



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



End to Seafarer's Enforced Four-Year Stay on Abandoned Ship

A seafarer's four-year "legal guardian" attachment to the abandoned general cargo vessel, Aman, finally ended when an Egyptian Court recently accepted a local International Transport Workers' Federation (ITF) representative could take his place.

Mohammad Aisha had been the chief officer onboard the Bharani-flagged Aman for just two months before Egyptian authorities detained the 100-metre vessel at the Suez anchorage due to expired safety equipment certificates in July 2017.

When the shipowner then abandoned the vessel, an Egyptian Court designated Mr Aisha the vessel's legal guardian – preventing him from leaving the Aman until the ship was sold or a replacement guardian was found.

The vessel reportedly had no power and was covered in insects and rodents, and Mr Aisha had to swim ashore for such basic purposes as getting food and water or charging his mobile phone.

ITF Arab World and Iran network co-ordinator Mohamed Arrachedi, whose organisation represented Mr Aisha throughout the ordeal, said it had been "one of the most frustrating abandonment cases I have worked on".



Seafarer Mohammad Aisha (right) stands with the ITF contact who has volunteered to take his place as the legal guardian of the Aman, allowing Mr Aisha to go home (Credit: ITF)

“Mohammad has lost four years of his life,” said Mr Arrachedi.

“The situation has been so desperate for Mohammad for so long. It has to be said that the suffering caused to Mohammad could have been perfectly avoided if the shipowner and the other parties with obligations to him and the ship did the right thing from the start.

“So much has changed in the last four years. Mohammad’s home in Syria could be unrecognisable. Some of his family died years ago. The delays mean he will never see his mother again, and that is terribly sad.”

As he was about to board a plane headed to Syria in late April, Mr Aisha reportedly said to the *BBC*: “How do I feel? Like I finally got out of prison. I’m finally going to be rejoined with my family. I’m going to see them again.”



ITF Arab World and Iran network co-ordinator Mohamed Arrachedi has been advocating for Mr Aisha every day (Credit: ITF)

Despite his ordeal, Mr Aisha wants to return to a career in seafaring, according to Mr Arrachedi.

“We wish him all the love in the world to rebuild his life,” he said.

Ongoing Case and Legal Guardianship Challenge

Mr Arrachedi confirmed the ITF was continuing the legal battle to recover Mr Aisha’s wages – a fight he said was often required when shipowners abandoned vessels.

“It is absolutely unacceptable that it is always the seafarers who are made to pay the very high costs of abandonment. Abandonment is the cancer of the maritime industry and it needs to be eradicated.”

Furthermore, Mr Arrachedi said Mr Aisha’s case had put an important spotlight on Egypt’s “problematic system” of legal guardianship in cases of vessel abandonment.

“The appointment of seafarers as legal guardians is creating huge difficulties and suffering for seafarers.”

Mr Aisha’s case is similar that of Vehbi Kara, a Turkish master who was trapped onboard the *Kenan Mete* in the Suez Canal for months when an Egyptian Court made him legal guardian of the abandoned bulk carrier.

ITF advocacy saw Captain Kara released to a nearby hotel in February, but at last report, he was unable to leave Egypt.

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