



Press Statement

Brussels, 3 May 2016

## **STOP THE CRIMINALISATION OF SEAFARERS**

### **ETF and ECSA prepared to throw their full weight to protest against the unfair decision by the Supreme Court of Spain sentencing 81 year old Captain Mangouras to prison**

The European Social Partners in Maritime Transport – ETF and ECSA – are extremely concerned about the recent Court decision in the Prestige case as it unexpectedly overturned the judgment by the Provincial Court of La Coruña (Galicia) which had yet cleared both the Master, Captain Apostolos Mangouras and the Chief Engineer of criminal responsibility.

Judges have now convicted Captain Mangouras of gross negligence for his decisions during the voyage and his actions as events unfolded. But this decision is nothing less than a further proof – one time too many – of the ill-treatment of seafarers that began as early at the time of accident and which, in the case of Captain Mangouras, has continued for an agonizing period of fourteen long and stressful years of judicial harassment.

ETF and ECSA will refrain from commenting on the particulars of the judgment as the legal process is still ongoing. However, it is beyond dispute that seafarers are too often used as easy scapegoats upon whom to shift all the responsibility for possible environmental damages, and unfairly sued - sometimes in flagrant breach of their fundamental rights. Not without a hint of irony, Captain Mangouras' lawyer, Mr. Ruiz Soroa, had no hesitation in talking of 'committing suicide in joyfulness' since, in this ruling, everything happened as if seafarers were deliberately seeking to cause a maritime accident with disastrous consequences and with complete disregard for their own lives.

The Provincial Court judgment told an entirely different story. Captain Mangouras was found innocent for the simple reason that he bravely fulfilled his professional duty in attempting to save his ship. Confronted with a refusal by the Spanish authorities to give the damaged ship a place of refuge (where an oil spill could have been contained), not only the Master but also the Chief Engineer and the Chief Officer remained on board the vessel, whilst the hull was breached and the risk of capsizing was dramatically increasing. Under pressure from the Spanish authorities, the Master had to take a series of actions against his will that resulted in the damaged tanker being forced to remain out at sea in dreadful conditions, where it eventually broke in two and sank off the coast of Galicia.

The Social Partners cannot accept that seafarers should have to pay such a heavy price whilst the Maritime Authority, who had been exempted from any liability, ordered the vessel away from any port of refuge, with well-known catastrophic effects upon the natural environment.

In addition, the Social Partners fear that such a ruling will impact negatively on the attractiveness of a seafaring career and hence on the future recruitment of young competent seafarers. At a time when ECSA and ETF – together with the European Commission – are looking to promote the European maritime profession and render it attractive to young Europeans, the Supreme Court's judgement sends entirely the wrong signal.

Against this background, it is the industry's duty to condemn and rebut in the strongest terms the Supreme Court's judgement. It criminalises seafarers with no evidence and makes it clearer than ever that there is a strong case for securing the supervision and implementation of the IMO/ILO Guidelines on fair treatment of seafarers in the event of a maritime accident of 12 June 2006 and the new EU Operational Guidelines on Places of Refuge of 13 November 2015. In this respect, it should be noted that the latter have been developed jointly with the shipping industry, with the specific aim of avoiding a repetition of the mistakes made during the Prestige and MSC Flaminia incidents. It is therefore ironic that this judgment just comes at a time when the proper implementation of these guidelines could have prevented the worst from happening.

ETF and ECSA sincerely hope that this wholly unjustified sentence will not be served, as logic suggests a man who is past 80 and deeply marked by injustice cannot again be pointlessly sent to jail.

Nevertheless, cautious optimism must be the Social Partners' position in a case with long and multiple twists. In this context, ETF and ECSA stand ready to show their full support for Captain Mangouras and the defending party. The two sides of the industry are willing to travel to Greece to meet with him to demonstrate their solidarity and make it publicly clear they remain determined to stand firm against the trend in criminalisation of seafarers.

*For further information please contact:*

- **Philippe Alfonso**, ETF Political Secretary for Maritime Transport  
Tel. +32.2.285.45.84, email [p.alfonso@etf-europe.org](mailto:p.alfonso@etf-europe.org)
- **Patrick Verhoeven**, ECSA Secretary General  
Tel. +32.2.510.61.26, email [patrick.verhoeven@ecsa.eu](mailto:patrick.verhoeven@ecsa.eu)