

International Cruise Victims



I would first like to thank the Chairman and members of this committee for giving me the opportunity to participate before this committee. I am here today both as a victim and as President of International Cruise Victims (ICV), an organization formed by people who have experienced tragedies on cruises and who have been treated poorly by cruise lines. My prior working experience was to serve as President and CEO for 18 years of an insurance company in New York City.

As a victim, I have personally felt the pain, not only of losing our daughter, Merrian Carver, but also having to struggle with the cover-up by a major cruise line of the facts concerning her disappearance. She had been a passenger on a Celebrity Cruise Ship, which is owned by Royal Caribbean.

Each member that has joined ICV since it was founded in January of 2006 has had similar painful experiences. Having listened to the stories of these other victims, I feel that I now know something about what counselors must feel when they hear the tragic stories from their patients.

I would first like to review quickly the tragic events of our daughter's disappearance. We were first made aware of a problem when our granddaughter called to tell us that Merrian was not returning her calls. We then started to search for Merrian, and contacted the police in Cambridge, Massachusetts where she lived.

The police found out three weeks later through credit card records that she had booked the cruise, and we contacted the cruise line. After a couple of days they confirmed that she had been on a Celebrity Cruise ship. Only after we contacted them did they make a report to the FBI one week later. This was five weeks after she disappeared. Moreover, we found out that the cruise line had previously disposed of her property without attempting to contact her family or the FBI.

A brief summary of the facts concerning her disappearance is as follows:

- The cruise line failed to report that Merrian was missing to the FBI until five weeks after she went missing and only after we contacted the cruise line.

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- They disposed of her property by giving most of it away to charity despite their protocol, which calls for property left on a ship to be held for 90 days.
- When we asked about video records, which could show things relevant to Merrian's disappearance, they told us they had no records and there had been no review concerning Merrian. However, in January, 2008, three years after we had asked for and subpoenaed information concerning these video's, one of their senior personnel admitted in writing that we had been lied to concerning the surveillance tapes regarding their retention and review by ship's personnel. In fact, in June of 2006 they also lied to the FBI indicating that the video had been erased by the time we asked for it three weeks after her disappearance.
- They made a report to the FBI indicating that nothing had happened on the cruise. Their internal documents show that during the third week in September their officials were coordinating a cover-up of the disappearance.
- They told our Detectives that the cabin steward had made no reports concerning Merrian, but we later learned through the depositions that he had reported her missing from her cabin for five days during the cruise and was told by his supervisor to "forget it and just do your job".
- The cruise line would not permit an interview with the steward or the security officer responsible for the surveillance system. We had to hire private investigators, two law firms, take court action in two states and spend over \$75,000 over 4 ½ months in order to have our lawyers depose the steward – an effort that many families of victims would not have been able to make. Only after this court ordered deposition on January 16th and 17th on 2005 did we realize that they had been lying to us from the beginning.
- In Congressional Hearing in December of 2005 and again in March 2006, under oath the representatives of Royal Caribbean indicated that they cooperated with the family as soon as they were aware of her disappearance. In fact, they really began the cover-up of her disappearance starting the third week of September 2004 and cooperated later only in response to court orders. However, even to this day, we have not received items that were requested and subpoenaed in 2004-2005.

In July of 2005, I read a book, "The Devil in the Deep Blue Sea" by Kristoffer Garvin. On page 246 he wrote, *"An examination of sexual cases found a pattern of cover-ups that often began as soon as the crime was reported at sea, in international water where the only police are the ship's security officers."* I realized that our treatment fell within this pattern.

After the first Congressional hearing in December of 2005, I concluded that we needed to organize a group of victims in order to have a chance to get changes

made in the practices of the cruise industry. I contacted other known victims, and together, we decide to form International Cruise Victims. Starting in January of 2006 with just four victims, this group now has members in 24 different countries with a separate chapter in Australia headed by Mark Brimble. Members of this subcommittee and their staff members can review the stories of these victims on our website at www.internationalcruisevictims.org.

When I and other victims testified at the Congressional Hearing in March of 2006, we shared our stories to show the need for substantial changes in cruise line practices and we presented a 10-point program developed by ICV members to improve safety on cruise ships. I, along with other ICV members, have personally attended several meetings with CLIA and cruise lines representatives concerning suggestions made by our members. The standard answer from them is: "these are great ideas, however we have another approach." Even after all of these meetings, the problem is that the cruise lines would provide no written commitments for any significant change.

What have we learned during this past couple of years concerning this industry?

1. Cruise Ships take the legal position that they are not required to investigate crimes on cruise ships and are not equipped to do so. This is documented in Exhibit II. In addition, they take to position that they are also are not responsible for the medical care or accidents that occur on excursions that they promoted and also make a substantial commission on when sold to their passengers.
2. Cruise ships now hold thousands of passengers and crew members. In addition, cruise lines promote unlimited drinks for one price resulting in people becoming inebriated that adds to the likelihood of a crime occurring. Yet the passengers safety on the high sea rests with the county were the ship has been flagged.
3. Since the cruise ships do not investigate crimes and report them only on a voluntary basis, most criminals are not apprehended or punished for the crimes they commit on cruise ships. As United State Representative Christopher Shays indicated, "it is the perfect place to commit a crime."
4. In addition, a well-known Internet site, Cruise Critic, in an editorial dated May 16, 2008, cites results of a survey of 1700 people that have taken a cruise and found that **10% of respondents said yes to the question: "Have you ever been affected by crime, minor or major, on a cruise ship?"** Dr. Ross Klein, Professor of social work at Memorial University of Newfoundland, indicates that, "The numbers would suggest that as many as one million Americans have been victims of a crime on a cruise ship." If a resort had 10% of their customers indicate that they had been affected by a crime at that resort, there would be extensive investigations by legal authorities.

5. In the paper by Dr. Ross Klein and Dr. Jill Poulston titled, "*Sex at Sea*", it is reported that the sexual related incidents on cruise ships is almost 50% higher than the rate of sexual assault on land. In addition, while cruise lines do not put out notices concerning persons going overboard, on cases that make the press the reports indicate that almost every two weeks someone goes overboard. As can be seen in Exhibit II, 23 passengers and crew went overboard just in 2012. That is one almost every two weeks.
6. With the added **concern of terrorism**, Passengers on cruise ships need the same protection as passengers have on airlines that currently have independent national Sky Marshalls for protection. In the October 16, 2006 issue of the Insurance Journal, an article titled, "*Maritime Terrorism Risk Extends to Cruise Ships and Ferry Boats*", states that cruise ships and ferry boats need more protection than they now have against terrorist attacks that could kill and injure many passengers and cause serious financial losses. This conclusion is based on a new RAND Corporation report.

Included is a summary in Exhibit I of the steps taken by ICV and CLIA to meet and reach an agreement on safety improvements. After four hearings in the House of Representatives chaired by Elijah Cummings, the representatives of the cruise lines were given 90 days to provide to his committee a report on what they were willing to commit to improve safety. This report was delivered to the committee on December 19, 2007. A careful review of this report shows that after all the various meetings and congressional hearings the cruise lines were unwilling to commit in writing to any real changes from what they're doing currently.

In June of 2008 an additional hearing was held in the United States Senate chaired by Sen. Kerry. As can be seen in the attachment material, even though they were again requested to cooperate with commitments, they again failed to do so. As a result, the historic legislation, referred to as the Cruise Vessel Safety and Security Act, was introduced in July of 2008 and was passed in 2010. Between the House and Senate, there were only four votes against this legislation. With 550 total representatives in the House and Senate, this was truly an historic development.

During this period the Cruise Industry spent over 16 million dollars to lobby against this action. Since ICV is a group made up of volunteers, all of our members paid their own expenses to go to Washington to make this happen.

Clearly the security on a cruise ship is not independent and with reports showing that anywhere from 50% to 75% of all crimes involve crew members their goal is to protect the cruise line from a liability standpoint. Exhibit II reviews how their security is being used to protect the cruise lines.

One of the issues raised on the Coroner's report was the need for independent police on cruise ships. In Exhibit III there is a summary of a detailed proposal prepared by ICV on the need and how this can be accomplished. We trust you will find this of interest.

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We are pleased that Australia is now looking at this issue to protect their citizens on cruise ships. If a citizen of Australia becomes a victim of a crime in a foreign county, your embassy will address this issue to protect the rights of your citizens. This needs to be the same for a passenger on a cruise ship leaving or arriving in Australia. They need this same protection. They should not have to rely on the actions or protection of a county which is 1000's of miles away where the ship has been flagged.

As the United States has already done, Australia needs to address solutions to this problem in order to protect future passengers and crew. The goal of ICV is not to damage cruise lines but to hold them accountable for the safety of future passengers and crewmembers and to require prompt and accurate reports to authorities of crimes, deaths, disappearances and other matters that would normally be investigated if they had occurred on land.

Since 1999 cruise lines have had a stated policy that they have a zero tolerance for crimes. This would infer that there is nothing that they would not do to prevent crimes on cruise ships. However, after our several meetings with representatives of cruise lines to explore various suggestions coming from victims and their families, the cruise failed have yet to commit in writing to any changes. Meanwhile, they aggressively oppose any new legislation to provide **mandatory rules** to protect passengers and crew member from crimes on cruise ships.

Frankly, we have no money to lobby, only the many victims and their passion for change that are working for ICV every day. Fortunately, you were elected by the people you represent and not the lobbyist for a foreign corporation.

It is clear to me that Australia needs to take action to pass comprehensive legislative action since the cruise lines have shown no willingness to voluntarily commit to make substantial changes in their current practices in order to protect passengers on cruise lines. I will look forward to answering any questions that you might have concerning this subject.

Sincerely,

Kendall Carver
Chairman
International Cruise Victims Association, Inc