

INVESTIGATION NO. 21

MISERY ON THE MARWAN 1



An unlicensed Kenyan agent recruited thirteen crewmembers to work on the MARWAN 1 in Somalia. The vessel is listed on the Indian Ocean Tuna Commission (IOTC) illegal, unreported and unregulated (IUU) list for previous offences related to human trafficking and illegal fishing. Subjected to death threats and poor working and living conditions the crew called for help from the International Transport Workers' Federation (ITF) in Kenya to assist with their rescue.

VESSEL INVOLVED

MARWAN 1
IMO 8692495

PREVIOUS NAMES

ALWESAM 4
CHAICHANACHOKE 8

NUMBER OF FLAGS

3

VESSEL TYPE

Trawler

FLAG STATE

Somalia (flagged through an opaque process)

PENALTY/SANCTIONS

None

KEY EVENTS

APRIL 2019 Thirteen Kenyans are recruited as crew for the MARWAN 1 by Andrew Mwangura from the Mombasa based agency Seaport Operations Limited. As a former Secretary General of the Seafarers Union of Kenya (SUK) he is well known and trusted by the crew.

Seaport Operations is not listed among the five recruitment agencies licensed to recruit and place maritime workers on behalf of the Kenya Maritime Authority (KMA) and they failed to deposit the names of those recruited with the KMA and SUK, a requirement of Kenyan law.

Ownership of the MARWAN 1 is unclear. Somlink Fisheries Investments, a Somali company with connections to Oman and Djibouti, are involved in the crew transfers. There are concerns that Somlink is connected to the original Thai owners who were investigated for IUU fishing and human trafficking on a group of vessels known as the 'Somali Seven'.

The crew are transported from Mombasa, Kenya to Bossaso, Somalia where they board MARWAN 1.

APRIL TO JULY 2019 On board, the Kenyan crew are subjected to poor treatment, working up to 20 hours a day, and living and sleeping in the open. No medical treatment is provided for injuries. A physical confrontation between the Captain and crew leads to them being deprived food for two days, threats that they will be locked in the cold store, and that all Kenyan crew will be shot.

JULY 2019 Unable to contact Seaport Operations the crew place a distress call to the ITF in Kenya. With assistance from the Kenyan ambassador to Somalia a rescue operation is organised.

AUGUST 2019 The crew arrive back in Kenya after a difficult and dangerous journey.

Forced to disembark the MARWAN 1 away from a designated port the crew travelled through rough waters on a small vessel. On reaching land they had a nine hour journey through al-Shabab controlled territory before reaching Garowe. Despite the successful voyage of the MARWAN 1, landing a record 275 tons of fish that included 20 tons of prawns the wages received after deductions were between USD 450-500 per crewmember for four months work. This allowed the crew to buy airfares to Kenya.

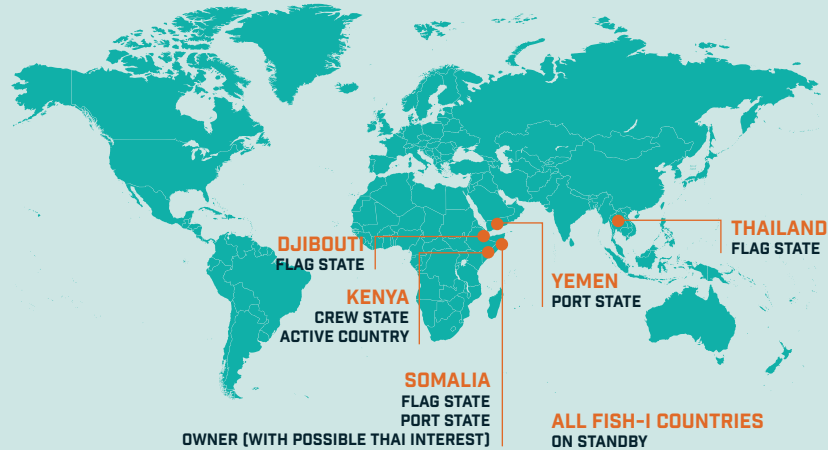
KMA warned stern action against unlicensed and unregistered recruitment agents saying they posed a security threat to the country. No action has yet been taken against Seaport.

2020 Photos from EUNAVFOR patrols during 2019 and 2020 show the MARWAN 1 fishing in the Somali exclusive economic zone (EEZ). Photo analysis confirms ►

- ▶ that this vessel was previously called CHAICHANACHOKE 8, which in 2018 was listed by the IOTC for contravention of Resolution 17/03/ as an IUU vessel for fishing illegally in Somalia and for modern-day slavery.

MAY 2020 MARWAN 1 is reported as at port in Yemen.

OCTOBER 2020 An IOTC alert is issued indicating MARWAN 1 is fishing in the Somali EEZ again.



WHAT DID FISH-i AFRICA DO?

- Monitored the vessels activities over a three-year period.
- Analysed photos to establish the identity of MARWAN 1 and its status as an IUU listed vessel.
- Communicated and cooperated with previous flag State Thailand.
- Tracked down and interviewed Kenyan crewmembers to identify vessels operating in conjunction with MARWAN 1.
- Publicised the crews' experiences.
- Alerted FISH-i members to implement port State measures and only allow port access to enable a thorough inspection.

WHAT WORKED?

- Routine air and sea patrols by EUNAVFOR provide much needed surveillance of the Somali EEZ.
- The ITF and Kenyan ambassador to Somalia provided prompt assistance to rescue the Kenyan crew.
- Information sharing between FISH-i members alerted neighbouring port and coastal States to the poor treatment of the crew.
- Crosschecking of information identified suspected forged documents.



In working together on over forty investigations, FISH-i Africa has shed light on the scale and complexity of illegal activities in the fisheries sector and highlighted the challenges that coastal State enforcement officers face to act against the perpetrators. These illegal acts produce increased profit for those behind them, but they undermine the sustainability of the fisheries sector and reduce the nutritional, social and economic benefits derived from the regions' blue economy.

FISH-i investigations demonstrate a range of complexity in illegalities – ranging from **illegal fishing** to **fisheries related illegality** to **fisheries associated crime** to **lawlessness**.

In this case evidence of **illegal fishing** and **fisheries related illegalities** and **lawlessness** were found.

WHAT NEEDS TO CHANGE?

- Crew States adopt and implement the International Labor Organization Work in Fishing Convention (C188) to ensure decent working conditions.
- Develop guidelines to standardise repatriation arrangements.
- International information sharing on fishing activity and vessels.
- Make photographs of fishing vessels accessible for crosschecking.
- Clear information on ownership of vessels is needed to prevent illegal operators from continuing to commit offences.

HOW?

The evidence uncovered during FISH-i investigations demonstrates different methods or approaches that illegal operators use to either commit or cover-up their illegality and to avoid prosecution.

VESSEL IDENTITY Frequent name changes obscured the illegal history of the vessel and links to modern-day slavery.

FLAGGING MARWAN 1 has moved between flag States with weak governance.

DOCUMENT FORGERY [SUSPECTED]

Documents used to secure registration to Somalia are believed to be forgeries, designed to cover up the IUU status of the vessel.

BUSINESS PRACTICES The use of an unlicensed crewing agency left the crew with no protection.

AVOIDANCE OF PENALTIES After being IUU listed by the IOTC in May 2018 the CHAICHANACHOKE 8 changed names twice to hide its status and history.