

A checklist for fair treatment

The information below is intended as a handy checklist for members of the Nautilus Federation unions, so they can quickly remind themselves about their rights and how they can get advice and assistance if they become involved in a maritime incident.

For fuller advice, members should contact Nautilus 24/7, a multilingual service which will take a message and contact a Federation union official who can call you back and provide you with prompt advice and assistance. Go to www.nautilusint.org for the LiveChat online connection to Nautilus 24/7 and the list of freephone numbers from 45 countries. You can also email helpline@nautilus247.org or send an SMS text message to +44 (0)7860 017 119.

Your first steps in times of trouble

If you are involved in a maritime accident, the following general advice might be useful. It is based on general principles, including those laid down in international law. There may also be safeguards in the national law of the country concerned which should also be asserted.

A. If the vessel is boarded by officials

- i Ask to see proper identification of any law enforcement officer and record full details of the identification.
- ii Notify owner/operator, flag state, and consular authorities of the incident and any enquiries made.

- iii Cooperate reasonably with the law enforcement authorities involved without waiving any of your legal rights.
- iv Request to be informed of your rights under the national law of the boarding state in a language that you can understand.
- v Assert your rights as a citizen of the flag state to be dealt with by the authorities of the flag state.

B. If a search is carried out

- i Refuse to allow a search of either yourself or your personal belongings unless a valid search warrant is produced.
- ii If there is no search warrant but the law enforcement officers still insist on the search, clearly state that you do not consent to the search, preferably in front of witnesses.
- iii Do not use force to prevent a search.
- iv Request legal representation before any search is carried out of your person or your belongings.
- v Request contact with your trade union or a local trade union official before any search is carried out of your person or your belongings. Remember to refer to the Nautilus Federation contacts in Annex 1 or contact Nautilus 24/7
- vi Remain present during any search of your belongings, preferably also with another crew member present, and note any personal items removed or damaged during the search.

If you need immediate advice

C. If an interview is conducted

- i** Request legal representation before agreeing to answer any questions.
- ii** You have the right not to incriminate yourself. Make no admissions without taking legal advice.
- iii** If you decide to speak without a lawyer present, or cannot avoid doing so, then request that there are witnesses present whom you can trust, including your trade union or a local trade union official. Note the assistance available through JASON starting on this page.
- iv** Request the use of a translator before giving a statement or answering any questions if the language spoken by the law enforcement officials is not your own, or if English is being spoken and you are not a native speaker.
- v** Do not rely on promises of immunity made by law enforcement officers in exchange for any statement or for answering any questions. Valid offers of immunity from criminal prosecution can generally not be made by law enforcement officials.
- vi** If the interview is to be conducted outside the ship, refuse to leave unless accompanied by a lawyer and an interpreter (if necessary), and only after your consular authorities have been notified of your whereabouts.
- vii** Do not use force to resist your removal from your ship.
- viii** If intimidated, notify your lawyer and/or consular authorities.
- ii** Request legal assistance and confidential communication with counsel.
- iii** Request consular assistance.
- iv** Request the right to an interpreter (approved by consular authorities) and to translation of essential documents.
- v** Assert the right to be brought promptly before a judge to have the lawfulness of your detention reviewed.
- vi** Assert the right to have a trial within a reasonable time and not to be detained pending trial without good reason.
- vii** Assert your right not to be subjected to arbitrary arrest or detention, and not to be deprived of liberty except on such grounds and in accordance with such procedures as are established by law.

I need immediate advice and assistance. What should I do?

You are advised to contact a union of the Nautilus Federation as soon as possible, and before making any statements to any authorities. If the accident happened in a port or territorial waters of a country in which a Federation union is situated, or your vessel is flagged in such a country, you can either contact that union directly or go through Nautilus 24/7 (see contact details above).

There is a list of Nautilus Federation unions and their contact details on the Nautilus Federation website:

www.nautilusfederation.org/policy/jason. The list is also available in the Nautilus Federation guide **Fair treatment of seafarers in the event of a maritime accident**.

What can JASON do for me?

If you are in a port, territorial waters or vessel which has no Federation union presence/flag connection, you are advised, in accordance with the IMO/ILO Fair Treatment Guidelines, to seek assistance from a local union and also inform your own union. Again, you can contact Nautilus 24/7 to assist you in in this process.

What can JASON do for me?

Ensuring that the IMO/ILO Fair Treatment Guidelines are observed:

- ▣ ensuring that parties involved are aware of the IMO/ILO Fair Treatment Guidelines and that these are observed at all times
- ▣ liaising with you and between you and your own union
- ▣ providing you with legal advice and relevant information
- ▣ providing you with pastoral support, reassurance, visiting/arranging visits by port welfare staff or seafarers' missions
- ▣ helping you to obtain release in cases of detention
- ▣ advising on/engaging expert lawyer(s), interpreters and consular access
- ▣ arranging personal, medical and psychological support
- ▣ responding as necessary to any urgent need for assistance
- ▣ keeping your own union up to date with the situation/developments

- ▣ asserting your human and economic rights
- ▣ ensuring you are treated with dignity and respect by the authorities
- ▣ ensuring the authorities provide you with appropriate subsistence e.g. food and accommodation

Is there any other general advice?

If you are approached by a law enforcement authority, remember:

- 1** Contact the Nautilus Federation immediately and before making a statement (if possible).
- 2** Cooperate with the authorities as far as you are able but do not incriminate yourself.
- 3** Be prepared to take time out if necessary.
- 4** At all times seek independent legal or technical advice if you are unsure of the situation.
- 5** Never be afraid to politely ask any official what their powers are and the purpose of the investigation.
- 6** If you find yourself in a situation where it may look as though somebody suspects you of a criminal offence then seek immediate legal advice so that you do not prejudice your position.
- 7** No attempt should ever be made to provide false information to investigating authorities nor should documents onboard a vessel be 'lost' or 'destroyed' as such actions could get you into serious trouble.