



HUMAN RIGHTS AT SEA

# HRAS

## Abandonment Case Study

A Family Update for  
Captain Ayyappan  
SWAMINATHAN

**Abandonment.  
A Pattern of Human  
Rights Abuse.**

### **“It is a nightmare and mental harassment for him & his crew”**

**Mr. Prabakaran (Brother -in-Law of Captain Ayyappan SWAMINATHAN)**



Human Rights at Sea was urgently contacted by Captain Ayyapan Swaminathan, Master M/V AZRAQ MOIAH (IMO - 961976, Flag -UAE), one of the three vessels anchored in the UAE who reported to the charity that 40 crew members, of whom 30 fellow Indian nationals were stranded in three vessels owned by the same shipping company, Elite Way Marine Services EST, based in DUBAI. All three have been located in the anchorage site at the port of Sharjah in UAE, with outstanding salaries, lack of subsistence means, and no medical assistance for more than a year. [www.humanrightsatsea.org/publications/](http://www.humanrightsatsea.org/publications/)

## Introduction

On the 4 March 2019 in Mumbai, the Human Rights at Sea investigative team met with the Mr. Prabakaran, the brother-in-law of Capt. Ayyappan Swaminathan, the Master of MV AZRAQMOIAH (IMO 9619763).

At the time of writing, Capt. Swaminathan and his crew remain abandoned onboard the vessel off Ajman anchorage UAE. This is after 25 months, of which 18 months has been unpaid for himself. He has a dependant family comprising a wife, mother and young daughter aged eight years. He has not been home, nor seen his family for 25 months.

The following is a review and testimony on behalf of the family in India as to the issues faced and consequences of the abandonment for the immediate family of Capt. Swaminathan.



Capt. Ayyappan Swaminathan



Crew photo - from left to right: Mr. Lawrence Otto Tarimo (Tanzanian) Rajib Ali, Chekka Yella Rao, Captain Ayyappan Swaminathan, Sourabh Naskar, Alok Pal, Ramesh Gadella

## Mr. Prabakaran Testimony

‘First of all, we would like to thank you for your support in this tough time, and it is important that all seafarers are repatriated as soon as possible with written commitment for their pending wages and some Interim support interns of Money as most of them have not send any money to their family for a very long time.

It’s quite natural that the family members & the debtors expect them to pay/repay certain amount of debit. Most of the debtors may not understand the complication and they doubt the integrity of the people if they are not paying even a partial amount on the arrival back home.

We are completely demoralised about the ongoing process, and did not know what to do. It is a nightmare and mental harassment for him & his crew not being paid and pathetic living conditions. The process has taken nearly two years and we never thought that this was possible in Dubai where people can not violate rules.

My brother-in-law is very strong and never wanted the family members to get disturbed, so he decided not to communicate the problem and try to manage it himself. When things were getting really out of control he eventually texted me about the issue. That was a real shock. It turned out that his 6 month contract had not been extended, and my sister only became aware after 12 months. He had tried to protect the family by saying there had been another extension, but after 12 months and with no money coming in, he started to communicate with family members about it.

He is the single earner for the family. He has an ageing mother who needs medication which takes a lot of his income, as well as a wife and a young daughter. His mother is not in a good state of mind over this. The family don’t know what to do, they do not want to answer phone calls, and they are afraid to speak to people.’

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## Case Study

## Abandonment. A Pattern of Human Rights Abuse.

'In his absence the family took out some loans to take care of day-to-day expenses, but because they could not repay them, they had to pledge their family jewellery against those loans, which was then sold to settle them. It was their wedding gold.

Their family house is rented and they have a due loan to pay everyday bills, and additionally one to service the previous loan which was being used to build their family home. That loan is being called in. On top of this, Cyclone Gaja hit Tamilnadu and hit very badly their home District (Thanjavur) and further affected their lives.

My brother-in-law is not a slave nor his crew are slaves. They work for pay and expect to be paid on time.'

### GAJA Effect

At the time of landfall of the cyclone, heavy winds of about 170-180 km/h speed were experienced. The highest wind gust was recorded in Adhirampattinam at 181 km/h and secondly Muthupet recorded 180 km/h. Regions of Karaikal and Nagapattinam also experienced 100 km/h winds. The affected areas were the districts of Nagapattinam, Thanjavur, Thiruvavur, Pudukottai, Karaikal, Cuddalore, Trichy and Ramanathapuram. About 100,000 electric poles, 1,000 transformers, 201 electricity substations and 5,000 boats were destroyed by the cyclone.[4] Thousands of cattle and birds died due to the cyclone. **45 people died** mostly in the districts of Thiruvavur, Thanjavur and Pudukottai. About 18,000 hectares of Coconut trees were damaged, mostly uprooted. In total, 56,000 hectares of crops and trees were destroyed due to the cyclone.



Mother: Rajalakshmi



Wife: Mrs. Menaga Ayyappan



Brother-in-Law: Mr. Prabakaran



## Family support

'Family support is on going, but there are limits for everyone. We are however continuing to support as it is our moral responsibility to the family. Even his mother of 65 years has helped out with her savings.

Ayyappan's daughter is eight years old. She is aware that her father goes to sea for 6 months and then comes back after 6 months, but this time the duration was so long that she keeps asking for him. He has not seen her in 25 months and it is really emotional when he calls her. Sometimes she gets angry and says things like: "You do not want to see me, you do not come home"'

## Mental state

'I have known my brother-in-law for 17 years, and my impression of him is that he is a very strong human being, but of late he is losing confidence and normally he never gives up. In the last 3-4 months he feels that he is in a situation where he has lost everything, but we reassure him that this is not the case.

He is very concerned about his team, it is tough for them and it is haunting him and hurting his pride as the Captain. The situation is really killing him. He is trying to manage the crew moral and we are very proud of him, but it is constant mental anguish that he is going through. I do not know if he will ever return to sea after this.'

## Assistance

'We (the family) have had no support from the Government or the management agent. We became aware of the extent of the suffering from public details such as your work, but no officials have come to see the family. My sister has been calling the agency, but she does not receive any proper answers.'

## Wife's comments

Captain Swaminathan's wife, spoke with the Human Rights at Sea team from her home in Thanjavur District, near Chennai. She said: **"I just want him home. I want him safe and I want him back"**.



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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.


### Disclaimer

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