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# Tragedy and Anguish: A Widow's Struggle for Justice After Harbour Tragedy

## Description

In August 2021, tragedy struck when Luka Budesca, a 39-year-old qualified diver, was fatally injured during a dive at the £49 million deep port project in Stornoway. The incident left his widow, Gisela Gomez Suarez, in a state of unimaginable grief. Luka was crushed by an underwater platform that dislodged while he worked on removing shipwreck debris. The aftermath of the accident has not only left Gisela heartbroken but also facing a battle for justice, financial support, and the security of her home.

Leask Marine, the main contractor responsible for the project, has since been served a safety notice by the Health and Safety Executive (HSE) for breaching three UK safety regulations. These breaches contributed to the incident that claimed Luka's life. Despite the investigation's findings, Gisela is still waiting for a decision from the Crown Office on whether there will be a criminal prosecution against Leask Marine.

Gisela's anguish extends beyond her grief. As she navigates the painful loss of her husband, she also faces the financial fallout. "When Luka died, I lost my husband, my best friend, my chance to be a mum, and now I face losing our marital home," she said. The emotional toll is compounded by the delays in the legal process, which Gisela believes is being exploited by insurers refusing to release funds.

## The Day Everything Changed

On the 31st of August, 2021, Luka embarked on what should have been a routine dive. Hired by Leask Marine, his task was to remove debris from a shipwreck as part of the larger deep port project in Stornoway. But during the dive, disaster struck. An underwater platform unexpectedly dislodged, striking Luka in the head and causing fatal injuries. Luka's life was taken in an instant, but the consequences of this preventable tragedy are still reverberating through Gisela's life.

A year later, after a thorough investigation, the HSE served Leask Marine a safety notice. It was confirmed that the company had violated key health and safety regulations, including Sections 2 and 3 of the Health and Safety at Work Act 1974, and Section 3 of the Management of Health and Safety at Work Regulations 1999. These regulations exist to ensure the safety of workers, including sub-contractors like Luka. The HSE concluded that Leask Marine had failed in its responsibility to plan, manage, and monitor the worksite properly, specifically when it came to the dismantling of the suspended structure that ultimately caused Luka's death.

"You failed to plan, manage, and monitor the construction work at the Deep Water Port Project in Stornoway carried out by workers under your control," the HSE stated. "In particular, you failed to properly plan, manage, and monitor the dismantling by divers of a suspended structure, namely a wreck. One diver received a fatal head injury and crush asphyxia when the suspended structure he was working on moved."

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## Awaiting Justice

Despite the clear findings, Gisela still waits for the Crown Office to make a decision on whether Leask Marine will face prosecution. Two years have passed, and the widow is left in limbo, not knowing if or when justice will be served. The lack of closure has compounded her grief. “It’s just anguish and trauma heaped on top of grief and loss,” Gisela expressed. “I don’t know how much more I can take.”

For Gisela, the legal delays have real and devastating consequences. As the primary breadwinner, Luka’s death left her financially vulnerable. His life insurance policy remains in limbo, with the insurers refusing to pay out until they receive necessary evidence from prosecutors. This bureaucratic delay means that Gisela could lose the home they once shared, adding further heartbreak to her already immense loss.

“I don’t know if insurers are exploiting this delay or if it’s a normal part of the process,” Gisela lamented, “but a criminal decision needs to be made.” Her frustration is palpable. She feels trapped in a system that’s dragging its feet, while she endures the very real threat of homelessness. “Prosecutors need to make a decision because two years to wait for answers is agonising, and the Crown needs to understand its work, and delays, have real consequences for people in the real world.”

## Legal Responsibility and Accountability

Leask Marine has insisted that Luka was only a sub-contractor, implying a lesser degree of responsibility for his safety. However, UK law is clear on this point: main contractors are responsible for the safety of all workers on their site, including sub-contractors. The breaches identified by the HSE indicate that Leask Marine did not fulfil its legal obligations to ensure that the worksite was safe.

This failure to protect workers like Luka is at the heart of Gisela’s fight for justice. While the HSE has taken steps by serving the safety notice, the delay in prosecution has left Gisela feeling abandoned by the system. Her trust in the authorities has been shaken, and the lack of accountability for the death of her husband only deepens her sorrow.

## A Fight on Multiple Fronts

In addition to awaiting a potential criminal prosecution, Gisela has also turned to civil law for help. She has approached Digby Brown Solicitors to explore the possibility of a separate civil action against Leask Marine. This route may provide some financial relief, but it will never replace the loss of her husband. “Luka was the main earner, and his life insurance provider refuses to help until they get the evidence they need,” Gisela explained. “But everything is held by prosecutors who refuse to release it, even though it could prevent me from being homeless.”

The frustration Gisela feels is palpable. She is battling on multiple fronts—emotionally, legally, and financially. While she waits for a resolution, the grief and uncertainty continue to weigh heavily on her. All she wants is justice for Luka and some semblance of security in the wake of his tragic death.

## The Path Forward

As Gisela awaits a decision from the Crown Office, the question remains: how long will she have to endure this uncertainty? The HSE's findings have been clear for some time now, yet the lack of action has left a grieving widow without answers or support.

In the end, Luka's death was not just a personal tragedy for Gisela—it was a preventable disaster caused by a failure to adhere to safety regulations. As Gisela's story shows, the consequences of such negligence extend far beyond the initial event. They ripple outward, affecting families, communities, and lives in ways that cannot always be quantified.

Until a decision is made, Gisela continues her fight for justice. And in doing so, she serves as a reminder that behind every safety breach, every regulatory failure, there are real people with real lives who are forever changed.

## CATEGORY

1. Outer Hebrides

## POST TAG

1. Diving Accident
2. Health and Safety Executive (HSE)
3. Leask Marine
4. Luka Budesa
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