

بارودي ومشاركوه مكتب حُمامة

بيروت، في ٢٠١٤/٤/٧

17

صورة طبق الأصل
مستند رقم: ١٧

حضرة رئيس مرفأ بيروت المحترم

رئيس مرفأ بيروت (١٩١٤-٢٠٠٠)
سمير بارودي
جان بارودي
ريثا رنار
جورديان لحود
رئيس وارس
سامر مراد
سمير صفا
ساندرا مهننا
نديم الحاج
زينة واكيم
هدى الشعار
بترا الهاشم
شربل داغر
كريستين مقصود
ناتاليك حويست
ليا الفرزك
سيريل دكاش

طلب اتخاذ تدابير مستعجلة

وكالة المحامين سمير بارودي
وجان بارودي بموجب صورة
وكالة مصدقة حسب الأصول
ومبرزة ربطاً (مستند رقم ١)

المستدعي: PROKOSHEV BORYS
بصفته ريان الباخرة Rhosus

الموضوع: طلب اتخاذ تدابير لتجنب حدوث كارثة بحرية

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بوكالتنا عن السيد Prokoshev Borys بصفته ريان الباخرة "Rhosus"، ندلي

بما يلي:

بما ان الباخرة المذكورة اعلاه راسية في مرفأ بيروت برسم الترانزيت منذ شهر كانون الاول من عام ٢٠١٣ وعلى متنها عدد من البحارة، وهي مستأجرة ومشغلة من قبل شركة "Teto Shipping LTD" وتحمل على متنها ٢٧٥٠ (ألفان وسبعمئة وخمسون) طن متري من مادة نترات الامونيوم (Nitrate d'Amonium) مشحونة لأمر بنك موزامبيك الدولي "Banco International de Mozambique" والمطلوب ابلاغه شركة "Fabrica de explosives"،

بناية ٥٥٨٥ الاشرفية - جادة بيار الجميل

ص.ب: ١١-٧٢٣٦ بيروت - لبنان - هاتف: ٠١-٤٢٨٧٧٧ - فاكس: ٠١-٤٢٣٥٨٢

بريد الكتروني: baroudi@baroudilegal.com

وبما ان البَحَّارَةَ اصبحوا سجناء في الباخرة لا يستطيعون مغادرتها وتأمين قوتهم اليومي بعد ان تخلَّى عنهم وعن الباخرة اصحابها ومجهزوها ومستأجروها وقد توقف هؤلاء عن دفع اجور البحارة منذ اكثر من خمسة اشهر، وانقطعوا عن دفع نفقات وديون السفينة، كما انَّ الجهة المرسله اليها البضاعة تخلَّت بدورها عن البضاعة، وان هذه الامور ثابتة من الرسالة الموجهة عبر البريد الالكتروني من قبل شركة Teto Shipping Ltd بواسطة الوكيل البحري الى جانبكم (مستند رقم ٢).

وبما ان الباخرة وحمولتها تهددان سلامة السفينة وسلامة المرفأ على حدِّ سواء، فمادة نترات الامونيوم المحمَّلة على متنها تعتبر خطرة جداً نظراً لقابليتها العالية للاشتعال وهي تُستخدم في صناعة المتفجرات، ما يوجب اخذ الحيطة والحذر عند تخزينها او نقلها. هذا بالاضافة الى ان الباخرة اصبحت مهترئة بسبب تآكلها بالصدأ مما يهدد بتسرب المياه الى العنابر، علماً ان اختلاط مادة نترات الامونيوم بالماء يعرِّض الحمولة لخطر الانفجار (نبرز ربطاً افادة عن واقع الحال الباخرة المذكورة موقَّعة وممهورة من المستدعي - مستند رقم ٣)،

ونشير الى ان العالم شهد العديد من الكوارث الناجمة عن مادة نترات الامونيوم، فعلى سبيل المثال عام ١٩٤٧ في ميناء تكساس انفجرت باخرة تحمل ٢٦٠٠ طناً من المادة المذكورة واودت الى مقتل المئات والى حطام واضرار بقطر ٤٠ ميلاً (نبرز ربطاً صورة عن تقرير حول الحوادث بسبب المادة المذكورة والمنشورة في موقع الويكيبيديا - مستند رقم ٤)،

وبما انه، عملاً باحكام القوانين المرعية الاجراء، لاسيما المادة ٧٣ من نظام المرافئ والموانئ، يدخل في صلاحياتكم "مراقبة البضائع الخطرة على البواخر مع اتخاذ التدابير الضرورية لحفظ السلامة العامة"،

لذلك

نرجو من جانبكم اتخاذ جميع الإجراءات والتدابير اللازمة على وجه السرعة من اجل تفادي ودرء المخاطر الناجمة عن الوضع المذكور آنفاً، وفي ضوء موقف كل من اصحاب

الباخرة واصحاب الحمولة لجهة التخلي عن الباخرة والحمولة الموجودة على متنها، اتخاذ الاجراءات لبيع كل من الباخرة والحمولة وفقاً للقوانين المرعية وتسديد الديون المترتبة لطاقم السفينة وللغير.

وتفضلوا بقبول الاحترام
مع الاحتفاظ بكافة الحقوق
بالوكالة

كل حق
له
الطلب

المحامي جان بارودي

Power of Attorney

سند توكيل

I, the undersigned, Prokoshes Borjy in my capacity as Master of m/v Rhosus declare having appointed Maîtres Samir Baroudi, Jean Baroudi, Josiane Lahoud, Richard Nader and Charbel Dagher from the Firm of Baroudi & Associates, Beirut, Lebanon, jointly and separately, to act, to plead on my behalf and defend me in any legal action being formed between me and the owners, operators and charterers of the aforesaid vessel and any other person before all the Lebanese competent courts; and whatever may issue from each action; a general power of attorney in said respect, leaving to their discretion, opinion and action, authorizing them to submit petitions and written statements to receive and recover all sorts of papers wherever located, to ask for oath, to send the notice of commencement of the arbitration proceedings and any other notices or advices in connection with the arbitration procedure, to nominate arbitrator(s) on my behalf and invite my opponents to nominate their arbitrator(s), to sign arbitration agreements on my behalf, and generally to represent me in any arbitration proceedings; to nominate experts and to object to their reports, to obtain and enforce by all means judgements and administrative orders, to obtain any order of attachment or seizure, whether provisional or executory, over the aforesaid vessel for the recovery of any debt due to me, and to bring execution proceedings aimed at the enforcement of the debt through the sale of the aforesaid vessel by public auction, to follow up formalities before the port and customs authorities and before all competent authorities of Lebanon, to apply for declaration of bankruptcy, legal liquidation, approve the scheme of arrangement and confirm and object to debits, to submit complaints, to apply for personal rights in criminal cases and to refer to all courts by all means of ordinary or extraordinary means of recourse, in appeal, cassation, re-hearing, party's objection, to object to judgments entered in absence, to apply for disqualification of a complaint against judges, to elect domicile, with a right to send notices and notifications and to apply and sign for release from custody, with a right of receipt, payment, admission, compromise, acquit, drop, execute, abandon the suit, waive the right and accept the abandonment and waiver of the suit and rights and the right to sign for me. To appoint a substitute, and to revoke the substitute so appointed.

ان الموقع ادناه، پروكوشيف بوريس بصفتي زيان الباخرة Rhosus، اصرح انني قمت بتعيين المحامين سمير بارودي، جان بارودي، جوزيان لحود وريشار نادر وشربل داغر من مكتب بارودي للمحاماة، بيروت، لبنان، متحدين ومنفردين للمرافعة والمدافعة عني في أي نزاع متكوّن بيني وبين مالكي ومجهزي ومستأجري الباخرة المذكورة واي شخص آخر امام كافة المحاكم اللبنانية المختصة، ومهما قد ينتج عن كل نزاع، وكالة عامة مفوضة لرأيهم وفعلهم ومجيزة لهم تقديم الاستدعاءات واللوائح الخطية واستلام واسترجاع كافة الأوراق اين وانى كانت والتحليف وتوجيه اذار. ببدء اجراءات التحكيم واية اذنارات اخرى او استشارات متعلقة باجراءات التحكيم وتعيين المحكمين نيابة عني والطلب من الخصوم بتعيين محكميهم، وتوقيع اتفاقات التحكيم باسبي وتمثيلي بصورة عامة في اي اجراء من اجراءات التحكيم وتسمية الخبراء والاعتراض على تقاريرهم، والاستحصال على الاحكام والقرارات الادارية وتنفيذها بجميع الطرق القانونية، والاستحصال على قرارات حجز، سواء اكان احتياطياً او تنفيذياً، على الباخرة المذكورة تحصيلاً لاي دين مترتب لصالحي واتخاذ اجراءات التنفيذ تحصيلاً للدين عبر بيع الباخرة في المزاد العلني، وملاحقة جميع المعاملات امام الدوائر المرفئية والجمركية وكافة الدوائر الرسمية اللبنانية المختصة وطلب شهر الافلاس والتصفية القضائية وتصديق الكونكورداتو والاعتراض عليها وتثبيت الديون والاعتراض عليها وتقديم دعاوى الجزائية والمطالبة بالتعويضات الشخصية في القضايا الجزائية ومراجعة جميع المحاكم بجميع طرق المراجعة العادية والاستثنائية بداية واستئنافاً وتمييزاً وتصحيحاً واعتراضاً واعادة محاكمة واعتراض الغير وطلب ردّ القضاة واختيار محلّ الاقامة مع حق ارسال الانذارات والاحذارات وتقديم طلب اخلاء السبيل والتوقيع عليهم مع حق القبض والدفع والاقرار والصلح والاسقاط والابراء والتنفيذ والرجوع عن الدعوى والحق وقبول الرجوع عنهما مع الحق التوقيع عني. وتوكيل من يشاؤون بكل ما وكلتهم به وعزل من يوكلوه.

SIGNATURE:

Prokoshes Borjy



التوقيع:

KIND REMINDER

TOP URGENT PLEASE

BRGDS, TETO SHIPPING LTD

From: Teto Shipping Ltd [mailto:tetoship@gmail.com]
Sent: Thursday, March 13, 2014 2:35 PM
To: 'explosivos@teledata.mz'; 'brunocid11@gmail.com'; 'b.cid@fem.co.mz'; 'chartering@agroblend.co.uk';
'JOSE VAZ'; 'PASCOAL SAMO'; 'YARA JULAIA'; 'RUI JINGOTE'; 'AMELIA SARANGA'; 'ASSUNCAO RUNGO';
'ELISA CARSSANE'; 'FLORENTINA SOUSA'; 'Bassam Baghdadi'
Cc: 'Romanyuk_Oleg@itf.org.uk'; 'abgor60@mail.ru'; 'emb_lb@mfa.gov.ua'; 'ukrembassy@inco.com.lb'; 'ananina@sur.ru'; 'Boris Prokoshev'
Subject: MV RHOSUS – CREW REPATRIATION

TO: HARBOUR MASTER P. BEIRUT VIA AGENTS MESSRS NATRAD

CC: CHARTERES MESSRS AGROBLEND

CC: CARGO OWNERS MESSRS Fabrica de Explosivos, Mozambique

CC: CARGO CONSIGNEE MESSRS BIM - BANCO INTERNACIONAL DE MOZAMBIQUE

CC: ITF, UK

CC: UKRAINIAN EMBASSY

CC: MASTER MV RHOSUS

RE: MV RHOSUS – CREW DISEMBARKATION

TOP URGENT PLEASE!!

DEAR SIRS,

WE ARE OWNERS MV RHOSUS HEREBY REQUEST YOU KINDLY PERMIT REPATRIATION CREW WITHOUT REPLACEMENTS DUE OUR COMMERCIAL DEFAULT CAUSED BY FAILING OF LOADING PART CARGO AT P.BEIRUT AND CONSIDER THAT CHARTERERS WITH CARGO OWNERS OF EXTREMELY DANGEROUS CARGO ON BOARD MV RHOSUS, AFTER WE ARRANGED SAFE STORE ALREADY ABOUT 4 MONTHS PASSED FROM OUR ABANDON VOYAGE DECLARATION ACTUALLY ABANDON THEY CARGO FROM 05/03/2014 AND TOTALLY IGNORE SITUATION AS PER BELOW CORRESPONDENCE.

WE ARE WAITING YRS POSITIVE DECISION GRANTED URGENTLY CONSIDER THAT CREW ON BOARD READY FOR EXTREMAL ACTIONS AS YOU ALREADY MOST PROBABLY WAS INFORMED BY SHIPS AGENTS MESSRS NATRAD AS PER OUR MESSAGE ATTACHED.

BRGDS, TETO SHIPPING LTD

From: Teto Shipping Ltd [mailto:tetoship@gmail.com]

Sent: Thursday, March 13, 2014 11:32 AM

To: 'explosivos@teledata.mz'; 'brunocid11@gmail.com'; 'b.cid@fem.co.mz'; 'chartering@agroblend.co.uk'; 'JOSE VAZ'; 'PASCOAL SAMO'; 'YARA JULAIA'; 'RUI TINGOTE'; 'AMELIA SARANGA'; 'ASSUNCAO RUNGO'; 'ELISA CARSSANE'; 'FLORENTINA SOUSA'

Cc: 'Bassam Baghdadi'; 'Romanyuk Oleg@itf.org.uk'; 'abgor60@mail.ru'; 'emb_lb@mfa.gov.ua'; '

TO WHOM IT MAY CONCERN

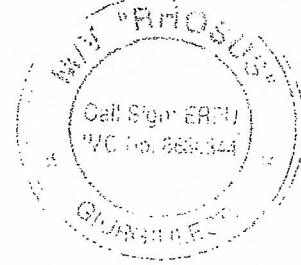
I, Master of the m/v Rhosus, Mr. Prokoshev Borys, under the flag of Moldova, owned and operated by Teto Shipping Ltd, sailed from Piraeus Port to Beirut Port, with a full cargo of Ammonium Nitrate.

We hereby inform you that the ship-owner has abandoned the above vessel and is no longer paying the crew salaries and dues. The cargo owner likewise has abandoned the cargo on board the vessel. No bunkers or provision are available on board and the state of the cargo is such that it puts in peril anybody within the harbor and the ship-owner is taking no action in this respect and is no longer communicating with us.

We would therefore urge you to take all necessary steps to prevent any potential damage to the vessel and to avert any risk to the environment, to public safety and to the port facilities.

Prokoshev Borys

01.04.2014



Ammonium nitrate disasters

From Wikipedia, the free encyclopedia

When heated, **ammonium nitrate** decomposes non-explosively into gases including oxygen; however, ammonium nitrate can be induced to decompose explosively by **detonation**. Large stockpiles of the material can be a major fire risk due to their supporting oxidation, and may also detonate, as happened in the Texas City disaster of 1947, which led to major changes in the regulations for storage and handling.

There are two major classes of incidents resulting in explosions:

- In the first case, the explosion happens by the mechanism of shock to detonation transition. The initiation happens by an explosive charge going off in the mass, by the detonation of a shell thrown into the mass, or by detonation of an explosive mixture in contact with the mass. The examples are Kriewald, Morgan, Oppau, Tessenderlo and Traskwood.
- In the second case, the explosion results from a fire that spreads into the ammonium nitrate (AN) itself (Texas City, Brest), or to a mixture of an ammonium nitrate with a combustible material during the fire. The fire must be confined at least to a degree for successful transition from a fire to an explosion (a phenomenon known as "deflagration to detonation transition", or DDT). Pure, compact AN is stable and very difficult to initiate. However, there are numerous cases when even impure AN did not explode in a fire.

Ammonium nitrate decomposes in temperatures above 210 °C. Pure AN is stable and will stop decomposing once the heat source is removed, but when catalysts are present (combustible materials, acids, metal ions, chlorides. ...) the reaction can become self-sustaining (known as self-sustaining decomposition, SSD). This is a well-known hazard with some types of NPK fertilizers, and is responsible for the loss of several cargo ships.

Timeline of major disasters

Country	City/Location	Date	Deaths	Notes
United Kingdom	Faversham, Kent	April 2, 1916	120	The Great Explosion: On April 2, 1916 a factory in Uplees, Faversham, exploded after a fire spread to a store of 15 tons of TNT and 150 tons of ammonium nitrate. The blast at the Explosives Loading Company killed 120 people and shattered windows in Southend-on-Sea across the Thames Estuary while the tremor was felt in Norwich. ^[1]
United States	Morgan, New Jersey (now Sayreville)	October 4, 1918	0	T. A. Gillespie Company Shell Loading Plant explosion: On October 4, 1918, an explosion at the Morgan Depot occurred leading to many artillery shells being launched into the air, some of which landed on a neighbouring warehouse where 4000 tonnes of ammonium nitrate were stored in barrels. One of the shells caused a large explosion, but the majority of the ammonium nitrate did not detonate.
Germany	Kriewald	July 26, 1921	19	On July 26, 1921, in this railway town (now in Poland) workers tried to dislodge 30 tonnes of ammonium nitrate that had aggregated (solidified into one mass) in two wagons. When mining explosives were used on this solid mass the wagons exploded and killed nineteen people. ^[2]

Country	City/Location	Date	Deaths	Notes
Germany	Oppau	September 21, 1921	561	Explosion at BASF plant Oppau: Another attempt at disaggregation of a fertilizer mix with industrial explosives caused the death of 561 people and left more than 2000 injured. The fertilizer was a 50:50 mixture of ammonium nitrate and ammonium sulfate and the factory had used this method of disaggregation over 20,000 times without incident. It is thought that, on this occasion, poor mixing had led to certain parts of the mass containing more ammonium nitrate than others. Only 450 tonnes exploded, out of 4500 tonnes of fertilizer stored in the warehouse. ^[3]
United States	Nixon, New Jersey (now Edison Township)	March 1, 1924	20	1924 Nixon Nitration Works disaster: On March 1, 1924, a fire and several large explosions destroyed a warehouse containing ammonium nitrate at the Nixon Nitration Works. The explosiveness of the product was perhaps enhanced, as it had been prepared using nitric acid that had previously been used for the production of TNT.

Country	City/Location	Date	Deaths	Notes
United States	Muscle Shoals, Alabama	1925	0	On April 4, 1925, and May 3, 1925, two carloads, each containing 220 barrels of ammonium nitrate, were dispatched from Muscle Shoals, Alabama and caught fire in transportation. The barrels had been stored in a warehouse with varying humidity for 6 years, so it is believed that they were ignited by friction with their nitrate-impregnated manila paper lining. Other shipments were reportedly more successful. ^[4]
France	Miramas	August 5, 1940	0	240 tonnes of ammonium nitrate in sacks exploded after being hit by a shell from a nearby fire in a munitions train. ^[5]
Belgium	Tessengerlo	April 29, 1942	189	Another attempt to disaggregate a pile of 150 tonnes of ammonium nitrate with industrial explosives ended tragically on April 29, 1942: 189 people were killed, 900 wounded. ^[6]

Country	City/Location	Date	Deaths	Notes
United States	Texas City	April 16, 1947	581	<p>Texas City Disaster: The cargo ship <i>Grandcamp</i> was being loaded on April 16, 1947, when a fire was detected in the hold: at this point, 2600 tonnes of ammonium nitrate in sacks were already aboard. The captain responded by closing the hold and pumping in pressurised steam. One hour later, the ship exploded, killing several hundred people and setting fire to another vessel, the <i>High Flyer</i>, which was moored 250 metres away and which contained 1050 tonnes of sulfur and 960 tons of ammonium nitrate. The <i>Grandcamp</i> explosion also created a powerful earthshock that broke windows as far as 40 miles away and knocked two small planes flying at 1,500 feet (460 m) out of the sky. The <i>High Flyer</i> exploded the next day, after having burned for sixteen hours. 500 tonnes of ammonium nitrate on the quayside also burned, but without exploding, probably because it was less tightly packed. All but one member of the Texas City fire department died.</p>

Country	City/Location	Date	Deaths	Notes
France	Brest	July 28, 1947	29	The cargo ship <i>Ocean Liberty</i> was loaded with 3300 tonnes of ammonium nitrate and various inflammable products when it caught fire at 12:30 July 28, 1947. The captain ordered the hold to be sealed and pressurised steam was pumped in. As this did not stop the fire, the vessel was towed out of the harbour at 14:00, and exploded at 17:00. The explosion caused 29 deaths and serious damage to the port of Brest. ^[7]
-	Red Sea	1954	0	A fire was detected on the cargo ship <i>Tirrenia</i> on January 23, 1954, while it was carrying 4000 tonnes of ammonium nitrate. Attempts to extinguish the fire with steam were unsuccessful, and the ship was abandoned before it exploded later in the night. ^[8]
United States	Roseburg, Oregon	August 7, 1959	14	The Roseburg Blast: A truck carrying dynamite and ammonium nitrate caught fire early in the morning of August 7, 1959. When it exploded it killed 14 people and injured 125 more. Several blocks of downtown Roseburg were destroyed. The accident is locally referred to as "The Blast".