and an arrangement was made for repatriation of the crew. The crew were unable to recover their owed wages since the local authorities had a claim to the vessel worth.

M/v Telur, Belize. Imo 7052337

The crew reported being abandoned on board this ship at anchor off Khawr Zubayr, Iraq, in April 2002. They had no food on board and were owed wages since embarkation. The captain reported that over a year earlier the vessel had loaded a cargo of crude oil in the UAE bound for India but the owner had changed their destination to Iraq where the vessel had been impounded on arrival in January 2001 for carrying illegal cargo. The owner duly disappeared. The International Merchant Mariner Registry of Belize was informed of the situation but they failed to locate the owner, the owning company being incorporated in Liberia. The cargo owners in the UAE then said that they would repatriate the crew from Dubai and so the local agent arranged their passage in a passenger ferry from Iraq to the UAE. However, on arrival in Dubai the crew was promptly jailed because no agent had been nominated for them, the cargo owners allegedly being "out of the country". The crew was finally repatriated home by the owner of the passenger ferry which had brought them to the UAE. The crew remains unpaid for their services on board this ship.

F/v Cosmos, Greece. No Imo number

This vessel was reported abandoned at Monrovia, Liberia in April 2002. The ship had been legally registered to fish in the territorial waters off Liberia from January 1994 until February 2000 when she berthed at Monrovia, Liberia. The ITF contacted the company in Greece who reported that they could not provide for the crew and that they were waiting for a subsidy from the European Union due in June 2002 to continue operations. Necessities for the crew on board were being provided solely by the USA Embassy in Monrovia. The crew have not received

payment since February 2000. From June 2002 the ITF have been unable to contact the owners and efforts are continuing to resolve the situation by other means.

M/v Vega, Honduras. Imo 8902979

This vessel has a long history of abandonment instances. Under her ex-name *Avrig* and ex-flag, Romania, the vessel and its Romanian crew were abandoned in Douala, Cameroon, in May 1996 following the bankruptcy of Navrom, the Romanian state owned company. The vessel was bought in October 1999 by Mr. Mohammed Shafiq of Vail Ship Management LLC, Chicago, USA. In December 1999 Mr. Shafiq sent a crew of 8 Romanian seafarers on board and duly forgot about them. The crew eventually moved out of the ship since it was unseaworthy and moved to the Centre for Seafarers in Douala. A new superintendent and further crewmembers from Bangladesh, Cameroon, Togo, Ghana and Gabon joined the ship in August 2000 when the Romanian crew also returned to the ship. Shortly after the ship left territorial waters. In January 2001 the ship was reported abandoned at Bata, after being arrested there. The remaining crew was still on board, unpaid and cooking on deck with wood fire. In February 2002 the ship was again reported abandoned off Libreville at anchor after having run out of diesel oil when leaving Bata. After the intervention of a Romanian senator, Mr. Shafiq took the remaining Romanian crew off the ship and abandoned them ashore. They made their way back to Romania at their own expense and without wages.

M/v Furkan, Cambodia. Imo 5166134

The crew of this vessel, 16 Ukrainians, contacted the ITF in April 2002 from Istanbul anchorage. They reported that they had been at anchor for one month without any contact from the owner and that they had provisions for one more week only. The crew also reported that they had not been paid for 6 months. The ITF contacted the owner who said that he was waiting for the vessel to be sold. The crew remained abandoned until the vessel was sold in June 2002 to a new owner who repatriated the crew.

M/v Nasuhi, Cambodia. Imo 8954790

The crew of this vessel reported being abandoned at Midia, Romania in February 2002. The vessel was reported flying the flag of Sao Tome and Principe. The crew had no water or provisions on board and were owed wages since embarkation 6 months previously. Continuous pressure on the owner eventually resulted in repatriation of the crew after 4 months abandonment and payments to the crew in three instalments.

M/v Wael 1, Cambodia. Imo 6412097

This Syrian owned vessel was abandoned at Rijeka, Croatia, in January 2002 after having been detained by PSC on serious deficiencies in October 2001. The crew had no provisions on board and were owed wages. Local union and citizens provided the crew with necessities while the vessel was arrested on behalf of the crew for wages due. The ship was bought back by the same company, under another name, changing the name of the ship to Ramzi J and the flag to Tonga. The crew were repatriated with money raised by the local union and citizens without their wages. The money raised in the public auction of the ship is still in court in Croatia pending distribution.

M/v Alexia I, Malta. Imo 7624312

The skeleton crew of this ship were abandoned while the ship remained under arrest off the port of Setubal, Portugal. The ship had been arrested by the charterers and the original crew had been paid and repatriated at the end of 2001. In January 2002 the skeleton crew reported lack of provisions and water, that one seafarer was seriously ill with no means for medical attention and that all the skeleton crew were owed wages. Eventually with the intervention of the ITF, the crew were repatriated and paid a part of their unpaid wages.

M/v Med S., Malta. Imo 8620117

The crew of this vessel reported the ship abandoned off Suez, Egypt, in January 2002 while under arrest for unpaid "canal dues". Provisions and water for the crew were running out and the crew were owed wages for 7 months. After weeks of negotiations with the owners, the ITF managed to get the owner to provide the crew with food and water in March 2002. The vessel eventually left Suez and travelled to Malta where it was arrested by the mortgagee bank in March 2002. The crew was finally paid and repatriated following the sale in auction of the ship.

M/v Destiny, Panama. Imo 7406760

This ship was abandoned in Cartagena de Indias, Colombia, in February 2002. The crew informed the ITF that they had no money for provisions and that they were owed wages for 4 to 5 months. As of July 2002, the crew remains abandoned on board being supported by local unions and citizens while waiting for the Colombian court to accept their request for arrest of the ship for unpaid wages and repatriation.

M/v Green Coast, Panama. Imo 5209780

This ship was reported abandoned at Luanda, Angola in January 2002, although it appeared she was berthed in Luanda and undertaking refurbishment to convert it into a floating hotel since May 2000. The 30 Chinese crew on board reported that conditions on board were harsh, sanitary conditions were poor and some of the crew had already suffered illness as a result of this. Food was scarce and there were no medical supplies. Also the crew reported that they were unpaid since May 2000.

Attempts were made to contact Green Coast Shipping Co. Ltd in Hong Kong listed as the owners of the vessel and the manager Fujian Shipping Co. based in China. There was no response from either (it was later discovered that the Manager, Mr Liu An Xu was on board the vessel an apparently issuing threats to the crew). Several appeals were made to the Chinese Embassy and to the Panamanian Registry to assist but to no avail. The ITF then appealed to the Minister of Transport of Angola in April 2002, after reports were received of the crew spokesman, the interpreter, suffering a serious beating. Communications from the crew abruptly ceased after that report and it has not been possible to re-establish contact.

M/v Kristen, Panama. Imo 7430369

This ship was reported broken down in Jamaica in January 2002. Several crewmembers who had complained of shortage of provisions and water on board and of owed wages were put ashore without any money. The ship was then ordered with the remaining crew to Caracas but ended up in Haiti and eventually in April 2002 off the territorial waters of Jamaica. The crew on board had no provisions, no water and no fuel. A local lawyer stepped in to assist the crew and arrest the ship on their behalf and provisions are now being supplied as part of the court expenses.

M/v Libra III, Panama. Imo 7026792

This ship is part of a fleet of small, old, general cargo ships operating in the Gulf of Mexico and Caribbean. The shipowner is based in New York and when he faced financial difficulties, he abandoned the ship, together with the sistership the Sakura I also under Panamanian flag, mid-stream in the Mississippi River, off New Orleans in January 2002. In April 2002, the Greek master died on board of a heart attack. The crew survived on provisions donated by the local citizens and the ships were kept safely at anchor by fuel put on board by the US Coast Guard. It is highly unlikely that the crew will ever recover their owed wages due to the number of creditors and the low value of the ship although a local lawyer did arrest the vessel on their behalf for unpaid wages and repatriation.

M/v Lory I, Panama. Imo 7105586

This ship is a sistership of the Libra III. This vessel was abandoned together with her crew off Ceiba Playa, Mexico, in January 2002. The crew survived on provisions donated by the local citizens. The cooperation of the port authorities in Mexico allowed her to arrive to a more secure anchorage. The ship was eventually sold for scrap to a local businessman and the crew was paid and repatriated in April 2002 with the assistance of the ITF.

M/v Masha, Panama. Imo 8314079

This ship belongs to Mr. Mohammed Shafiq, the US citizen based in Chicago, USA operating Vail Shipping Inc., who has bought tonnage from the bankrupt Romanian state owned companies and whose practice then appears to be to operate those ships until they are detained/arrested. This crew reported being abandoned at Puerto Cabello, Venezuela, in February 2002 after arriving with a cargo from Argentina. The crew had received some money from the charterers to sail the ship to destination and the charterers then arrested the ship at arrival for advances made. Since February 2002 the crewmembers have been making their way back home by paying for their own repatriation or having the repatriation paid by charitable organisations.

M/v Xenia, Romania. Imo 7806831

This vessel was formerly owned by Navrom, Romania and was sold to Mohammad Shafiq of Vail Ship Management LLC based in Chicago, USA. In January 2002 the United Seamen's Service Centre in Casablanca reported an abandoned crew on board of 2 Bangladeshi and 4 Indians. There was no food or fresh water on board and the crew had to sleep on the bare floor. The crew also were owed wages for 5 months. The ITF contacted the Bangladeshi and Indian embassies, neither of whom showed any interest in assisting their citizens. The crew survived on handouts from the United Seamen's Service Centre. Seatime Shipping Pte. Ltd based in Singapore which was shown as the employer on the individual employment contracts was contacted. They denied that they had anything to do with the crewing of this vessel and alleged that the contracts were false. Gurship Management Services PVT Ltd. based in India was also supposed to be involved with the crewing but the company could not be traced anywhere. In March 2002 the United Seamen's Centre in Casablanca reported that Mr Shafiq had finally turned up. He paid the crew part of their wages and was going to supply more seafarers to the vessel in order to sail it to a port where it was due to be sold as scrap. Mr Shafiq managed to assure the seafarers that they would receive the remainder of their wages and be repatriated at the next port. Since then no communications has been received from the crew although it has been reported the crew bought their tickets home with money obtained by selling some of the ship's equipment. The vessel is still under arrest in Casablanca.

M/v Gold I, Tonga. Imo 6611629

This ship was detained at anchor off Port Said, Egypt, in January 2002 following a leakage in the engine room. The owner in Cyprus, faced with a pollution claim and a main engine problem on the ship, proceeded to abandon ship and crew to their fate and to change the location of his office in Cyprus. The 15 crewmembers from the Ukraine, Pakistan, Romania and India survived with the assistance of the local traders who made collections to buy food and water for the seafarers. At the time of the ship's detention the crew were owed up to 6 months wages and ex-crew members were also complaining of short payment of wages. Further assistance was rendered by the ITF in cooperation with the Norwegian Government Seamen's Service in Port Said and the Ukrainian Embassy in Egypt. After the Egyptian Immigration authorities finally agreed to allow the crew to leave, the crew were repatriated and the vessel was finally beached in April 2002.

M/v Nadi, Tonga. Imo 6415661

This ship was abandoned in May 2002 in Ras Garib, Egypt, after developing main engine problems during her transit from Novorossiysk to China with a cargo of scrap. The ship had previously been detained by PSC in Russia for safety deficiencies. The crew reported no food, water or fuel and unpaid wages for over 5 months. There was no electricity on board, and no spare parts. Assistance was requested via VHF, as no other means of communication were available. Romanian authorities arranged the repatriation of the Romanian seafarer, however, he was not allowed off the ship by the Egyptian authorities until a Romanian senator visited the vessel. It is understood that the Indian crewmembers remain on board. Indian consular authorities have been informed, but no action has been reported. Communications with the ship have ceased.

M/v Merkur, Turkey. Imo 7533032

The crew of this vessel was abandoned in Durban, South Africa in March 2002 when the vessel was arrested. The ship had a chequered history and had been subject to several PSC detentions, arrests, accidents, and crew actions since the Turkish owners bought her in 1994. The present crew reported inadequate provisions, water and medicine on board. Once the ship was arrested, the crew was provided with food, water and fuel. The ship was sold in auction to breakers and the crew was paid and repatriated from the proceeds of the sale.

M/v Fedor Korobkov, Ukraine. Imo 8607270

M/v Ivan Burmistrov, Ukraine. Imo 8607115

Around 100 total crew on board these two vessels were abandoned in March 2002 in Mauritania as a result of a dispute between the charterer and the owner who then stopped payment for provisions and wages. The crew was assisted by local charity CARITAS. Due to the absence of Ukrainian consular authorities in the country the Russian Embassy was approached for assistance, but to no avail. Eventually the crews were repatriated by the charterers with the assistance of the ITF.

M/v Natol, Saint Vincent. Imo 7703754

In January 2002 the ship was abandoned in Jakarta, Indonesia. It appeared that the ship was loaded with weapons and ammunition bound for Bangladesh but that account had not been taken of safety regulations and ship's construction. The crew reported inadequate supplies of food and water and owed wages. The owner, Mr Valeriy Revunkov of Collins Shipping & Trading based in Hamburg, Germany, and the employer Mr Valeriy Grintsov in Sochi, Russia, both failed to reply to the numerous requests from the crew. Humanitarian assistance was provided to the crew by a number of charitable organisations. The ITF contacted the Commissioner for Maritime Affairs of St. Vincent and the Grenadines but he said that they had no knowledge of the vessel and that their records did not show the vessel as being registered with them. The Ukrainian embassy in Jakarta offered the crew repatriation but the Russian embassy did not respond and the Russian crew therefore were offered repatriation by a trade union in their country.

M/v Star One, Saint Vincent. Imo 6921373

This ship arrived in Marseilles, France, in March 2002 after several months under arrest in Tunisia and allegedly under new ownership. The ship was detained by PSC on arrival with 36 deficiencies. The crew reported that there were no provisions on board and that they were owed wages. Provisions were supplied by charitable organisations and medical treatment was made available for an injured crewmember. After intervention by the ITF, the vessel was sold and the crew repatriated in April 2002.

M/v Tresnes, Saint Vincent. Imo 6724397

In April 2002 this ship was abandoned at La Valletta, Malta, at the shipyard when the Norwegian owner was presented with the repair bill from the yard and the agent's bill. Although under no obligation, the crew was kept provisioned by the agent. With the intervention of the ITF, some of the crewmembers were paid and repatriated in June 2002.

ANNEX 4

**EXAMPLES OF PERSONAL INJURIES AND DEATHS OF SEAFARERS WHERE
QUITCLAIMS/RELEASES WERE USED**

M/V KRISTAL (Malta flag)

Loss of Life:	8 Pakistani, 2 Spanish & 1 Croatian
Owner/Principal:	Gemarfin S.A. - Gestioni Maritime e Finanziarie
P&I Club:	London Steamship Owners' Mutual Insurance Association Ltd
Quitclaim/Release:	3 rd April 2002

This tanker sank on 27th February 2001 off La Coruna, Spain with the loss of 11 seafarers and injury to 2 seafarers. The ITF was authorized to act for several of the dependants. Insurance proceeds were injuncted through legal proceedings and following this, the company's representative in Pakistan, James Finlay Limited, contacted the families in Pakistan and persuaded two families to sign release papers in exchange for contractual death compensation. The families received death compensation of US\$65,000 and US\$105,000 respectively as per the ITF agreement covering the vessel. Later the P&I Club company, through its agents in Spain, negotiated settlement of the claims of the two Spanish families, offering US\$145,000 and US\$250,000 respectively.

In the meantime the ITF on behalf of the remaining families has sought to negotiate payment of contractual compensation against the Model Receipt and Release form approved by the IMO and ILO. This has not been accepted and therefore to date no compensation has been received by the remaining six Pakistani families.

M/V MANILA SPIRIT (Panama Flag)

Loss of Life:	12 Filipinos and 11 Indonesians
Manning Agent (Philippines):	LMS Shipping Inc
Manning Agent (Indonesia):	PT Delta Samudra
P&I Club:	GARD
Quitclaim/Release:	December 2000 (Indonesians)
Quitclaim/Release:	31 st January 2001 and 1 st July 2001 (Filipinos)

This vessel sank on 1st November 2000 off the coast of Haulien, Republic of China. Only one Indonesian seafarer survived the sinking.

Following the incident, GARD, through its local agents in Indonesia, persuaded the families to settle their claims on terms that waived and released "all conceivable rights" they had against the company and/or its agents. This included the right to pursue possible negligence claims in the future. At the same time GARD's agents in the Philippines told the families that in order to receive contractual death compensation, they must sign release papers effectively "waiving all conceivable rights" they had against the company and/or its agents. The widows of the deceased Filipino seafarers refused to sign the release papers and as a consequence, GARD's Hong Kong office instructed its agents in the Philippines to lodge summons in the Philippines NLRC (National Labor Relations Commission) against the widows, in effect to force the widows to accept GARD's proposal for settlement.

The Filipino widows then contacted the IMO and ILO for assistance and in turn the ITF. To date the matter remains unresolved and both the Filipino and Indonesian families have retained counsel in the United States.

M/V PORTINARI (Malta flag)

Loss of Life:	Apolinar Mondragon (Filipino)
Manning Agent:	Lydia Mar (Manila) Inc.
Owner/Principal:	Bnavi Spa, (Marina de Carrara, Italy)
P&I Club:	Steamship Mutual.
Date proposed:	4 July 2002

Apolinar Mondragon was killed on board the above Maltese registered vessel on 16 February 2002 at port Colbert, Sete, in France when he was struck by a granite block being unloaded from the vessel. Mr. Mondragon was employed under a POEA Contract. The company, through the manning agent, Lydia Mar, offered the widow payment of the contractual compensation upon signature of a Receipt and Release form waiving all and every right she had against the company and/or its agents. They also informed Mrs. Mondragon that failure to sign that release form would delay any payment to her for three years or more. The ITF had had prior informal discussions with the shipowners and their P&I representatives and requested use of the Model Receipt and Release form approved by the IMO and ILO. This has not been accepted.

M/V SELENDANG KENCANA (Malaysia Flag)

Loss of Life:	Danito N. Caballero
Manning Agent:	Great Southern Maritime Services Corporation
Owner/Principal:	IMC Shipping Co. PTE Limited (Singapore)
P&I Club:	Swedish Club
Date Proposed:	30 th November 2001

Danito Caballero, a Filipino seafarer, was an AB employed on board the Malaysian registered m/v Selendang Kencana. On 11th August 2001 when the ship was in the port of Jubail in Saudi Arabia, he died from heart/breathing problems caused by exposure to chemicals in the cargo tank of the ship.

Mr. Caballero was employed under a POEA Contract. The company's legal representative in the Philippines, Del Rosario & Del Rosario refused payment of disability compensation in exchange for a limited release. The company has not indicated any change in their position since 1 January 2002.