

Part I – Introduction

Introduction to the Freewinds

The owner of the Freewinds is the Church of Scientology. It may appear unusual that a religious organization runs a cruise ship, but the Church of Scientology historically has strong maritime ties. The founder of Scientology, L Ron Hubbard, was a naval commander during WWII before starting the Church in the fifties. In the late sixties he headed the Church from a small fleet of three ships. To run this fleet, he established an organization called the “Sea Org” the 1967 . The Sea Org soon developed into the religious order of the Church, responsible for outreach activities of the Church and delivering the highest levels of training within the Church, known as the Operating Thetan or OT levels.

The Sea Org moved to back to land bases in 1975. However, the Church decided in 1985 to return to sea with the purchase of another vessel, the Freewinds. The Freewinds is staffed entirely by Sea Org members and is used as a religious retreat, conference centre and training location. In fact, it is the only place in the world where training for the Church’s highest level, OT VIII, can be received.

Sea Org members consider themselves to be ministerial volunteers and they work for food, lodging and a small stipend. They have also signed an employment contract however¹, so it is often unclear whether Sea Org members should be considered volunteers or employees from a legal point of view. For the purpose of this complaint, I will be assuming that crew members are legitimate volunteers meaning that the low salaries of crew do not constitute a non-conformity of minimum wage requirements.

Various legal entities are involved in the ownership and running of the Freewinds. The following overview (which is a slight expansion of the information on Wikipedia) represents the best of my knowledge, but is not necessarily correct or up-to-date.

The Freewinds is owned by San Donate Properties, a Panamanian corporation. The sole shareholder of San Donate Properties is Flag Ship Trust (FST), an integrated auxiliary² of the Church of Scientology International, itself a Californian non-profit organization. CSI International can be considered the ‘mother church’ of the Church of Scientology. Another FST-owned Panamanian corporation, Transcorp Services, owns the mortgage on the Freewinds.

Flag Ship Services Organization (FSSO) delivers the Scientology courses aboard the vessel. This organization was established as FSSO N.V. on the Antilles, but is now registered as FSSO Inc. in the USA in the state of Delaware³.

Majestic Cruise Lines is a Panamanian corporation which operates the Freewinds. MCL Services is a corporation in the Netherlands Antilles that provides shore support and liaison services for Majestic

¹ Sea Org members sign two contracts. First they sign a pledge to commit themselves to the Sea Org for their current and next lifetimes, symbolically for the next billion years. Upon joining the Sea Org they sign an actual contract which would be an employment contract from a legal point of view in some jurisdictions.

² <http://www.xenufrance.net/fst-to-irs-1023.pdf>

³ Antilles organization, <http://www.xenu-directory.net/documents/corporate/entity.php?ntt=88>; American organization: http://visulate.com/rental/visulate_search.php?CORP_ID=F97000002501. Claim for Delaware jurisdiction: <http://www.xenu-directory.net/documents/corporate/entity.php?ntt=618>

Cruise Lines and FSSO from the home port of the Freewinds, Curacao. Finally, a non-Scientology company called International Shipping Partners (ISP) delivers deck and engine maintenance services⁴.

Of these organisations, FSSO Inc. acts as the *de facto* shipowner of the Freewinds. Sue Price, director of FSSO Inc., is an executive on board of the Freewinds. FSSO Inc also provides the funds for Majestic Cruise Lines to operate the ship.

DNV was the registry of the Freewinds for a long of time, but it moved to Lloyd's registry for unknown reasons somewhere between 2009 and 2011. The Captain of the Freewinds is named Mike Napier.

Notes regarding the distribution list of this complaint

Several recipients and agencies have been included in the distribution list of this complaint. All of them are aware of the allegations levelled against the Church of Scientology in this complaint. Previous communication with them is listed below.

[Details not for publication at this moment]

Notes regarding my own background and motivation

Recipients of this complaint might assume that I am a former member of the Church of Scientology. This is not the case, nor do I have family members or friends who are or were involved. I am simply a concerned citizen who is abhorred by the human rights abuses committed by the Church of Scientology.

I realize this is a very lengthy complaint and I hope readers will not feel overwhelmed with information. But as it happens, much can be said about the background of the allegations I will be making in this complaint. I realize some of the information may be more relevant for [not for publication at this moment], but I felt it would be useful to provide each organization with all relevant information.

Furthermore, although I will attempt to present the allegations against the Freewinds within the framework of the MLC, I do not have the formal legal training to do so. Nevertheless, I hope that the recipients of this complaint will be willing to seriously consider the allegations and advices put forward in this complaint.

Unfortunately, there is a strong culture within the Church of Scientology to initiate intimidation campaigns targeted at its more prominent critics⁵. Karin Spaink is an example of a Dutch critic who was at the receiving end of such a campaign in the early '90s. Many of the sources I will be naming in this complaint have been targets of such campaigns in more recent years. If I succeed with this complaint, I may well be similarly 'honored' by the Church of Scientology.

To avoid this, I prefer to make my complaint anonymously. I would like to request every agency involved to attempt to keep my name confidential.

⁴ <http://www.isp-usa.com/fleet/freewinds/freewinds.html>

⁵ Historically, such intimidation campaigns were a matter of policy. A 1967 Church policy introduced the practice and named it 'Fair Game'. Between 1967 and 1991 this policy was amended and (partially) cancelled several times. Every mention of it has been removed from (non-confidential) Church literature since 1991. Nevertheless, the practice itself continues to this day, albeit in less extreme form than in the '70s. Because this aggressive culture originates with the 1967 policy, most critics continue to refer to intimidation campaigns against them as being Fair Game.

Part II - Complaint

Overview of claimants

Close to a dozen former crew members have made statements in the press or on the internet, in which they claim to have been victims of human trafficking conditions on the Freewinds.

Unfortunately, it appears that the MLC and the older ILO conventions it replaces, have not been written with human trafficking in mind. For example, the passports of crew members are taken when upon arrival on the ship and only crew which is not considered a flight risk will be granted approval from the Captain to leave the ship with their passports. I could not find a standard in the MLC which would be violated with this practice⁶.

As a result, I have not found it easy to fully express the labor conditions of the crew on the Freewinds within the framework of the MLC. In particular, the enormous psychological impact they can have on crew members remains understated in this complaint. The following statements by two former crew members, Mr Straass and Mrs Dienes Browning respectively, are very telling in this respect:

“I was becoming suicidal. I decided that the only way out was to fry myself on the high-power 380 volt electrical buss bars that supply the ship's power. I could handle the abuse to me by the org [FSSO red.], but I could not handle being forced to harm my own family.”

“I became unbelievably depressed and suicidal. I used to carry a pocket knife around with me. It was the only way I could feel that I had some sense of control, the thought that if I needed to take my own life, I could. [...] Since I left Scientology, [...] I've had to deal with depression and post-traumatic stress.”

Nevertheless, the statements by former crew members indicate structural non-conformities with several MLC standards.

A list of these former crew members is included below, including the period in which they served on the ship, their country of birth and country of residence, whether their story has been reported in the press (which entails a certain degree of authentication and fact-checking) or on the internet, as well as the URL at which their statements can be read in full.

All of them are likely to be willing to make formal statements to authorities regarding the treatment they received⁷ and most likely they will be able to contact other former crew members for further corroboration.

Name	Period	Country of Birth/Residence	Press/Internet	URL
Don Jason	'96	USA	Press	http://www.tampabay.com/news/scientology/article1048124.ece
Valeska Paris	'96-'07	Switzerland/ Australia	Press	http://blogs.villagevoice.com/runninscared/2011/11/valeska_paris_scientology_freewinds.php , http://www.youtube.com/watch?v=XWJIEWWLvLM&feature=player_embedded
Ramana Dienes Browning	'95-'03	Australia	Press	http://blogs.villagevoice.com/runninscared/2011/12/ramana_dienes_browning_scientology_freewinds.php

⁶ Although this practice would likely violate article B1.4.1.2 (d) regarding the prevention of exploitation of seafarers, I have chosen to limit my complaint to mandatory articles in the MLC.

⁷ An important exception may be Colm McLaughlin. Although he no longer is imprisoned on the Freewinds, he has not spoken publically about his experiences and may still consider himself loyal to the Church.

Scott Campbell	'85-'93	USA	Press	http://rutube.ru/video/d2ba7605b8813c036c9de2138dd7ceb5/ Note nov 2014: Mr Campbell has made additional statements on video: http://www.youtube.com/watch?v=ACJSR-Smr8c
Colm McLaughlin	'06-'12?	USA	Third party, internet	http://www.scientology-cult.com/re-columclaughlin.html
Bill & Alison Straass ⁸	'89-'02	?	Internet	- http://www.scientology-cult.com/human-trafficking-on-the-freewinds.html - http://www.scientology-cult.com/bill-straass/487-perversion-of-justice-on-the-freewinds.html - http://www.scientology-cult.com/freewinds-off-purpose-off-course.html
Ignazio Tidu	'03-'07?	Italy/USA	Internet	http://www.scientology-cult.com/class-xii-auditor-ignazio-tidu.html?start=3
Karola Andris	?-'98	Switzerland	Internet Third party ⁹	http://ocmb.xenu.net/ocmb/viewtopic.php?p=417322#p417322
Eliana Alaimo	'04-'07?	Italy	Internet	http://markrathbun.wordpress.com/2011/12/12/eliana-alaimo-is-independent-and-strong/
Marty Rathbun	'04?-'06? ¹⁰	USA	Internet	http://blogs.villagevoice.com/runninscared/2011/11/valeska_paris_chris_guider_scientology_freewinds.php?page=3
Mike Rinder	'04?-'06?	USA	Internet	

The overview of non-conformities below, is entirely based on the statements in the URLs listed in the table above.

Standard A1.1 – Minimum age

1. The employment, engagement or work on board a ship of any person under the age of 16 shall be prohibited.

Labor conventions are crystal clear in that no one under 16 is allowed to work on a ship. However, Mrs Dienes Browning claims that she was 15 when she started working on the Freewinds. She claims she was recruited under heavy pressure (at some point by three people simultaneously) when she was visiting the Freewinds as a passenger.

Mr Straass alleges that another crew member, Jenny Lowe, worked on the ship in 1999 at the age of 16. As she had a management position at that point, she is likely to have started working on the ship before the age of 16 as well.

Update November 2014: In the meanwhile, the Church has published this internal flyer about a female crew member who has been working on the ship since at least 2008 and who could well be in her late teens or early twenties. The flyer also appears to imply that the crew member joined the Sea Org at the age of twelve.

⁸ In particular the statements by Mr Straass, Mr Tidu and Mrs Alaimo make heavy use of Scientology jargon. Most of terms they use are explained in the glossary at www.xenu-directory.net.

⁹ Although Mrs Andris' story was posted by another former member, she has confirmed she would at least be willing to talk to the press. Her e-mail address is known by me.

¹⁰ Mr Rathun and Mr Rinder were spending short periods of time on the Freewinds every year, rather than being employed there full time.

"I'M ACHIEVING MY GOALS IN THE SEA ORG!"



Yari Novati grew up in Europe constantly on the move. Traveling from country to country with her parents she routinely found herself in a new house and school several times a year. By the age of 12 she had rubbed elbows with people from all walks and strata of life representing myriad ethnic groups. Witnessing all she did, she had a strong purpose to do something about conditions on this planet. Here is her story:



I quickly realized that real life is very different from the glossy veneer constantly portrayed by the media. People had problems, families had difficulties, criminality and injustice didn't only occur in the movies, they were real. What struck me the most was that none of the so-called "learned people" were able to provide answers to how I could help and make a difference in society for real. A common answer was a smile accompanied by, "nice, but that's how things are in real life and you just have to learn to live with it."



Then my mother got into Scientology through a field auditor and brought me to the Milano Org for some introductory courses. That's where I discovered that there was an answer and a workable technology that I could use to help people and improve conditions around me. Shortly after I joined the Sea Org.

There are no words to describe the feeling of really and truly helping another, or when you see with your own eyes that what you are doing is making a difference in society. In the Sea Org, I experience that every day.

Since joining the Sea Org, I've trained as a Professional Word Clearer, Supervisor, Auditor and am the youngest person to have trained as a Congress Manager able to deliver the now world-famous LRH Weekend Congresses around the world. Additionally, and as a member of the Ship's company, I am trained in and hold such functions as sea watches, doing daily emergency drills, boats drills, etc. Every day I know that I am doing all I can to help make the delivery of the OT levels a reality for all.

Have you ever felt like things really needed to change? Have you ever felt like you really wanted to make a difference? The Sea Org is where I am making a difference and where I'm achieving my goals every day.

Petty Officer 1st Class, Yari Novati



Update January 2015:

In this newspaper article, reference is made to a student under the age of 16 who is sent to the Freewinds in 2006 or 2007: <http://www.standard.co.uk/lifestyle/london-life/as-katie-holmes-bars-suri-from-sea-org-the-sussex-school-whose-pupils-vanish-at-16-to-join-scientologys-secret-elite-7935866.html>

Standard A2.1 – Seafarers' employment agreements

1. [...] ships that fly its flag comply with the following requirements:

(b) seafarers signing a seafarers' employment agreement shall be given an opportunity to examine and seek advice on the agreement before signing, as well as such other facilities as are necessary to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities;

Sea Org members join the Sea Org at their own volition (assuming they are adults at least), believing that the Sea Org is crucial in saving the planet. However, as we will see in the next sections, labor conditions are extremely tough. At some point, many members reach a breaking point and indicate they wish to leave. In many cases they will not be allowed. As a result, their labor conditions turn into a case of human trafficking.

Most of the former crew members in this complaint came to the Freewinds when they were still true believers. However, some crew members already were human trafficking victims when they boarded the Freewinds. Because it is relatively easy to control people on a ship, Sea Org members are occasionally transported to the ship for this purpose.

One example is Mr Jason. Although he was convinced by former executive Mr Rathbun to come to the Freewinds at his own volition, he claims that he found himself under guard after he arrived. After being held prisoner for six weeks, Mr Jason escaped the Freewinds by zipping down the mooring cables with a self-made rolling pin.

Another example is Mrs. Paris. She claims that she was sent to the ship against her will by the leader of the Church of Scientology, Mr David Miscavige, receiving only two hours' notice before her plane left. She says she was told her stay would only be for two weeks. Instead, she spent the next twelve years on the Freewinds before she was able to leave.

This claim is corroborated by Mrs Dienes Browning, who made the following statement about Mrs Paris' arrival on the ship: "I knew that [...] she was extremely unhappy to be there. That she was distressed and under watch. That she was doing heavy work in the engine room. That she had huge arguments with the captain about not wanting to be there."

Mrs Dienes Browning also claims that several other crew members, namely Colm McLaughlin, Karleen Desimone, Melissa Deness, Nina Light, Callie Lekas and Bart Vanlooocke were sent to the Ship without their consent, after which they were put to work in the engine room for about 6 months full time.

Additionally, she claims that there were three further unnamed people under guard in an experimental RPF program during her stay (which lasted until 2003). The Rehabilitation Project Force is Scientology's punitive detail for members who have fallen out of favor. After a suicide attempt, the third woman was moved to a more standard RPF facility in either Los Angeles or Clearwater, according to Mrs. Dienes Browning. The claim of an experimental RPF is corroborated by Mr Jason in his statements.

4. Seafarers' employment agreements shall in all cases contain the following particulars:

(d) the capacity in which the seafarer is to be employed;

(g) the termination of the agreement and the conditions thereof, including:

(i) if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer;

With regards to item (d), all Freewinds crew members are assigned a formal position¹¹. However, crew members are often sent to the engine room as a matter of punishment even if this is not part of their job description.¹²

Mrs Paris alleges for examples she was punished with an assignment in the ship's engine room for several months. She also claims that three young women were disciplined in this way after a birthday party was

¹¹ In Church parlance this is called 'hatting'

¹² Before an aspirant Sea Org member joins, they are required to do what is called the Estate Project Force. This is a type of boot camp, which usually lasts a month, in which prospective members are prepared for the tough labor conditions in the Sea Org. The Church is likely to argue that that Sea Org members are duly informed of Sea Org lore and policies during the EPF, including the possibility of arduous manual labor as a form of discipline (called MEST work). This may satisfy mandatory article A.2.1.4 (d) from a legal point of view. However, the punishments most certainly do not adhere to the principle of natural justice, mentioned in the non-mandatory article B.1.4.1.2 (h) of the MLC.

organized on the ship for Tom Cruise¹³. "They were trying to get Tom's attention. So they were put in the engine room.", according to her statement. Similarly, Mr Tido makes claims of having to work in the engine room as a way of punishment on several occasions and he alleges the same happened to various other unnamed crew members.

Additionally, executives (including former executives Mr Rathbun and Mr Rinder) would live on the Freewinds for several weeks or months every year in preparation for the yearly celebration of the Maiden Voyage of the Freewinds. They claim that they were ordered to work in the bilges as a punishment detail during these stays. Both Mrs Paris and Mr Tido have confirmed this in their own statements.

With regards to item (g), the termination of employment, if a Sea Org member wants to leave he or she is required to "route out". This process includes hard labor, confessionals and interrogations called 'Security Checks'¹⁴. Importantly, routing out is an open ended process that can drag on for months.

For example, when Mrs Dienes Browning eventually left the Freewinds, it took her two months to route out. Mr Straass stated that only few staff successfully "routed out" from the Freewinds, in one case taking two years to be repatriated. Mrs Paris also confirmed in her statement that "it takes forever to get off the ship."

Standard A2.3 – Hours of work and hours of rest

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5. The limits on hours of work or rest shall be as follows:
- (a) maximum hours of work shall not exceed:
 - (i) 14 hours in any 24-hour period; and
 - (ii) 72 hours in any seven-day period
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Work weeks in the Sea Org are known to exceed 72 hours most of the time. In fact, grueling work hours are so common place in the Sea Org, that some former crew members simply haven't confirmed this in their statements.

Mrs Paris however, did make statements to this effect: "You'd get up at 6 and go to work, and you'd work until midnight. [...] We were getting three hours of sleep a night, for months. Sometimes you worked all night. You were a walking zombie. We'd go to the toilet and fall asleep." At one point she claimed she was sent to work in the engine room for 48 hours straight.

Mr Tido claims he was forced to work up to 18 hours a day for a prolonged period. He states: "I was sitting on the floor in the engine room, it was dirty and hot. I was so tired to a point of going unconscious, I couldn't keep my eyes open."

In addition, Mrs Paris names several other crew members who she claims also did not get enough sleep, namely Angie Blankenship, Guillaume Lesevre and Colm McLaughlin.

¹³ No, this is not a joke. Here's a video made of the party: <http://gawker.com/5864342/tom-cruises-slave+powered-scientology-birthday-party>

¹⁴ List of interrogation questions: http://wikileaks.org/wiki/Scientology_cult_Whole_Track_Security_Check

Standard A2.4 – Entitlement to leave

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3. Any agreement to forgo the minimum annual leave with pay prescribed in this Standard, except in cases provided for by the competent authority, shall be prohibited
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Theoretically, Sea Org members are entitled to three weeks of leave every year. However, in practice this leave is rarely granted, for one because it is conditional on the Sea Org member arranging his or her own replacement. Mr Straass describes his attempt to be granted a leave of absence in his statement. I have left the emotions expressed by Mr Straass in his statement intact, as well as the jargon he uses (a CSW is the leave request form, ED INT basically acts as the Head of HR of the Sea Org):

“In early 2002, after 7 years with no LOAs (Leave of Absence) I made the outrageous request to be allowed to go to my parent's 50th wedding anniversary celebration. I had seen no member of my family in 7 years. [...] I sent in the standard CSW months in advance showing how my post would be covered, etc. I got no answer — the typical response. They figure, not totally incorrectly, that eventually you will give up wanting to see your family.

So I finally sent a petition to ED INT to get a leave. [...] After staff meeting the next day I was called up to the Captain's office [...] He then launched into a tirade against my wife (wrong target) for starting this "reunion shit." He then screamed at the top of his lungs (or so I thought at the time) "I DON'T GIVE A FUCK ABOUT FAMILY." [...] My leave was disapproved“

A few years later, Mr Straass is ashore with a serious illness and his wife requests to be able to visit him. Mr Straass describes this attempt as follows (COB is the formal title of Mr Miscavige, the leader of the Church of Scientology):

“For the next 6 months, even while I was dying, my wife was held prisoner on the ship [...] The reply of the Chief Engineer to her was "I DON'T CARE IF YOU HAVE AN APPROVED PETITION FROM COB, THE CAPTAIN WILL NEVER LET YOU GO. [...] I even asked the Port Captain Ludwig Alpers if the plan was to hold her there until I was dead. He did not give me an answer but said that he would get back to me. I never heard back from him.”

Standard A2.5 – Repatriation

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1. [...] seafarers on ships that fly its flag are entitled to repatriation in the following circumstances:
 - (b) when the seafarers' employment agreement is terminated:
 - (ii) by the seafarer for justified reasons;
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Another example of human trafficking conditions which does not appear to be well covered by the MLC is the fact that virtually all crew members in this complaint claim to be have been held against their will on the Freewinds after they expressed a desire to leave. The only mandatory standard which is potentially violated by this practice, is the standard regarding repatriation above¹⁵.

As Mr Rathbun states: "You lodge your passport with the port captain, it's put in a safe and you're a virtual prisoner at that point". Mrs Dienes Browning claims to have made an escape attempt which

¹⁵ It also violates the non-mandatory standard B1.4.1.2 (d) regarding the prevention of exploitation of seafarers. Another non-mandatory standard which is violated by the human trafficking conditions on the Freewinds is B3.1.11.4 (j) regarding access to telephone communications. Mrs Paris claims she was not allowed to call family while being held prisoner on the Freewinds.

ultimately failed, but during which she successfully forged the Captain's signature to get her passport back.

Mr Tidu describes a failed escape attempt by an unnamed crew member in his account and Mrs Paris describes a failed escape attempt by Mr McLaughlin as follows:

"He escaped off the Ship when food was being brought on the Ship, this was in the middle of dry dock and there were a lot of locals working on the Ship at this time, unfortunately for Colm he did not get past the Dock, he was caught by security and put up a real fight! Colm was literally man handled onto the Diana, a small Sailing Boat owned by the Freewinds and that would be his home for the next couple of months, of course under full time watch."

Other former crew member who claim to have been held against their will are Mr Campbell, Mr Tidu, Mrs Alaimo and Mrs Andris. Mr Campbell stated: "Essentially I was confined on the ship and my wife was kept away from me". Mrs Alaimo states that she "was left for five month with no Passport and so could not leave the ship". Mrs Andris claims that she was hold against her will for 15 months.

Standard A4.1 – Medical care on board the ship and ashore

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1. [...] measures providing for health protection and medical care, including essential dental care, for seafarers working on board a ship that flies its flag are adopted which:
 - (b) ensure that seafarers are given health protection and medical care as comparable as possible to that which is generally available to workers ashore, including prompt access to the necessary medicines, medical equipment and facilities for diagnosis and treatment and to medical information and expertise
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Few former crew members have made statements regarding the quality of medical care on the ship and I believe it may actually be above standard. However, in at least in one situation inadequate medical care was provided to Mr Straass. Regrettably, he was infected with HIV during a blood transfusion in Curacao and he claims this was handled by the Freewinds as follows:

"Although they knew what was happening, ship personnel did not inform me of the situation nor the reason behind my rapidly declining health. I was simply called up to the Medical Liaison office with the Captain and Chief Officer there, and told that I was going for further testing to see Dr Denk in LA. [...] Dr Denk told me I needed to go to the AIDS clinic in LA. However, the Freewinds sent me instead to a chiropractor in Sacramento who was not even a licensed medical doctor. The is the equivalent of being sentenced to death. This chiropractor advised me not to take the standard medical treatment as it was "worse than HIV."

Standard A4.3 – Health and safety protection and accident prevention

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1. [...] measures to be adopted in accordance with Regulation 4.3, paragraph 3, shall include the following subject:
 - (b) reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships;
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Health and safety standards are another problematic area on the Freewinds. Mrs Paris alleges that during one of her stints in the ship's engine room (in which she claims she worked by herself, likely a violation of safety standards as well) she passed out from the noise and heat for more than 4 hours. This event is

corroborated by Mr. Tidu in his statement. Mr Rinder claims another Church executive, Heber Jentsch, once passed out as well.

Mrs Dienes Browning claims that during one of her punishment details in the engine room she got industrial paint chips in her eyes. Since she was in a very tight space, so she had to move incrementally to get out before she could wash out her eyes.

Both Mrs Alaimo and Mr Straass claim they were forced to clean fuel and sewage tanks either with old and faulty masks or no masks at all.

Additionally, Mr Tido claims he was assaulted by executives on the ship: “the RTC rep was so furious that she slammed me against a wall in the C/S office and then while 2 other persons were present, she yells and starts punching me in the chest as well as the face.” He also claimed physical discomfort due to his grueling work conditions: “At first my body would become numb half way through one side and then on the other. My arms caused me to feel inexplicable pain at night to such a degree that it’d wake me up.”

Another area in which the Freewinds has consistently neglected safety standards is the way in which the asbestos on board the ship is handled. However, this story is more appropriately told later on in this complaint.

Standard A4.4 – Access to shore-based welfare facilities

1. ...where welfare facilities exist, [...] they are available for the use of all seafarers.
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Both Mrs Dienes Browning and Mr Straat claim the Freewinds uses a ‘Restriction list’. Crew members on this list are not allowed to leave the ship when it is docked or can only do so with a security guard to escort them.

Standard A5.1.5 – On-board complaint procedures

3. The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. The term “victimization” covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.
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The ecclesiastical version of the complaint procedure within the Church is called a ‘Comm Ev’ (short for Committee of Evidence). The Church also knows a whistle blower procedure, called Knowledge Reports¹⁶. One area in which the standard Comm Ev procedure violates the Standard is that crew cannot be represented during the procedure.

Former members recall several instances in which crew members were punished for using either one of these channels.

Mrs Paris stated for example that Mr McLaughlin wanted a Comm Ev to review his handling, but was threatened with a declare (ex-communication) if he did so. She also stated that another Freewinds staff member named Stefane Kundert ended up in the engine room after writing a knowledge report on the Captain for being prevented from getting married.

¹⁶ An example of a Knowledge Report written against a member who refuses to make a large donation: <http://www.tampabay.com/specials/2009/reports/project/pdfs/kr-2005-bert-lynn.pdf>

Another former crew member, Mr Straass claimed he was punished for sending a Knowledge Report by being put on the Restricted List. Mrs. Dienes Browning claims to have been sent to the engine room by the Commanding Officer after expressing doubts about staying in the Sea Org.

As a final note, both Mrs Paris and Mr Straass have stated they were required to sign a confidentiality agreement before being allowed to leave the ship. Although this isn't expressly forbidden by the MLC, it violates the spirit of regulation 5.2.2 concerning onshore complaints.

Lack of recent statements from former crew members

Although claims of human trafficking on the Freewinds are consistent over a long period of time and corroborating one another, they are not recent. The last public statement known to me relates to the suicide of Jorge Arroyo, which appears to have taken place in 2010.

As a result, I have no factual knowledge whether human trafficking conditions continue to exist on the Freewinds, even though I fully expect so. I also do not know to what degree former crew members have additional knowledge about current conditions which they have not yet made public.

However, as is clear from the analysis in this chapter, former crew members are able to provide an overview of situations in which current crew members were subject to non-conformities of the MLC in the time frame leading up to 2010. Hopefully, this will provide sufficient cause for an inspection of the Freewinds in accordance with Dutch laws on Port State Inspections (Wet Havenstaatcontrole), ILO and Caribbean MoU guidelines.

Update November 2014: Unfortunately, the Dutch Government never wrote any law actually implementing the Caribbean Memorandum of Port State Control. For this reason, the Dutch authorities were not able to launch an investigation. Hopefully, the Inspectorate in Curacao will be able to initiate an investigation after the MLC was converted into law on the August 22nd 2014.

Human trafficking statutes are relevant as well as this constitutes the core of the problem. The relevant jurisdiction in this respect is Panama or perhaps the US as the ship owner is a US company. Although co-operation with authorities in these countries is essential, it should be noted that prosecution under trafficking laws is not easy. I will discuss this further in the next chapter.

Part III- Lessons learned

Introduction

I have written this last part in my complaint to warn the Inspectorate that it will prove far from easy to intervene effectively in the situation on board the Freewinds.

Allegations of child labor and human trafficking against the Church of Scientology are not new. In fact, hundreds of former members have been reporting them to government agencies around the world for decades and even more intensively since around 2008. Unfortunately, government agencies are finding it difficult to act decisively in response to such reports.

In particular, recent investigations in both the US (by the FBI) and Australia (by the Work Ombudsman) have led to little to none visible corrective action, even though they started out amidst severe parliamentary and/or media pressure.

I believe some important lessons can be learned from these earlier investigations:

[Details not for publication at this moment in time]

The remainder of this complaints discusses these three major lessons learned in an honest attempt to provide what I believe is useful advice about this extraordinary case within the legal framework of the Inspectorate. Although I will be surely be erroneous in this respect occasionally, I do hope the Inspectorate will find some of my advice useful.

1 – The Office of Special Affairs

Essential reading: Going Clear

In order to fully appreciate the extent of the capacity of the Church to frustrate government investigations, recipients of this complaint are advised to read the book 'Going Clear' by Lawrence Wright. Mr Wright was previously awarded the Pulitzer Prize for his book on Al Qaeda, 'the Looming Tower', which is still considered an important reference work by many, including those in law enforcement.

Going Clear, which was published in January 2013 and reached number three on the New York Times Bestseller list, is his latest book and delves into the history of the Church of Scientology. It provides extensive narrative and sourcing on the general theme of this chapter.

The Office of Special Affairs

The intelligence operations by the Church are executed by its intelligence agency, the Operation of Special Affairs (OSA). The following quote from one of its policies illustrates the mindset of OSA very well. The policy is called 'the Department of Government Affairs' and can be considered the foundation document of the earliest incarnation of OSA¹⁷ (emphasis mine):

¹⁷ Full text: <http://www.gerryarmstrong.org/50grand/cult/pl-dept-govt-affairs.html#goal>. I have no positive confirmation this policy is still in force as policies sometimes change over time despite the KSW decree mentioned earlier.

*The goal of the Department is to bring the government and hostile philosophies or societies into a state of complete compliance with the goals of Scientology. This is done by high level ability to control and in its absence by low level ability to overwhelm. **Introvert such agencies. Control such agencies.** Scientology is the only game on Earth where everybody wins.*

The following two sections will elaborate on both approaches mentioned in this quote: a 'high level ability to control' and a 'low level ability to overwhelm'.

'High level ability to control'

This mostly refers to gaining political influence and the Inspection should anticipate attempts by the Church to employ their political influence in the Dutch Antilles¹⁸.

An important series of events, with more than a whiff of undue political influence is the repeated asbestos exposure during periodic refits of the Freewinds. This saga starts with the purchase of the Freewinds in 1985. Mr Lawrence Woodcraft was the architect of the first refit of the Freewinds after the purchase. He notified Church leadership at the time of the presence of asbestos and the lack of suitable protective measures by the Church during the refit. In 2000, now out of the Church, he posted a statement to this effect online¹⁹.

Former crew members (Mrs Paris and an anonymous source²⁰) have stated that it was normal for crew to clean asbestos without appropriate protection during refits:

"In 1997 and 1998, after our regular jobs we were up every night until 4 am cleaning up asbestos," she says. "There was rubble on the deck. We'd have to go behind the guys doing renovations, vacuuming up dirt until 4 in the morning."

*What year(s) was that (re the asbestos)? *From the original ship project from 1986 to the early 2000's.**

Did you wear masks? No, we only wore paper dust masks which were useless.

*Did you wear protective clothing? *None at all.**

*Did you follow safety procedures (as distinguished from *method* such as water and paint? *No.**

*How was the asbestos "somehow" kept under control? - by spraying water in the air? *The asbestos was soaked with water and then manually removed. Afterwards it was "sealed" with water based paint.**

In 2007 the Antilles authorities, alerted to the affidavit of Lawrence Woodcraft, investigated whether unsealed asbestos was present on the Freewinds. Luckily this was not the case. Then, in April 2008, the Church of Scientology performed another overhaul of the Freewinds. During this refit the Curacao Drydock Company quarantined the Freewinds due to a renewed asbestos contamination, criticizing the failure of the Captain to report the contamination to authorities.

Besides minor local media attention, a single newspaper article emerged in Poland regarding potential lawsuits against the Freewinds by the Polish workers on the ship²¹. Media attention then disappeared,

¹⁸ Historically, the Church of Scientology has always had a strong political influence in the US. For example, President Clinton has been known to lobby on behalf the Church in France and England when they were facing legal issues in these countries. I do not expect this to be an issue in this investigation.

¹⁹ <http://www.lermanet.com/scientology/LawrenceWoodcraftAsbestos.htm>

²⁰ <http://www.forum.exscn.net/showthread.php?21602-Hard-hats-on-the-Freewinds-this-week/page2>

²¹ <http://wiadomosci.wp.pl/kat,1342,title,Polscy-stoczniovcy-pozwa-Kosciol-Scjentologow,wid,10444891,wiadomosc.html?ticaid=1ede3>. The article is translated here: <https://whyweprotest.net/community/threads/freewinds-update-big-news-and-some-very-angry-polish-workers.22926/page-3#post-513691>.

until the rechristening of the Freewinds a few months later. Emily de Jongh Elhage, at that time prime minister of the Dutch Antilles, spoke at this event, claiming that “we love you”.

No other actions from Antilles or Panamese authorities have ever emerged in the public arena, despite the repeated violations of ILO convention 162 on asbestos. The Freewinds itself is now even denying that any asbestos contamination took place²². This revisionist history provides further indication that the Church refuses to take any responsibility in ensuring the wellbeing of crew on the Freewinds.

The apparently cozy relations of the Freewinds with Antilles politicians entail two risks from the point of view of the Inspectorate. Firstly, it increases the risk that Antilles government officials will (accidentally) tip the Freewinds about impeding inspections. Secondly, the Church may be able to lean on decision makers within Antilles agencies to ‘go easy’ on the Church after an inspection has taken place.

I would therefore advise the Netherlands Shipping Inspectorate to perform an inspection on Bonaire, rather than request the local Inspectorate on Aruba or Curacao to perform an inspection²³.

I realize that any Antilles government official reading this report may feel unjustly invalidated by such an advice. In this case I would like to offer my apologies, but I also hope that it is understandable that I make such a statement. In any case, there is a second, more persuasive reason to ensure Dutch authorities are involved in the inspection of the Freewinds.

[An additional note from November 2014 is withheld from publication at this moment]

‘Low level ability to overwhelm’

The Church has a history of intimidating government agencies with its extreme litigiousness. Although I have taken the following passage from a policy which is no longer formally in force, it is illustrative how the Church uses this as a weapon²⁴:

"The purpose of the (law)suit is to harass and discourage rather than win. The law can be used very easily to harass, and enough harassment on somebody who is simply on the thin edge anyway, well knowing that he is not authorized, will generally be sufficient to cause professional deacease. If possible, of course, ruin him utterly."

Historically, the most famous example in which the Church employed this tactic, is in its fight to secure tax exemption from the IRS, the US tax agency. After the IRS refused to grant this for almost two decades, the Church emerged victorious after starting over 2.500 lawsuits against the IRS in the early 90s. Leading to a gridlock within the bureaucratic apparatus of the IRS, they relented and granted the Church a tax exemption which is in fact a violation of the US Constitution²⁵.

Luckily, legal threats of this nature by the Church have proven to be almost entirely empty during the last decade. However, it is still conceivable that the Church will attempt to bring the Antilles justice system to a standstill in order to force Antilles authorities to relent and shut down any investigation into the Freewinds.

Although I am not a lawyer and this list is far from complete, I would like point out a few legal avenues the Church is likely to use in response to actions taken by the Inspectorate.

²² <http://eticaeverita.wordpress.com/2011/07/20/freewinds-la-nave-odiata-dagli-squirrel/>.

²³ The autonomy of Antilles island differs per island and can be difficult to understand, in particular for the non-Dutch recipients of this reports. The Kingdom of the Netherlands consists of several independent Caribbean islands alongside the Netherlands itself. Since 2011, Aruba and Curacao are such independent countries whereas Bonaire is still part of the Netherlands itself. Its formal legal status is perhaps best understood in terms of a county in the US. Several special laws were required to detail the complex governance structure on the Dutch Antilles.

²⁴ <http://www.cs.cmu.edu/~dst/Fishman/Declaration/exhibg.html>

²⁵ https://www.youtube.com/watch?v=moXr_8-1-Jg, 3:53 onward.

[The remainder of this report is not for publication at this moment in time].