

SECTION II ATTACHMENTS

**Documents concerning the Cover-up
Of Merrian Carver's disappearance**

COMMITTEE ON GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS
FIRST SESSION - DECEMBER 13, 2005

Mr. SHAYS. The reason why—you know, rather than your hearts going out to the family, which is important for you to say, particularly at this hearing, it would be better if you cooperated with the family, and didn't make them have to seek this information the way they sought it, having to spend literally tens of thousands of dollars. So your actions would speak more loudly than your statement, frankly, and your actions appear not to support your sorrow. Your actions on what you did to your employee, I think, are significant, because Lord knows that employee needed to leave.

Mr. PURDY. Yes, sir. My understanding is this is under litigation. **However, despite that, we have provided them with all the information that we have on the case, and the fact is, is there just isn't that much information.**

COMMITTEE ON
GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS
SECOND SESSION
MARCH 7, 2006

Mr. SHAYS. Thank you very much. I am going to let my colleague jump in, but I just want to ask you, Captain Wright, are you comfortable with—I believe sincerely that with the case of Mr. Carver and his daughter Merrian, that you all deeply regret what happened. But I don't hear any regret for the problems he still encountered in trying to get information. That is where I am having my big disconnect with your company. It would seem to me that the way you would best express your sorrow is to do—almost have a situation team, it has been suggested, to say how can we help you in any way, get the information you need to get—etc. So, maybe you could respond to that. Captain WRIGHT. Certainly. **It is my understanding that we did our best once we were aware of the disappearance of Mrs. Carver,** and it was tragic that the chain of command broke down. It was a clear error chain. Things went wrong, Mr. Chairman.

Mr. SHAYS. **No, but in terms of talking to employees and stuff like that, they weren't given the access to do that. I am just curious why.**

Captain WRIGHT. Oh. Well, my understanding, Mr. Chairman, is that they were. We actually designated a vice president of the corporation, Mrs. Lynn White, who is responsible for overseeing these types of issues, to personally take that case. We provided the Carvers with information that was voluntary. We also replied to subpoenas that Mr. Carver mentioned in his testimony. So I am not sitting here with the opinion that we have been as uncooperative as Mr. Carver indicated.

Mr. SHAYS. So let me put it in a positive and then give it to Mr. Kucinich. Are you saying that you provided all the information that the Carver family has asked for, or some of the information? Captain WRIGHT. Yes, I believe we have attempted to be cooperative and I believe that we—my understanding is that we have provided information voluntarily above what was requested in—

Mr. SHAYS. Are you aware of any information that you have not provided that they have requested?

Captain WRIGHT. No, I am not.

Video for Merrian Carver

The first item we asked for 25 days after Merrian disappeared and it was determine that she had been on the Celebrity Cruise ship, Mercury, was there any video and they indicated no. We then had our PV investigators visit the ship on November 4, 2004.

The following report was prepared by Cannon Street, Incorporated, Private Investigators, on November 8, 2004 after a visit to the ship on November 4, 2004. The interview was with Katy Yaziciyan, Manager of Guest Claims from Miami Florida **and their attorney, Jeffrey Maltzman.**

When asked about the video, they indicated the following:

*“Yaziciyan claimed that bearing an accident report, videotapes are stored for two to three weeks before being rotated back into the system for reuse. Apparently, that timeframe has elapsed when we first learned of the Carver disappearance. **It was her opinion there was no specific review of videotape in response to the disappearance of Merrian Carver and that such a review of now would not provide anything significant. Yaziciyan denied a request to interview the security officer in charge of the camera.**”*

In April of 2005, Lynn White indicated that these tapes were kept for at least 30 days, which was within the time frame we had had for them. As of January 15, 2008 I received the following from Gary Bald of RCCL.

“More relevant to your concerns, the MERCURY shipboard security team did in fact review archived videos from the 8/27/04 cruise after being advised of your daughter’s disappearance in late September, 2004. Security personnel confirmed that this review occurred over approximately a five-day period at the end of September 2004 and did not reveal any images of your daughter. Unfortunately, the tapes were subsequently returned to the queue for routine re-use. The decision to reuse these tapes was apparently made based on a belief that only a video depicting Merrian would be of value to retain. Although exact dates cannot be determined, tapes placed back in the queue in late September 2004 would have likely been reused by mid-to-late December, 2004.

*Although the video review and its results were apparently communicated to Risk Management Department Adjuster, Katy Y. verbally by the shore side security group (a separate Miami department), there is **no indication this was further communicated to corporate executives either in Risk Management or elsewhere in the company.**” (Note that their attorney was present when our detective met with them)*

In addition to asking for this information, we issued a subpoena for “any and all videotapes for which we received no response. The question is why did they intentionally mislead us when we were asking for this information in 2004? **If there was a review and nothing was on it, why were we advised that there was no review of the video and that they had destroyed in two or three weeks after she disappeared?**

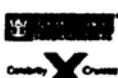
MR Hotel
Director/MR/RCLShip@RCLS
HIP
09/24/2004 02:58 AM

To Katy Yaziciyan/RMMIA/RCL@RCL
cc MR Master/MR/RCLShip@RCLShip, MR Staff
Captain/MR/RCLShip@RCLShip
bcc
Subject Re: Fw: Merrian Carver - Missing Guest Investigation

Please see my responses below

Best Regards,

Christos Hadjipetris
Hotel Director
MV Mercury
Tel: Office 7331 Cel. 7831
email: mr_hoteldirector@celebrity-cruises.com
Katy Yaziciyan@RCL

 Katy Yaziciyan@RCL
09/23/2004 10:17 PM

To: MR Staff Captain/MR/RCLShip@RCLShip, MR Hotel
Director/MR/RCLShip@RCLShip
cc: MR Master/MR/RCLShip@RCLShip
Subject: Fw: Merrian Carver - Missing Guest Investigation

Hi...I tried calling but the line is always busy...I read all the statements...I need clarification on the following:

1. have you checked her onboard account...did she make any purchases? No purchases onboard Did she open one with a credit card? No credit card information in DTS therefore guest would be paying in cash if so what is the number and was any charges ever applied to it.
2. Can I please have her Seapass data with photo. Already sent
3. Did you check the surveillance cameras? the security is working on it
4. Please ask again the cabin attendant as I need to know if the times he saw her she was wearing the "blue dress" and "sandals". On embarkation day she was wearing the blue dress and sandals. The next morning (when he saw her) she was wearing only the blouse she had under the dress (he could see her underwear) In other words, was this the only clothing he ever saw her wearing? Yes she had nothing else with her according to the attendant (did not even use the bathrobes) If that is the case, noone thought it was suspicious that the only clothing she had with her were the clothing on her back..and that if it was left hanging in the closet that means she went around in public with her bra and panties? The attendant was reporting to his supervisor that the whole story was suspicious. The supervisor did not think it was suspicious (pls see his statement) . Was the dress found hanging in the closet? The dress was left in the closet as well as the sandals. The 2 handbags were left on the bed side table Where are the belongings now..please ask Guest Relations what was done with the clothing, and jewelry, how, when and where. On the last day the attendant asked his supervisor what to do with the clothes and personal belongings left behind. He told him to put everything in a bag and deliver it to the housekeeping locker. The stateroom attendant put in a Celebrity bag the dress, the sandals, the 2 small bags, some cosmetics items and a brown envelope (visible in the picture). He put the money (\$106 and some loose coins) in an envelope along with the watch. The belongings were brought to the guest relations by the supervisor (asst chief h/k) and were treated as "left behind items". The Lead GRO went through the items one by one. She put the money in another envelope and secured it at the GRD since cash and very valuable items are not send as lost and found (they are still here in the envelope). She went through the rest of the items and send to the office as "lost and found" one of the small bags, the brown envelope and the watch. The other bag containing cosmetics, the dress and the sandals were discarded

should have gone to Guest Relations why

what picture

Best Regards,

Christos Hadjipetris
Hotel Director
M/V Mercury

Tel: Office 7331 Cel. 7831

email: mr_hoteldirector@celebrity-cruises.com

----- Forwarded by MR Hotel Director/MR/RCLShip on 09/29/2004 10:01 PM -----

MR Chief Concierge

To: MR Hotel Director/MR/RCLShip@RCLShip

cc:

09/30/2004 04:12 AM

Subject: Report

For each CFM's those three questions were asked:

- 1) If they received in the past any strange outside calls (regarding a guest that sailed with us approximately a month ago)
- 2) If they received any outside calls, asking to speak to someone from the Housekeeping Department or the attendant of that room
- 3) If any one received an outside calls asking to speak directly with the S/A Domingo Monteiro.

Please take note that for all of them the answers were negatives.

Guest Relations Team:

Anna Briskman
John Young
Jeanine Duminy
Marcus Regenburb
Channa Suitella
Angela White

Telephonist

Jennifer Graham
Leslin Jones
Berenice thomas
Violy Jonson

Concierge

Janet David

Event Coordinator

Uma Samithyotin

Housekeeping Departement:

S/A: Domingos Monteiro
Chief HSKP: Christos Karadinas
ASST HSKP: Babis Eleftheriadis

Kind Regards,

Marie-Noel B. Levesque

Chief Concierge

mr_chiefconcierge@celebrity.com

Celebrity Cruises

Ext: Office 7694, Mobile 7833

----- Forwarded by Katy Yaziciyan/RM/MIA/RCL on 09/30/2004 01:32 PM -----



Katy Yaziciyan/RM/MIA/RCL
09/30/2004 01:32 PM

To MR Hotel Director/MR/RCLShip@RCLSHIP

cc Anthony Papageorgiou/HO/MIA/CCI@RCL, Austin
Martin/RM/MIA/RCL@RCL, Captain Zissis
Koskinas/MO/MIA/RCL@RCL, Jacques
Wulffaert/MK/MIA/CCI@RCL, MR
Master/MR/RCLShip@RCLShip, MR Staff
Captain/MR/RCLShip@RCLShip, Pamela
Powell/RM/MIA/RCL@RCL

Subject Re: Fw: Report

Thanks Christos....I will keep you posted as to possible FBI investigation.
Thks again and make it a great day!

Katy
Katy Yaziciyan
Manager, Guest Claims
Risk Management Department
Royal Caribbean International/Celebrity Cruises
Direct Line: 305-982-2655
Direct Fax: 305-982-2228
Email: kyazicy@rcl.com
MR Hotel Director/MR/RCLShip@RCLSHIP

MR Hotel
Director/MR/RCLShip@RCL
SHIP
09/30/2004 02:31 PM

To Katy Yaziciyan/RM/MIA/RCL@RCL

cc Anthony Papageorgiou/HO/MIA/CCI@RCL, Austin
Martin/RM/MIA/RCL@RCL, Captain Zissis
Koskinas/MO/MIA/RCL@RCL, Jacques
Wulffaert/MK/MIA/CCI@RCL, MR
Master/MR/RCLShip@RCLShip, MR Staff
Captain/MR/RCLShip@RCLShip, Pamela
Powell/RM/MIA/RCL@RCL

Subject Re: Fw: Report

Katy,
I spoke to Domingos for the 3rd time and he confirmed once again that he did not speak with anybody.
He says he understands the seriousness of the situation and is aware of the company's rules and
regulations regarding confidentiality. He's been with the company for 14 years.

Thank you and I will be waiting to hear from you for further action

Best Regards,

Christos Hadjipetris
Hotel Director
M/V Mercury
Tel: Office 7331 Cel. 7831
email: mr_hoteldirector@celebrity-cruises.com
Katy Yaziciyan@RCL

year-old woman from Virginia who'd disappeared while on a Caribbean cruise with her family. The report was the first installment in a yearlong examination into the cruise industry by one of the paper's top investigative reporters, a series that would run the length of a short book as it probed the industry's underbelly.

The journalist was Douglas Frantz, a former Istanbul bureau chief who'd been named *Times* investigations editor not long before. He certainly had dramatic material to work with: allegations of violent rapes by room stewards, of bartenders drugging passengers for the same purpose, of teenaged girls plied with drink and taken advantage of by crew members. What Frantz uncovered, however, wasn't so much that cruise ships were particularly dangerous places; it was the astonishing extent to which they functioned as privatized societies, ruled almost solely by their own corporate policies. While acknowledging that most cruise vacationers did have a safe and happy time at sea, Frantz revealed that when things did go wrong, passengers who'd assumed they were governed by the same laws and standards that protected them in the U.S. found themselves instead trapped on a tiny piece of Liberia or Panama or another flag of convenience country. He went on to paint a startling picture of an industry operating its ships essentially as private city-states, as "sovereign islands."

"An examination of sexual assault cases," Frantz wrote, "found a pattern of cover-ups that often began as soon as the crime was reported at sea, in international waters where the only police are the ship's security officers. Accused crew members are sometimes put ashore in the next port, with airfare to their home country. Industry lawyers are flown to the ship to question the accusers; and aboard ships flowing with liquor, counterclaims of consensual sex are common. The cruise lines aggressively contest lawsuits and insist on secrecy as a condition of settling."

A smuggling arrest was one thing; the systematic cover-up of assaults on passengers was quite another. Avoiding negative publicity, it seemed, was a higher priority than seeing justice done. The FBI has jurisdiction over crimes involving U.S. citizens that are committed on a ship that has sailed from a U.S. port—even if the vessel flies a foreign flag and the crime took place in international waters. The catch is, the law does not require that such incidents automatically be reported to the authorities; it's the responsibility of the victim to alert them. Based on court records, interviews with former cruise employees and alleged crime victims, Frantz documented a pattern

whereby lines like Carnival and Royal Caribbean actively discouraged sexual assault victims on their ships from filing reports. Requests to contact the authorities were never turned down, but for an already traumatized passenger in a strange environment—often under the calming influence of sedatives prescribed by the ship's doctor—the cruise lines' apparent standard operating procedure could be quite compelling.

"You don't notify the FBI," one former Carnival shipboard security chief, who was a sheriff's deputy in Texas before taking the job in 1991, told Franz. "You don't notify anybody. You start giving the victims bribes, upgrading their cabins, giving them champagne and trying to ease them off the ship until the legal department can take over." In cases where the FBI was notified, alleged crime scenes were often cleaned before agents were able to come aboard to evaluate them. A documentary produced the following year by the History Channel, for which Franz was a source, quoted a former detective for Scotland Yard who'd worked aboard NCL ships for six years, echoing these accounts. "I have sealed cabins or rooms that have been the subject of an alleged offense, and the next moment, when I've gone back in there, bed linen or clothing has been disposed of," he recalled. "The captain or the hotel director, who would be in daily, minute-by-minute contact with headquarters, would do things like offer you free holidays, just for you or your family. I've even known one person who was offered ten cruises."

Perhaps most aggressive in its coverage of sexual assaults aboard cruise ships was the *Miami New Times*, an alternative weekly that had targeted the industry, and especially Micky Arison, with a series of critical stories. In February of 2000 the *New Times* reported in detail on one such "cover-up," this one involving a middle-aged woman identified in the article as "Mary," a pseudonym.

As the *New Times* reported it, the woman was taking her first vacation after a year in which she lost her husband and her father and during which her daughter had had a miscarriage. With her daughter "Janice" in tow, she booked a Caribbean cruise aboard the Carnival *Fascination* in the summer of 1998. On the first evening of the cruise, the woman would later claim in court, she was sitting alone in her room while her daughter was out exploring the ship. Her cabin steward entered unexpectedly, forced her to the bed and raped her.

After the attack, the woman went to the ship's security personnel, who questioned the steward and recorded his denial. With no rape kits aboard,

the ship's doctor administered a pelvic exam and prescribed sedatives; the woman and her daughter prepared to visit shoreside authorities when the ship docked in the Bahamas the following morning. "Officers handed Mary and Janice a bag containing the only evidence they had collected: the dress and underwear Mary had worn the night before," the *New Times* wrote. "They hadn't interviewed any passengers, nor had they removed the sheets from Mary's bed. A taxi took the two women to a doctor's office, where they waited for hours without seeing a doctor. Finally the cabbie drove the women to a hospital, where a physician did a second exam. Hospital workers kept the bundle of clothes." Arriving in Miami with the ship after spending the remaining three days of the cruise under sedation in her cabin, the woman spoke with FBI agents. "The investigators listened to the women's stories and determined the outlook was not promising," the story said. "Potential witnesses were not interviewed, valuable evidence was not gathered, the crime scene wasn't secured, and the clothing had been left behind in a foreign land. The lawmen decided they had no choice but to drop their probe." The steward was flown back to his home country on "medical leave," and at the time of the article's appearance in February 2000—eighteen months after the alleged incident—authorities in the Bahamas reportedly had still not released the results of the rape tests she underwent there.

A similar story reported by both Frantz and the *New Times* contained many of the same details but would have further-reaching consequences. Before it was over, a federal grand jury would be examining the possibility of criminal charges against not only the alleged assailant, but Carnival as well, for its handling of the investigation. It was another rape case, this time of a ship's nurse who'd reported having been assaulted by an engineer. The attack itself could have happened anywhere. Taking off work because of a knee injury, the twenty-seven-year-old nurse, an American, was spending the evening in her room when there came a knock on the door. It was the engineer, an Italian man who'd made sexual advances before but had accepted her rebuffs in a civilized enough manner that she now considered him a friend. He made another move, she would later testify, begging for a kiss, but when she put him off, he raped her over her hysterical protests. "It only lasted a few minutes," the *New Times* quoted her as saying. He left her room in the early hours of the morning, demanding a kiss good-bye.

After speaking with a friend, another nurse, the victim reported the incident the following afternoon. From this point, the accounts diverge. Carni-

val's attorneys would later insist that security personnel encouraged her all along to report the incident to the FBI, and that she demurred. The woman, on the other hand, claimed she was kept off balance, intimidated, pressured to make an immediate decision. "I was with her the whole time," her friend would later tell the *New Times*. "They didn't encourage her to report it. They just kept saying, 'What are you going to do? What are you going to do?' I kept telling them that she doesn't need to make a decision right away."

By the time the ship pulled into Miami, less than thirty-six hours after the alleged attack, the woman had decided to contact the FBI. She headed for an area hospital, where agents interviewed her and subsequently contacted Carnival to request a meeting with her alleged attacker—now the FBI's prime suspect in a violent felony investigation. But that interview would never take place. By the time the FBI called, he was already booked on an evening flight to Italy; following the allegation, the man had immediately been fired, ostensibly for being drunk on duty. Losing the job meant he also lost the work visa that allowed him to remain in the United States, and Carnival lost no time in complying with its duties to get him out of the country. Corporate security staff was to escort him to the airport and see that he got on the plane. FBI agents arranged to question him before his flight in the customs offices at Miami International, but he never appeared. Instead, Carnival's people had escorted him directly to the departure terminal—and out of the country. Carnival claimed a mix-up, and insisted that it was the FBI who'd failed to explain that they'd be waiting at the customs facility, and not at the gate. Absent the agents they were expecting, the company's security staff simply did its job. "The FBI never showed up," a senior executive would later insist in a deposition. Pressed by Frantz, the U.S. attorney's office would not confirm an investigation into the incident, but acknowledged that "Carnival raised some eyebrows when they whisked him to the airport moments ahead of the posse." The victim's friend, who had cooperated with the FBI, had been two months away from the end of her contract at the time of the assault. It was not renewed.

In the course of a lawsuit filed by the nurse, a Florida judge ordered Carnival to release a list of all incidents within the previous five years in which crew had been accused of sexual assaults—an order that was carried out only after it was twice upheld on appeal. The number, which didn't include alleged assaults by passengers, totaled sixty-two incidents ranging from allegations of rape to claims of inappropriate touching, to more innocuous complaints

