



HUMAN RIGHTS AT SEA



# HRAS

## Case Study **In Their Own Words**

The Case of the Killing  
of Fesaitu Riamkau.  
A Fijian Crewman.

### Any advice for people going to sea?

**“It’s up to them. Anything can happen at sea.”**

Munivai Taukave Lorenti



Fesaitu Riamkau

### Background

“My name is Munivai Taukave Lorenti. Fesaitu was my first cousin. He’s was my mum’s sister’s son. We’ve known him since our childhood.

He was a very hard working person; kind, always cool-headed. A loving and caring person; honest. He didn’t tell us much about his work because to him, work was work and home was home; he didn’t bring work matters home; at home it was just family time.

Fesaitu was 38 when he died. He had a sailing career of more than 20 years, and more than 10 years of that time was on fishing vessels; he had one of the ‘Captain’ class certificates and wanted to complete his study for Class 3. He’d worked on Gilontas fishing boats, flagged maybe to Vanuatu or Panama.

His plan was to take this last trip and then retire (no more fishing boats) and to work on the land; this was a one-year contract. When he set off on his last trip in the position of Chief Mate; he told us that it would be his last. The vessel actually was the last of the Gilontas vessels to leave Fiji and go on to Panama; it was Gilontas 353, a Taiwanese vessel. The last we heard from him was when he called on his way to Panama, to tell us where he was going.

He had three siblings and another one had passed away (in the 1990’s). Two of the remaining siblings are women and both are teachers. His brother works in Rarotonga, Cook Islands. Fesaitu’s parents died a long time ago, his mother in 2005, and father in 2003.

At first, when the agent called, they just said he’d passed away. The vessel’s agent called; he’s in Lautoka; he’s the one doing the paperwork. He just made a phone call and then sent emails to my cousin. She got the emails from her workplace. The agent told us that: ‘Itu fell overboard and drowned’ and for someone who had 20 years’ experience we didn’t believe him; no-one did; no-one would be so stupid to believe that lie; no-one believed him.

The company wanted to cremate the body (as a cost-cutting measure) but we said no. His body left Fiji whole, so we expect his whole body to come back.

At first it was really difficult to get his body back; it took us one whole month. Very difficult, and my dad and I did all of the running around. The company told us that they would be leaving the country (Fiji) by the fourth week, so we needed to get everything done. We went first to the Labour (Department) in town (Suva), to the highest man there, another Rotuman called Mario. But he said he couldn’t do anything because the contract hadn’t been signed in front of them. This was the third week. So then we thought we might get a court order to stop the company leaving because we still hadn’t got the body.

So we went to Totogo Police Station, but the rubbish policeman there didn’t write anything down. It was just like talking to the wall. He told us to go to the (Police) Head Office in Four-Mile, so my dad went there and I went back to the wharf. But the Police said they couldn’t do anything because it didn’t happen in Fiji.

Then one of our Auntie’s told us to go to a private lawyer, which we did, and he advised us the final option (was) to go to the Head of State, the President.

So that very afternoon, my Dad and I and another Uncle who had come that day from Rotuma (we’d waited for him at the wharf) went to the President’s Office. It was after 4 o’clock and we didn’t have an appointment or anything. But by faith the Security let us in and then the people working in the office called Labour, the Police, and the agent. And from that very moment, we finally got some help: the agent phoned the next day and said they were helping us, but just the day before, the agent told us that they were leaving, running away! ”



Gerry Charles Semisi (left) and Munivai Taukave Lorenti (right) at the headstone of Fesaitu Riamkau

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## An Example of Human Rights Abuse

“ Our visit to the President was a Friday, yet the following Sunday the Labour came saying they wanted to help, and Labour doesn't work on a Sunday. We wanted to swear at them; they did the work just because the Head of State complained.

We had to go to Nadi to get the body. The whole family, six of us, went to Nadi. We had to go over and bring him back. It was a Saturday. We brought the body back to the mortuary in Suva and had the funeral on the following Tuesday.

**When we opened the body bag, we saw visible bruises so we knew he'd been beaten up to death. It was shocking to see our 'Itu like that. His body was blackened (from being in the vessel's freezer); he looked like a monster; yet when you saw his face you know it's him.**

**How did the family feel?** “We were shocked. 'Itu was an honest, hard-working man; very stable, reliable. We found it hard to understand that anyone would hurt him. Although he was away for long times, and we didn't hear from him, he always came back. We were happy to have him home, and so was he; he was an 'anchor' in our family; a good man”.

### Witness Statement- Gerry Charles Semisi<sup>1</sup>

“ I was with him when he passed away. For five years we worked together; he persuaded me to go on the fishing boats. I hadn't had any training in fisheries; it was my uncle 'Itu, who taught me all about fishing. We were very close. I've done a lot of great things, but fishing is a great job. I love it very much. Sometimes I was the Bosun on a job, sometimes I was an Iceman; on this job I was an Iceman. I work on land now, no more fishing because of what happened to 'Itu. I am now working for my uncle. My mother won't let me go fishing.

We departed from Lautoka on the Gilontas 353; it was registered in Vanuatu. The agent was a Fijian. The crew included Indonesians, Koreans, and Vietnamese. I think we left in March. We went straight to Panama, no fishing; we had to load our boat before going fishing. When we got to Panama, we lived in a hotel nearby, and during the day we'd work on the wharf and boats belonging to the same company.

It happened to him on a Saturday night. There was another Fijian man there, [REDACTED] on another boat. Altogether there were about ten Fijians on different boats in the Panama port; we all went to [REDACTED] boat for a talanoa (chat) although we were supposed to be in the hotel and not on the boat. Six of us waited for them to finish talanoa but we left without them and they said they'd come later; we left after 10. 'Itu wasn't drinking.

We were told that the CCTV on the jetty recorded Fesaitu staggering along it very late at night; he fell in, but climbed up the ladder and tried to walk along but he fell in again.

We were told that 'Itu was always the first one to come for breakfast at the hotel. On the Sunday, the cook wondered where he was (because he didn't come) and sent someone to his room, but he wasn't there.

He wasn't married. Yes, that was the sad part. We don't know if he had a girlfriend; he was a man who kept to himself, eh.

It took us four weeks from the date he died to the date he came back. We buried him during the first week of August; he had passed away the first week of July (2nd July 2017). He was buried at Nasinu (just outside of Suva). The government gave us F\$50,000 as compensation to his siblings; the funeral expenses were paid by the whole family because the compensation came after the funeral. But there were a lot of things we had to do and pay for; things these days are very expensive. We had to go to Nadi to get the body, and then come back with it, and Rotuman funerals and reguregu (customary gift-giving and hosting at funerals) go on for days. ”

On the Sunday afternoon his body was seen floating out of the port. The Indonesians went and hauled his body up. There were FBI or Panama police there asking questions but they were speaking in their own language. There was a translator (policeman) who asked us what happened to him but we didn't know.

There was an Indonesian man who told us what happened; he saw everything. I forget his name, but can describe his face; he was a close friend of Fesaitu. The Indonesian man said it might be a fluke; I don't know what he meant by that. [REDACTED] (from Wailoku) beat 'Itu up so badly; lifted him up and whacked him on the side of the boat; very bad. He's a big man. I don't know why he got angry; it was between him and my uncle. A very strong man. There was another Fijian man, [REDACTED] from Lautoka, who was on the same vessel as [REDACTED].

[REDACTED] boat left on the Tuesday. It was after one week, the next Sunday, that the Indonesian man came to tell us; and his vessel left the same day. He didn't tell the Police what he had seen because he was afraid. All of the Fijian men there know [REDACTED] - said they'll wait for when he comes back to Fiji. I don't think he had a knife, just used his fist. Pushing and punching. All the Fijians know him, he's still on the boats.

I wanted to come back with the body but my boss wouldn't let me. When I came back the funeral had already finished. I had signed a paper contract (for two years) but I didn't go back to the boat. ”

#### Disclaimer

The content and detail within this Case Study has been provided to Human Rights at Sea by the family and a colleague of Fesaitu Riamkau. The contents of the submitted text have been checked, as best as is possible, for accuracy by the authors at the time of writing. Human Rights at Sea is not liable in anyway, whatsoever, in any jurisdiction, for the contents of this case study which has been translated and published in good faith following investigation by the Charity. All text and pictures have been acknowledged where able. Any omissions or factual inaccuracies may be alerted by writing to: enquiries@humanrightsea.org. The opinions, perspectives and comments are solely those of the author supported by the evidence disclosed.

<sup>1</sup> For legal reasons this witness statement has been redacted



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Munivai Taukave Lorenti

World Map: The Case of the Killing of Fesaitu Riamkau in Panama. A Fijian Crewman.



### Previous Vessel Registration Details:

Vessel Name: Gilontas No.353    FFA VID #: 36431    Flag: Vanuatu    Registration Status: Not in Good Standing    Date Last Registered: 04/05/2016  
IMO #: 8668810    Vessel Owner: Gilontas Ocean Vanuatu Inc., 28F-1 No.29, Haibian Rd. Lingya Dist., Kaoshiung City 80248 Taiwan

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Human Rights at Sea is a Registered Charity in England and Wales No. 1161673. The organisation has been independently developed for the benefit of the international community for matters and issues concerning human rights in the maritime environment. Its aim is to explicitly raise awareness, implementation and accountability of human rights provisions throughout the maritime environment, especially where they are currently absent, ignored or being abused.



We thank the NGO Pacific Dialogue for their support in bringing this case to international attention.

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