

URGENT - appeal to free Capt Aroza, 2nd mte, A/B of M/T TOSA

From: **Samunderclub Houston** (samunderhou@gmail.com) Sent: Wed 1/27/10 10:45 PM To: Samunder Club Houston (samunderhou@gmail.com)

Dear Comrades,

Many of you have already sent one letter to the authorities. Our Samunder Club official scribe Joe Lobo has written another powerful letter which please send to the President of Taiwan immediately. Please follow following simple steps to send the message. Also send to your friends and urge them to join us in the campaign. Underneath the letter, you can read facts of the case also written by Joe.

1. Highlight the message below in bold
2. Click EDIT - COPY
3. Click on the link : <http://www.president.gov.tw/en/>. On the left column bottom you will find a "CONTACT US". It will lead you to the President's email request page.
4. Click EDIT - PASTE in the message section of the Box. Fill in the other boxes. Correct the message is you feel the need to do so.
5. Click SEND.

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Quote

Dear President Ma,

It is disturbing to read about the details of the case of the MV TOSA incident that occurred on April 17th, 2009. The accident should never have happened. I am so saddened that 2 precious lives were lost. My heart goes out to the bereaved families, and I pray that God will give them the peace and comfort that they need in these difficult times. A fisherman's life is a hard one – braving the treacherous oceans -and I am in awe of the hardships they must endure to bring home their precious wages which keep body and soul together.

Following the facts of the case that have been published so far, it's clear to see that no cause has been identified as the reason for the fishing boat's sinking. The Prosecutor seems to be trying to find some cause – a collision, or a capsizing due to the ship's wake or negligence on the part of the big oil tanker TOSA, but none of these causes can be proved – they are just conjecture. It looks like the Prosecutor is trying his hardest to 'pin' the blame on the ship, where there is no proof. The facts recorded by the ship's 'black box' clearly show that no collision took place. It also shows that the fishing boat is the vessel that should have kept out of the way of the TOSA. Why did the fishing vessel not take appropriate action to avoid the TOSA? Could it be that no one was in the navigating bridge at the time, that the boat Captain was busy performing other tasks and was distracted? It is too late to know.

Undoubtedly, it is a tragedy that the fishing boat's Captain and Chief Engineer died when they went down with the fishing boat 'Shintong Chen No. 86'. However, the specifics of the case clearly show that the fault was not caused by the oil tanker which had passed by 1 hour earlier. If the fishing boat had to capsize, it would have done so immediately (within a minute or two) of the ship's passing. Could the sinking of the No. 86 be attributed to a mechanical failure on the fishing boat, or poor navigational skills, or failure of the bilge pumping system in the engine room which failed to pump out water which had accumulated in the boat's engine room.

The chief engineer who died was found in the lower level of the engine room, which attests that he was desperately trying to get critical machinery started -- right until the very last moment! He should be commended for his heroic behavior and I extend my condolences and appreciation to his family, and to the family of the deceased boat Captain.

Your Excellency, as an 'Earth Citizen' I too feel that the TOSA's Captain and the 2 crew have become hapless prisoners of your Public Prosecutor, a man who is obviously keeping his agenda of self-aggrandizement above the honorable intentions of your country, and of the values that you are constantly announcing to the world.

Whatever the reason, Mr. President, I join my voice along with the multitudes who are asking for the release of poor Captain Aroza, 2nd Officer Karim, and AB Eduardo. They have been punished enough. The details of the case highlight the professionalism shown by them in carrying out their duties – exactly the opposite of what the Prosecutor is trying to prove. Please make your Prosecutor stop his witch-hunt. Please keep to your campaign promise of ensuring fairness and decency in your Government's practices. You speak out publicly about more transparency in government, a more honest government, a more responsible government. Now is the time to show it, Your Excellency. We are waiting and watching, and will judge you by your actions – which we are sure to be aligned with your words.

Unquote

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Following is for your information only -do not send the following to the President of Taiwan:

G'day All,

Captain Glen Patrick Aroza and his wife Preeta Aroza spoke to me last night in a telecon. He is in Taiwan under houst arrest in an apartment. His hearing is on Feb 2nd.

Here are some basic facts of the case - which occured on April 16th 2009 -as obtained from the ship's black box, and from Glen's words himself:

- Ⓢ April 16th night: Captain Glen had left instructions (Night Standing Orders) to his 2nd Officer for the night

watches.

- April 16th 2230 hrs: Vessel was passing through a dense fleet of fishing vessels, about 37 miles off the Taiwan coast
- April 16th: 2305 hrs: A fishing vessel very close (ShinTong No. 86) came within 0.3 miles from the large oil tanker (MV TOSA). 2nd officer on board the TOSA took avoiding action and he and his watch-mate (helmsman) watched as the fishing boat was well past and clear.

Note: Captain Aroza was asleep at this time. It could be argued that the 2nd Mate should have called the Captain as per the Standing Orders, but the 2nd Mate testified that he did not feel the need as his ship was not threatened in any way.

- ⊗ April 17th 0830 hrs: A Taiwanese Coast Guard vessel came close to the ship and told the Captain to stop the ship for inspection. Captain stopped the TOSA, while the coast guard cutter inspected the sides of the ship for signs of damage caused by a collision.

Captain asked the cg what the problem was, and the cg answered that last night the fishing boat 'No. 86' had capsized and sank. They also said that the other fishing boats in the area had reported that the TOSA had passed close by the 'No. 86' an hour prior it's sinking.

After the investigation, the cg told the TOSA that no evidence of a collision could be found and they were sorry for the stoppage, but please wait for instructions from headquarters.

After some time, the cg cutter informed that Captain that he must proceed to the nearest Taiwanese port Hua Lien for an inquiry. Captain refused (as he rightly should because he was in international waters).

Captain contacted his head office in Singapore, who (stupidly!) told the captain to comply. Ship proceeded to Hua Lien. Once inside the port, the inquiries started. Things started rolling downhill, with protests, the fisherman's union coming in on the act, and the need to find a scapegoat for compensation.

The rest is history.

What is important is that initially the Public Prosecutor tried to pin a collision charge on the ship, but this did not stick. The 'black box' recovered from the TOSA showed that the radar targets never touched each other. Later the charge was changed to 'fishing boat sank due to interaction with the ship's wake'. If this is true then the ship is responsible. But the weather was Force 5/6 (one crewmember of the fishing boat said it was Force 8). These were very rough conditions, with the seas reaching 5 meters in height. In these choppy seas, the ship's wake would not have made a bit of difference, because the fishing boat was being tossed around like a cork on the water.

The sunken fishing boat was recovered from the sea, and the body of the Chief Engineer was found in the bowels of the engine room; the Captain's body was never found. No damage to the fishing boat from any collision was found.

The Prosecutor again reinstated the charge of collision, showing scratch marks on the fishing boat and also on the ship. Captain Aroza testified that these marks were the normal marks of anchor chain chafing, and not due to any collision. However, this was the straw that the Prosecutor needed.

Glen is under house arrest in Taiwan on an 'involuntary manslaughter' charge, the 2nd Officer (from Bangla Desh) who was on duty is accused of a 'manslaughter charge' in jail, and the seaman (from Phillipines) who was on duty with the 2nd Mate is also under house arrest, on an 'involuntary manslaughter' charge. Glen's wife is with him in Taiwan, giving him vital support and encouragement.

Case is up for final hearing on Feb 2nd. 3 judges are hearing the case. Situation is not dis-similar to Indian conditions, where the Government has already decided what the judges' verdict should be.

The last time a case like this happened, the innocent Indian Captain was given 3 years in jail. He came out a broken man. We CANNOT allow this to happen to Glen Aroza!!

Every person who believes in justice and fair play needs to send an email to the President, showing that we are solidly behind the appeal. We need to show the Taiwan Government that we mean business! So send this message to all the recipients on your email chain lists, and ask them to also send an email to the President of Taiwan. Let the President's inbox be filled with appeals from all around the world. Justice must be done - and it will only work by your hand! We need to get this done before the trial date of Feb 2nd.

What's the use of having a billion people if we can't put them to good use!?!?! Do your part. Every drop adds up to make a wave, which will then rise up from the groundswell to jam every email station in the highest reaches of the Government! That should make them sit up and take notice.

Rgds, Joe+

With Best Wishes

Anil M Gupta