

**ANTIGUA AND BARBUDA**  
**A.D. 2023**  
**AFFIDAVIT**

I Christopher Malcolm Lewis of The Haven, Lanreath, England, UK currently residing aboard the deregistered vessel known as Alfa Nero currently docked at Antigua Yacht Club Marina, Falmouth Harbour Antigua. make oath and say as follows:

1. To the best of my knowledge the vessel Alfa Nero is owned by Flying Dutchman Overseas Limited, a company duly incorporated in the British Virgin Islands. I am aware that Flying Dutchman Overseas is a trust company which is managed by the company Opus Private Ltd. which operates from Guernsey.
2. I am a ship's master and have been in this occupation for over 24 years. My services are ordinarily provided through a crew management company. Sometime in August, 2015 my services were engaged by Royale Oceanic, a Yacht Crew Management company to provide services to Alfa Nero. On or about 1<sup>st</sup> February, 2018, a new crew management company, Burgess Crew Services, took over the management of the crew who served on Alfa Nero. Until the imposition of EU Sanctions, my services to Alfa Nero were engaged through Burgess.
3. Sometime on or about 17<sup>th</sup> March, 2022 I received an email from the personnel manager of Burgess Crew Services, informing me that their crew management services, with immediate effect, were being withdrawn from the owners of the Alfa Nero. The Burgess representative informed me, and I verily believe, that the company had been informed of the imposition of sanctions on any individual who was closely affiliated with and related to the beneficial owner of the vessel. Consequently, Burgess formed the view that sanctions to this individual would be applicable to the vessel and as such Burgess could no longer conduct any business related to the vessel. I received this email shortly after docking the vessel in Antigua.
4. Given the withdrawal of the management company, as per the provisions of the Maritime Labour Convention, the crew, inclusive of myself, fell under the care and control of Flying Dutchman Overseas Limited, the owner of Alfa Nero. As such Flying Dutchman Overseas Limited, became and was now directly responsible for meeting the costs associated with maintaining the vessel and the payment of salaries and supplies and other expenses.
5. I immediately made contact with Opus Private to advise them of the new developments, that Flying Dutchman Overseas Limited was now directly responsible and to obtain instructions. I am aware that it is mandatory for Opus Private to be in possession of a valid operating licence which allows them to give directives as to the operation and management of the vessel. I was informed that the requisite steps would be taken to apply for and obtain the licence. I suggested to Opus Private that given the withdrawal of Burgess, that it would become necessary to engage the services of a new crew management company. I made several suggestions as to alternative companies whose services could be engaged. Regrettably to date, I have not been informed of a replacement crew management company.

6. Since Burgess' withdrawal we utilized the fuel, food, maintenance supplies and funding which were on board to meet our day to day expenses. There was sufficient supplies and funding to last for a period of approximately five months and lasted until August, 2022.
7. Since August 2022, the crew has been left with no choice but to fend for ourselves and the limited maintenance and operation of the vessel. I made arrangements with Carlo Falcone, owner/operator of Antigua Yacht Club and Marina & Resort to extend credit to the Alfa Nero as it relates to the supply of fuel for the generators. This fuel supply in the amount of 11,000 litres per week is necessary to keep the vessel habitable and safe. A constant supply of fuel is needed to power the generators on board. Should the fuel supply be suppressed, the generators would not be able to function resulting in a catastrophic sequence of events. This could lead to not only power outage, but ultimately the sinking of the vessel which could lead to damage to the marine, other vessels and the environment.
8. To date the sums payable to Mr. Falcone totals approximately US\$560,000.00 for fuel credited. Dockage fees, for the month of March, 2022, which are ordinarily paid for via wire transfer issued on the instructions of the crew management company or Opus Private, was paid from cash which was onboard. Since then no payment have been made to the docking fees which continue to accrue. As at this date, the outstanding docking fees amounts to approximately US\$420,000.00. I am aware that Mr. Falcone is anxious about receiving payment for the outstanding funds and may cease providing fuel on credit.
9. Since dockage in March, 2022 the vessel has not received regular maintenance and as a result is now unseaworthy and unable to move under its own power. Consequently in the event of a storm requiring emergency evacuation from the marina, the vessel would be a liability to the marina, the environment and its surroundings in that it cannot be moved.
10. There are a host of maintenance tasks which must be performed. Attached and marked "A" is the maintenance schedule indicating maintenance tasks which are outstanding and/or shortly to become due. Given the pending 2023 hurricane season time is of the essence in completing these maintenance tasks.
11. We are currently unable to obtain various spare parts. One part, which is critical to the operation of the sewage treatment plant, has not been provided since March, 2022. Currently we are prevented from treating the sewage generated on board before disposal into the ocean. We have also not been able to maintain fire extinguishers and fire pumps. In the event of a fire it is unlikely that the equipment will be in working order.
12. The vessel since March, 2022 has not been under protection and indemnity insurance coverage. Since that time and continuing to date, there is no insurance coverage as to pollution, wreck, crew medical and accident or coverage for any other liability under the customary protection and indemnity insurance plan. Should any incident occur for which Alfa Nero is found to be liable there is nothing in place to facilitate the payment of any sums

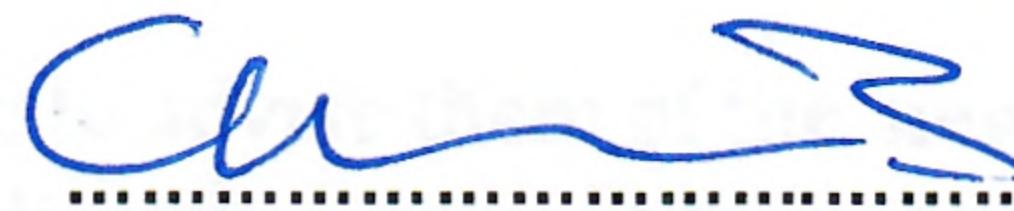
due and owing to any affected vessel, person, marina, business or even the State of Antigua and Barbuda. I am aware that the vessel is currently docked in an area which is considered a national park and ecologically fragile.

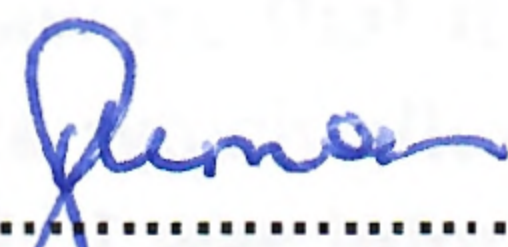
13. Lloyds Shipping Register has removed classification of Alfa Nero in August, 2022. The effect of this removal is that all of the certificates relating to pollution have been removed. These certificates confirm that the equipment on board the vessel are safe and functioning properly according to its maintenance schedule. Attached herewith and marked "B" is notification received from Lloyds Shipping in this regard.
14. Cayman Island has also removed the Alfa Nero from its shipping registry. The implications of this removal is that the vessel is deregistered and cannot dock at any port around the world. Attached herewith and marked "C" is notification received from Cayman Islands in this regard.
15. At the time of docking there was a total of 41 crew members, with 28 members physically on board. Since then and due to the failure of the vessel owner to take requisite steps regarding management of the vessel only 5 crew members remain. This number is insufficient to safely operate the vessel. The reduction/resignation of the crew members was primarily due to the owner's failing to make arrangements for the management and operation of the vessel as well as the payment of outstanding salaries due. Salaries in the amount of approximately US\$2.7 million is currently due and owing as at this date.
16. After consuming the food supplies onboard crew members started utilizing the cash on board to purchase food supplies and pay for meals. Currently, as of today's date, there remains sufficient cash to provide food for approximately ten (10) days. Once the remaining funds have been diminished the remaining crew will have no choice but to leave the ship. When this occurs the vessel will be unmanned and will be a hazard on the marina, other docked vessels and the environs.

SWORN at Parliament Drive, St. John's )

Antigua this .....16<sup>th</sup>..... day of March, 2023 )

before me:- )

  
.....

  
.....

**COMMISSIONER FOR OATHS**  
**ANTIGUA & BARBUDA**