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## CONCERNING THE IOTC PROVISIONAL IUU VESSELS LIST

Prepared by IOTC Secretariat, 13 April, 2015

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In accordance with Paragraph 7 of IOTC Resolution 11/03 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC Area*, the list of vessels on the current IOTC IUU Vessels List and the list of vessels proposed for inclusion in the IOTC IUU Vessels List are provided in the following table. The Provisional IUU Vessels List is provided for the consideration of the Compliance Committee at its 12<sup>th</sup> Session.

Information on the evidence for the new vessels to be included in the IOTC IUU Vessels List and the responses received from the concerned fleets are provided in Annex 1 to this document.

### IOTC IUU VESSELS LIST (JUNE 2014)

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on IOTC IUU Vessels List	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities
FU HSIANG FA NO. 01	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
FU HSIANG FA NO. 02	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
FU HSIANG FA NO. 06	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
FU HSIANG FA NO. 08	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
FU HSIANG FA NO. 09	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
FU HSIANG FA NO. 11	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
FU HSIANG FA NO. 13	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
FU HSIANG FA NO. 17	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
FU HSIANG FA NO. 20	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on IOTC IUU Vessels List	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities
<b>FU HSIANG FA NO. 21<sup>1</sup></b>	Unknown	May 2013		Yes. Refer to report IOTC-2013-CoC10-07 Rev1[E]	OTS 024 or OTS 089	Unknown	Unknown	Contravention of IOTC Resolution 07/02
<b>FU HSIANG FA NO. 21<sup>1</sup></b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>FU HSIANG FA NO. 23</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>FU HSIANG FA NO. 26</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>FU HSIANG FA NO. 30</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>FULL RICH</b>	Unknown (Belize)	May 2013		Yes. Refer to report IOTC-2013-CoC10-08a[E]	HMEK3	Noel International LTD (Noel International LTD)	Unknown	Contravention of IOTC Resolution 07/02
<b>GUNJAR MELYN 21</b>	Unknown	June 2008				Unknown	Unknown	Contravention of IOTC Resolution 07/02
<b>HOOM XIANG 101</b>	(Malaysia)	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>HOOM XIANG 103</b>	(Malaysia)	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>HOOM XIANG 105</b>	(Malaysia)	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03

<sup>1</sup> No information on whether the two vessels **FU HSIANG FA NO. 21** are the same vessels.

IOTC-2015-CoC12-07[E]

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on IOTC IUU Vessels List	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities
<b>HOOM XIANG II</b>	Unknown (Malaysia)	March 2010		Yes. Refer to report IOTC-S14-CoC13-add1[E]		Hoom Xiang Industries Sdn. Bhd.	Unknown	Contravention of IOTC Resolution 09/03
<b>OCEAN LION</b>	Unknown (Equatorial Guinea)	June 2005	7826233			Unknown	Unknown	Contravention of IOTC Resolution 02/04, 02/05, 03/05.
<b>SHUEN SIANG</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>SRI FU FA 168</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>SRI FU FA 18</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>SRI FU FA 188</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>SRI FU FA 189</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>SRI FU FA 286</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>SRI FU FA 67</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>SRI FU FA 888</b>	Unknown	June 2014				Unknown	Unknown	Contravention of IOTC Resolution 11/03
<b>YU MAAN WON</b>	Unknown (Georgia)	May 2007				Unknown	Unknown	Contravention of IOTC Resolution 07/02



## PROVISIONAL IOTC IUU VESSELS LIST

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<b>BANAIAH</b>	INDIA	Not Applicable		Yes. Refer to Annex 1	Not Available	Mr Raju S/O (Son of), John Rose of 11-4-137 Kalingarajapuram, Ezudesam China Thurai RAJU J S/O John Rose of K R Puram, Chinnathurai, Thoothoor PO, K K Dist, Tamilnadu	Mr Chris Lukaj	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>BOSIN</b>	INDIA	Not Applicable		Yes. Refer to Annex 1	Not Available	Titus, S/O (son of) Sesaiyan of 111-9-170 Thoothoor (post) O.Kanyakumari District, Tamil Nadu, India	Titus, S/O (son of) Sesaiyan	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>CARMAL MATHA</b>	INDIA	Not Applicable		Yes. Refer to Annex 1	Not Available	Antony J S/O (son of) Joseph of D No 111-7- 28. St Thomas Nagar, Thoothoor PO, KK Dist Tamilnadu	Mr Antony	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>DIGNAMOL 1</b>	INDIA	Not Applicable		Yes. Refer to Annex 1	Not Available	Jelvis s/o Dicostan of 7/103 K R Puram, Thoothoor, KK Dist, Mamilnadu Mr SD. Jelvish, S/O Dikostan of 7/169 Wasol 2, Block Y, Yishming Block, , Thoothoor, Kanyakumam	Mr James Robert	Fishing without a licence in the waters of the British Indian Ocean Territory

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on IOTC IUU Vessels List	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities
<b>DIGNAMOL II</b>	INDIA	Not Applicable		Yes. Refer to Annex 1	Not Available	UNKNOWN	Mr F Britto	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>GREESHMA</b>	INDIA	Not Applicable		Yes. Refer to Annex 1	Not Available	TITUS K. of S/O. Kastheen, 3/17B CHINNATHURAI, THOOTHOR POST, KANYAKUMARI DISTRICT, TAMILNADU	Mr T (Tony) Resolin	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>KING JESUS</b>	INDIA	Not Applicable		Yes. Refer to Annex 1	Not Available	UNKNOWN	Bibi S. R. Paul Miranda S	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>ST MARY'S NO.1</b>	INDIA	Not Applicable		Yes. Refer to Annex 1	Not Available	Mr Peter A S/O Antony Ad'Mai of St Thomas Nacer, Thoothoor PO, KK Dist, Tamilnadu Peter A. Fathers Name, ANTHONIADIMAI of 40 St Thomas Street, Thoothur, Kanyakuman District, Tamil Nadu, 629160	Mr Borgen	Fishing without a licence in the waters of the British Indian Ocean Territory
<b>ST MARY'S NO.2</b>	INDIA	Not Applicable		Yes. Refer to Annex 1	Not Available	Mr Peter A S/O Anthoniadimai of East Coastal road Thoothoor – PO KK Dist – Tamilnadu	Mr Babin Melbin	Fishing without a licence in the waters of the British Indian Ocean Territory

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on IOTC IUU Vessels List	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities
<b>DULARI</b>	SRI LANKA	Not Applicable		Yes. Refer to Annex 1	Not Available	Mr W.M.A. Ajantha Palin	Ivan Priyantha	Fishing without a licence in BIOT waters and possession of prohibited fishing gear.
<b>IMASHA 2</b>	SRI LANKA	Not Applicable		Yes. Refer to Annex 1	Not Available	Mr Gammanan Arachchige Pristan Tiran of St, Visenthi Road, Maggona	UNKNOWN	Fishing without a licence and fishing with prohibited gear.
<b>JANE</b>	SRI LANKA	Not Applicable			Not Available	Mr Seetharathna Chamaka Lakmal De Silva	Mr Priyantha Hettiarachchi of Galpotha Karanaka, Goda, Beruwala Crew	Fishing without a licence in BIOT waters and possession of prohibited fishing gear.
<b>KAVIDYA DUWA</b>	SRI LANKA	Not Applicable		Yes. Refer to Annex 1	Not Available	Hewarathnasinghage Ranga Harshapriya. Silva of 53, Temple Road, Berwula, Sri Lanka	Mr. Kumara	Fishing without a licence and fishing with prohibited gear
<b>NIRODA PUTHA</b>	SRI LANKA	Not Applicable		Yes. Refer to Annex 1	Not Available	WADP PRAGEETH 83/1, ST MARIYA ROAD, KUDA PAYAGALA, PAYAGALA, SRI LANKA	Mr Ravindra Priy ashantha 12/20W Ganayar amba, Beruwala,	Fishing illegally in BIOT an d possession of prohibite d fishing gear.
<b>OTTO II</b>	SRI LANKA	Not Applicable		Yes. Refer to Annex 1	Not Available	Weththamury Suranga De Silva of 2/A/01/A, Thalavila Watta, Moragalla, Aluthgama	WAP Fernando	Fishing without a licence and fishing with prohibited gear

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STEF ANIA DUWA	SRI LANKA	Not Applicable		Yes. Refer to Annex 1	Not Available	Mr. S.A.D.A. Siriwardane and Ms. S.A.D. Depika Kumari of Bubulalanda, Kanandagoda, Beruwala	Mr. G. Danushka of Bbullantha, Beruwala	Fishing without a licence and fishing with prohibited gear
SULARA 2	SRI LANKA	Not Applicable		Yes. Refer to Annex 1	Not Available	Mr Nainaboaduge Sumith Fernando	UNKNOWN	Fishing without a licence and fishing with prohibited gear
THIWANKA 5	SRI LANKA	Not Applicable		Yes. Refer to Annex 1	Not Available	Mr G P T Weerasuriya	UNKNOWN	Fishing without a licence and fishing with prohibited gear



Mr Rondolph Payet  
2015  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

6<sup>th</sup> February

cc. Mr Herminio Tembe, Chair of the Compliance Committee; Mr Hosea Gonza Mbilinyi Vice Chair

Dear Rondolph,

**Resolution 11/03. On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area.**

Please find attached, as required under resolution 11/03, details for nine Indian vessels listed below.

- GREESHMA 1 Indian Registration number 3156 TN2/FV/10/01135/10 detained on 5 December 2014
- St Marys No1 Indian Registration number TN2/FV/01644/09 detained on 11<sup>th</sup> December 2014
- St Marys No2 Indian Registration number TN2/FV/00819/09 and TN/15/MFB 597 detained on 11<sup>th</sup> December 2014
- King Jesus Indian Registration number TN-2/FV01606/12 detained on 11<sup>th</sup> December 2014
- Dignamol I Indian Registration number IND-TN-15-MM-125 and TN-2/FV/00872/09 detained on 11<sup>th</sup> December 2014
- Dignamol II Indian Registration number TN-2/FV01662/13 detained on 11<sup>th</sup> December 2014
- Carmal Matha Indian Registration number TN-2/FV01675/13 detained on 11<sup>th</sup> December 2014
- Benaiah Indian Registration number TN-2/FV01699/13 detained on 11<sup>th</sup> December 2014
- BOSIN Indian Registration TN14MFB-283; IND-TN-15-MM04086 detained on 14<sup>th</sup> December 2014

These nine Indian flagged and registered gill net / longline fishing vessels, not recorded on the IOTC list of authorised fishing vessels, are currently the subject of criminal investigations into suspected illegal fishing activity within BIOT waters, specifically:

- A) Fishing without a licence in BIOT waters contrary to Sections 7(1) & 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.
- B) Possession of Prohibited fishing gear contrary to Section 6 (2) of the Fisheries (Conservation and Management) Ordinance 2007.
- C) Obstruction of Fisheries Protection Officers contrary to Section 16 of the Fisheries (Conservation and Management) Ordinance 2007.

The BIOT Principal Legal Adviser, who directs and has conduct of all prosecutions in BIOT has determined that there is sufficient evidence to try the owners of the Greeshma and the Bosin with offences listed at A and B above. The owners of both of these vessels have been summonsed to answer those allegations of criminal conduct before the BIOT Court later this month and both owners have acknowledged that they are aware of the ongoing proceedings.

With regard to the remaining 7 vessels there was sufficient suspicion of their being involved in all three types of activity detailed above for evidence to be collected and for files to be submitted to the Principal Legal Adviser for consideration as to whether prosecutions should be brought. These cases are still undergoing that consideration and further enquiries are being carried out in respect of them.

Resolution 11/03 relates to vessels 'presumed' to have been carrying out IUU activities (para 2) and requires evidence to be submitted 70 days prior to the Compliance Committee meeting. Therefore on the basis of the evidence evaluated by the BIOT Principal Legal Adviser (including that still under evaluation for criminal proceedings) and now presented to the Compliance Committee we recommend that all 9 vessels are IUU listed.

The Indian Authorities have been notified (see IOTC Reporting forms) but no response has been received to date.

I would be grateful if you could circulate this material for the information of the Compliance Committee. Thank you.

Yours sincerely



Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

**Most Immediate**  
**E-mail/Fax/Speed Post**

Pt. F. No. 27016/08/2009 Fy (IC) Vol. IV  
Government of India  
Ministry of Agriculture  
Department of Animal Husbandry, Dairying & Fisheries  
Krishi Bhavan, New Delhi-110 001,  
Dated the 20 February, 2015.

To

Dr. Rondolph Payet,  
Executive Secretary,  
Indian Ocean Tuna Commission (IOTC),  
PO Box 1011, Victoria, Seychelles.  
Fax: +248 224 364  
E-mail: secretariat@iotc.org

Subject: **Resolution 11/03. On establishing a list of vessels presumed to have carried out Illegal, Unregulated and Unreported (IUU) fishing in the IOTC area.**

Sir,

I am directed to refer to letter dated 06 February 2015 received from Head of UK (OT) Delegation to IOTC addressed to Executive Secretary, IOTC on the above mentioned subject and to inform that this Ministry sought comments on the suspected illegal fishing activity within BIOT waters from the concerned authority (Government of Tamil Nadu).

Yours faithfully,



(Dr. Ansy Mathew, N. P.)  
Fisheries Research and Investigation Officer

Pt. F. No. 27016/08/2009- Fy (IC) Vol. V  
Government of India  
Ministry of Agriculture  
Department of Animal Husbandry, Dairying & Fisheries  
Krishi Bhawan, New Delhi-110114  
Dated the 25<sup>th</sup> March, 2015.

To  
Dr. Rondolph Payet,  
Executive Secretary,  
Indian Ocean Tuna Commission (IOTC),  
PO Box 1011, Victoria, Seychelles.  
Fax: +248 224 364,  
E-mail: rondolph.payet@iotc.org, secretariat@iotc.org

**Subject: Resolution 11/03 – on establishing a list of vessels presumed to have carried out  
Illegal Unreported and Unregulated (IUU) fishing in the Indian Ocean Tuna  
Commission (IOTC) area – Regarding.**

Sir,

I am directed to refer to the above mentioned subject and hereby inform that Government of Tamil Nadu has issued necessary instructions to the Fishermen at District level for not involving Illegal Unreported and Unregulated (IUU) fishing in the waters of other countries and to ensure that such activities does not happen in future.

Yours faithfully,



(Dr. Ansy Mathew, N. P.)

Fisheries Research and Investigation Officer



## Secretariat(g)

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**From:** IOTC Secretariat <secretariat@iotc.org>  
**Sent:** 26 March 2015 05:59  
**To:** Dr Ansy Mathew N P; rondolph.payet@iotc.org; Ansy Mathew N P  
**Cc:** Rondolph Payet; Chris C Mees  
**Subject:** Re: Resolution 11/03 on establishing a list of vessels presumed to have carried out Illegal Unreported and Unregulated (IUU) fishing in the Indian Ocean Tuna Commission (IOTC) area Regarding.  
**Attachments:** Resolution (IUU)[2].pdf  
**Importance:** High

Dear Dr Mathew

Thank you for this additional information. Can you please to share a copy of the “instruction” (translated to English if in Tamil), that will be included as evidence of the “action” taken by the flag State. Can you also clarify in what form the instruction was issued.

I’m copying your correspondence to the UK (OT) for their necessary action or feedback.

Regards

### **Rondolph Payet**

Executive Secretary

Victoria, Seychelles

Tel: +248 4225 494

Direct: [rondolph.payet@iotc.org](mailto:rondolph.payet@iotc.org)

Office: [secretariat@iotc.org](mailto:secretariat@iotc.org)

Web: <http://www.iotc.org>



Indian Ocean Tuna Commission  
Commission des Thons de l’Ocean Indien

iotc ctoi

Dr. Ansy Mathew,  
Fisheries Research and Investigation Officer Government of India,  
Department of Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture, Krishi Bhavan  
New Delhi-110 114.

30 March 2015

Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

CC Dr. Raja Sekhar Vundru, Joint Secretary (Fisheries) E-mail: [jsfy@nic.in](mailto:jsfy@nic.in)

Dear Dr Mathew

## Report on the investigation into alleged illegal fishing activities by Indian Flagged Vessels in British Indian Ocean Territory (BIOT) Waters

I refer to your letter to the IOTC Executive Secretary dated 25/03/15 on the draft IUU list, and to my letter to Dr Vundru subsequently copied to you, dated 23 December 2015 that included a Note Verbale sent to the Indian High Commissioner in London (SAD/118/14 of 22/12/14). That Note Verbale seeks assurances from India that it provides all possible assistance in BIOTs prosecution of these cases. To date, UK(OT) has received no written response either to the letter sent by myself nor to that Note Verbale.

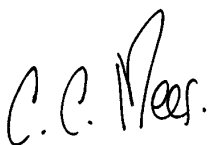
Your letter to the IOTC Secretariat refers to 'instructions' to fishermen, and I note that the IOTC Executive Secretary has requested a copy of the "instruction" (translated to English if in Tamil), and has requested clarification on the form in which the instruction was issued. That further detail notwithstanding, and as you are already aware, the following Indian flagged vessels are currently the subject of a criminal investigation into suspected illegal fishing activity. In order to complete the investigation the BIOT Administration needs to be clear as to the accurate details of the registered owners before a final decision on any course of action can be taken. At this stage our investigations no findings have been made by the Administration of any such activity.

Vessel Name	Identification Number	Date of Incident
St Marys No1	Indian Registration number TN2/FV/01644/09	11 December 2014
St Marys No2	Indian Registration number TN2/FV/00819/09 and TN/15/MFB 597	11 December 2014
King Jesus	Indian Registration number TN-2/FV01606/12 detained on	11 December 2014
Dignamol I	Indian Registration number IND-TN-15-MM-125 and TN-2/FV/00872/09	11 December 2014
Dignamol II	Indian Registration number TN-2/FV01662/13	11 December 2014
Carmal Matha	Indian Registration number TN-2/FV01675/13	11 December 2014
Benaiah	Indian Registration number TN-2/FV01699/13	11 December 2014

Please can you confirm the ownership details for these vessels (name, address, and contact details), any beneficial owner details if different, and the same details for the master of the vessel. We would be grateful for a formal signed response with an appropriate Government of India letterhead, which can be scanned and sent by email as soon as possible, preferably before close of play on Wednesday 1 April, but in any event by 6th April 2015. Thank you for your cooperation.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)). We look forward to your cooperation in this matter.

Yours Sincerely



Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK(OT)).

#### A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	BENAI AH
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a (National Registration Number TN-2/FV01699/13)
e	Photo	See Appendix 2
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr Raju S/O (Son of), John Rose of 11-4-137 Kalingarajapuram, Ezudesam China Thurai RAJU J S/O John Rose of K R Puram, Chinnathurai, Thoothoor PO, K K Dist, Tamilnadu To be confirmed. Awaiting confirmation from the flag State.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr Chris Lukaj
i	Date of alleged IUU fishing activities	11/12/2014
j	Position of alleged IUU fishing activities	06° 03.4S 071° 32.3E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in the waters of the British Indian Ocean Territory
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> Benaiah initially complied with order to follow BPV Pacific Marlin to port but later altered course without permission for the high seas. As BPV Pacific Marlin escorting other vessels it was unable to intercept the

Item	Definition	Indicate
		fleeing vessel. Photographs taken. Subject to a criminal investigation.  <b>Flag State Actions:</b> No flag State actions notified at time of submission.
m	Outcome of Actions taken	No outcomes at time of submission.

## B. Details of IOTC Resolution Elements Contravened

*(Indicate with a “X” the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State’s laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Boarding report (Appendix 1)  
Photographs (Appendix 2)  
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India (Appendix 3)  
Letter to Dr Vundru, Joint Secretary (Fisheries) (Appendix 4)

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Boarding Report

### BOARDING REPORT

**DATE:** 11<sup>th</sup> December 2014  
**VESSEL:** Benaiah  
**CALL SIGN:** N/A  
**IND N°:** TN-2/FV01699/13  
**IMUL N°:** N/A  
**MASTER:** Mr Chris Lukaj  
**SFPO:** Robert Clark  
**BOARDING PURPOSE:** Drifting on Great Chagos Bank

#### 1. Introduction

**06:45**, on Thursday 11<sup>th</sup> December 2014, whilst conducting British Indian Ocean Territory (BIOT) 466 BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and on the West side of the Great Chagos Bank, the Senior Fisheries Protection Officer (SFPO) assisted the Watch keeper, Chief Officer, Mr Pilapil to identify a cluster of 4 signatures on radar which he believed to be fishing vessels.

**06:52**, the radar signatures were plotted; inside the Great Chagos Bank (GCB), on the Western edge, approximately 90nm North of Diego Garcia. The centre target details were;

**Position** 06° 03.4S 071° 32.3E

**Course** 008°.

**Range** 10.0nm

**Bearing** 052°

**Speed** variable between 0.2 – 0.7kts – speed indicative of a fishing vessel (FV), drifting on its gear.

The general characteristics of conditions were; breaking daylight, overcast skies, with low level light with moderate seas and wind of 04 – 06kts, visibility being reduced due to conditions of light and thunderstorms.

**At 06:55** the Master of the BPV, Mr Sandes arrived on the bridge to commence his normal daily routine.

**At 07:00** the SFPO requested that the BPV increase to maximum speed, in order to close down and intercept the targets. The SFPO believed that the vessels were drifting on gear and in the act of fishing.

**At 07:10** a further 3 targets were identified on RADAR, all 7 targets were then plotted and acquired at the following positions;

1. 06° 02.1S 071° 31.8E
2. 06° 00.8S 072° 35.0E
3. 06° 00.4S 071° 32.1E
4. 06° 01.4S 071° 33.2E
5. 06° 00.5S 071° 36.6E
6. 05° 59.4S 071° 37.0E
7. 05° 59.1S 071° 36.8E

All targets were drifting at between 0.2 and 0.6kts and spaced at such intervals to indicate that they were drifting clear of each other.

**At 07:20** the SFPO identified one Fishing Vessel (FV) with the use of binoculars and requested that the BPV make ready to making a long range interception.

**At 07:25**, at approximately 5.0 nm distance from the targets the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with SFPO Clark, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew, Upon the SFPO's instruction the FRC headed towards the FV's at high speed.

**At 07:59** The SFPO arrived at the second vessel, which was identified from the markings on her forward bows as BENIAIAH

**At 08:00** The FRC came alongside the FV and the SFPO noted that a number of fishing lines were on the back deck. These lines were blue and with hooks that were visibly holding bait and either ready to deploy or had recently been recovered. This line was noted to be of a commercial type used by Indian fishermen and attached to white plastic containers consistent with the gear used by Indian commercial fishing types.

## 2. Boarding Details

**At 10:40** The SFPO and FPO Wijeweera came alongside the FV and requested that the Captain come forward. A man claiming to be called Mr Chris Lukaj DOB Nov-09-1975 came forward and in his own hand wrote his name and DOB on the piece of white paper, marked No2 that was handed to him by the SFPO attached to a clip board.

The SFPO then asked for ID's for all crew and the vessel Registration documents and was handed the following

1. 12 ID cards which did not include one for Mr Chris Lukaj
2. Photocopy of Government of India form IV in the vessel name BENIAIAH – registration No IND-TN-5-MM-4473 & 02/09/2014 showing the owner to be one Mr Raju S/O (Son of), John Rose of 11-4-137 Kalingarajapuram, Ezudesam China Thurai.
3. Photocopy of Form V, Certificate of Registration for Fishing Vessel – Book No133 – Form No 8900 showing the name of the vessel to be BENAYA and owner as RAJU J S/O John Rose of K R Puram, Chinnathurai, Thoothoor PO, K K Dist, Tamilnadu

**At 10:42** the SFPO requested that Mr Lukaj open the forward fish hold so that it may be inspected. This instruction was followed.

**At 10:44** the SFPO noted upon seeing the open hold that a reef fish, identified as a Trevally was in open view on the floor of the hold, with others, and requested that this fish be brought up for examination.

The SFPO examined the fish and found it to be “stiff fresh”, this status occurs in fish soon after mortality. Therefore, the SFPO concluded that this fish was freshly caught. The was photographed.

At the same time the SFPO noted more baited hooks at the forward port side bow, close to the fish hold hatch. These were examined and found to be consistent with commercial fishing gear of Indian type. Blue line, wire trace leader and baited with chunks of what appeared to be red snapper. The baited lines were laid out on a chopping board, indicating that they had recently been baited while at the same time as cutting the bait fish up. This was photographed.

**At 10:46** the SFPO indicated to Mr Lukaj that his boat was detained, by making the internationally recognised sign of crossed wrists. Mr Lukaj responded with “please sir”, indicating that he understood to be detained.

**At 10:49** the SFPO seized all documents and the following communications and navigation equipment.

1. ICOM – FM Transceiver IC2300H Radio Serial No 10028794-7
2. Furuno GPS – GP32 Serial No 6427 - 5315
3. Furuno Echo Sounder/Fish Finder – FCV-627 – Serial No 8076-8547

The SFPO felt his actions reasonable as such a large number of vessels, may choose not to comply with his lawful requests by taking flight in opposite directions. Therefore, the SFPO felt justified to take this level of action, with the knowledge that no vessels were being put at risk, as long as they complied with the reasonable and lawful instructions of the SFPO.

**At 10:52** the SFPO disembarked the vessel and proceeded to the next vessel.

### **3. Recovery**

**At 12:25** after completing the processing of the final FV, The SFPO and boarding team were recovered to the BPV.

Upon recovery the SFPO proceeded to check the Indian Ocean Tuna Commission (IOTC), Register of Active Vessel (RAV), where he could not find any record of this vessel

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

11<sup>th</sup> December 2014



## Appendix 2: Photographs



*Figure 1 Deck photograph - Benaiah*



*Figure 2 Bow photograph - Benaiah*



Figure 3 Starboard side photograph - **Benaiah**



Figure 4 Example of catch (Red snapper chunks) - **Benaiah**



Figure 5 Example of catch (Trevally)- **Benaiah**



**Appendix 3: Note Verbale No. SAD/118/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 22/12/2014).**



**Foreign &  
Commonwealth  
Office**

NOTE VERBALE No: SAD/118/14

The Foreign and Commonwealth Office presents its compliments to the High Commission of the Republic of India and has the honour to refer to its prior note verbale reference SAD 109/14 and the High Commission of India's own note verbale of 12 December, reference Lon/Pol/12/12/2014.

We wish to notify the High Commission that, on 17 December 2014 the Indian flagged fishing vessel Greeshma 1 (Registration number: 3156 TN2/FV/10/01135/10) and all 14 crew were released from Diego Garcia following the conclusion of the police investigation. The owners of the vessel will be summonsed to appear in court on Diego Garcia, or provide written representations to the court proceedings against them for fishing offences in due course, and we seek assurances that from the High Commission that all possible assistance will be provided by the Republic of India authorities in that prosecution, and subsequent enforcement of the British Indian Ocean Territory court sanctions. All catch and fishing gear from the Greeshma 1 have been seized by the court as part of this process. The vessel has been provided with fuel and all navigation equipment restored to it to ensure safe passage.

We further draw attention to the fact that on 14 December 2014, a further Indian fishing vessel Bosin (Registration certificate TN14MFB-283 and number IND-TN-15MM-4086 & 06/11/2014) was identified in the waters of the British Indian Ocean Territory suspected of fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). The vessel's master was directed to accompany fishery enforcement officers to port in Diego Garcia to allow an investigation to be concluded. As a result of that investigation, the following 9 crew members in addition to a further Indian man who cannot as yet be identified, are currently in Diego Garcia until the conclusion of the investigation, and a decision on charging can be made. As with the case of the Greeshma, this may require seizure of the fishing vessel until payment of a fine, in which case we would wish to work rapidly with your authorities to secure a repatriation of the fishermen:

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/85
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

Investigations to date suggest that the owner, according to the Indian Ocean Tuna Commission records, is Titus K of address. 111-9/170 R.C, Colachel & Kanyakumari, Tamilnadu. In order to assist authorities of the British Indian Ocean Territory in rapidly concluding their investigation, we request confirmation of the ownership details of this fishing vessel by your authorities as soon as possible.

The Foreign and Commonwealth Office wishes to express its grave concern at the continued and escalating illegal fishing activity by Indian flagged vessels in the Marine Protected Area of the British Indian Ocean Territory. The following Indian vessels have been sighted or detected on radar since the beginning of December:

Date	Vessel Name	Vessel type	Vessel Flag	Outcome
04/12/2014	Greeshma 1	Demersal longline and gillnet	IND	Detained, brought into DG
04/12/2014	Greeshma 2	Demersal longline and gillnet	IND	Requested to follow patrol vessel but steamed off
11/12/2014	Dignamol II	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Benaiah	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Carmel Matha	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Dignamol 1	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	King Jesus	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No2	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No1	Demersal longline and	IND	Vessel initially complied with instructions but later ran for the



Date	Vessel Name	Vessel type	Vessel Flag	Outcome
		gillnet		high seas. Photographs taken and prosecution to follow
14/12/2014 (AM)	Bosin	Demersal longline and gillnet	IND	Detained, currently held in Diego Garcia pending conclusion of police investigation
14/12/2014 (AM)	Sujamol	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sagarrarose	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sivaprasasen	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Holy Family	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Manumon	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification

The Foreign and Commonwealth Office further requests the urgent assurance from the High Commission that education of the fishing communities of the Tamilnadu region is undertaken in respect of the presence of a no-take Marine Protected Area in the entire 200 nautical mile Environmental Protection and Preservation Zone of the British Indian Ocean Territory. Any fishing activity in these waters will be treated with the utmost severity and owners will be prosecuted to the fullest extent of the law, with court sanctions including fines of up to £500,000, seizure of vessels, catch and gear, and imprisonment of up to 6 months. The presence of trawlers in these waters in December is of particular concern given the potential scale of damage to the seabed and fragile coral ecosystems that can be caused by such vessels.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of India enjoy in respect of the regional effort to prevent

IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission which we will be notifying of the above disturbing trends in accordance with the regular reporting requirements, and to whom we trust and expect we will also be able to report the effective cooperation of Indian authorities in halting this activity, including in supporting enforcement by the authorities of the British Indian Ocean Territory.

The Foreign & Commonwealth Office avails itself of this opportunity to renew to the Indian High Commission in London the assurances of its highest consideration.

South Asia Department  
Foreign & Commonwealth Office, London  
22 December 2014



**Appendix 4: Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries (containing Note Verbale in Appendix 3)**



18 Queen Street  
London  
W1J 5PN  
United Kingdom

Tel: (+44) 020 7255 7755  
Fax: (+44) 020 7499 5388  
E-Mail: [enquiries@mrags.co.uk](mailto:enquiries@mrags.co.uk)  
Internet: [www.mrag.co.uk](http://www.mrag.co.uk)

Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
Room No. 221-A,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

23 December 2014

E-mail: [jsfv@nic.in](mailto:jsfv@nic.in)

Dear Dr Vundru

**Report on the investigation into alleged illegal fishing activities by Indian Flagged Vessels in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 11 December I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission to update you on the vessel Greeshma 1 and to inform you of other activity in BIOT waters.

I attach to this letter a note sent to the Indian High Commission in London that requests assistance in dealing with illegal, unregulated and unreported (IUU) fishing by Indian flagged vessels in BIOT waters. We would be most grateful for any assistance that you are able to provide in this matter. I would also be grateful if you could direct this communication to the authority responsible for flag State Compliance issues and inform me of the contact details.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your cooperation in this matter.

I extend my kind regards and thank you in advance for your assistance.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC



### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK(OT)).

#### A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	BOSIN
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a (Indian Registration No. (TN14MFB-283; IND-TN-15-MM04086) & 06/11/2014)
e	Photo	See Appendix 2
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Titus, S/O (son of) Sesaiyan of 111-9-170 Thoothoor (post) O.Kanyakumari District, Tamil Nadu, India
h	Operator (previous operator/s, if any) and Master/Fishing Master	Titus, S/O (son of) Sesaiyan (Owner / Master)
i	Date of alleged IUU fishing activities	14/12/2014
j	Position of alleged IUU fishing activities	04° 49.5S 072° 24.2E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in the waters of the British Indian Ocean Territory
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> The vessel BOSIN (TN14MFB-283; IND-TN-15-MM04086) & 06/11/2014 was released on 20 December 2014. Following an investigation into the suspected criminal activities of the owner of the Bosin a decision has been made to bring a criminal prosecution against the owner and those proceedings have been commenced.

Item	Definition	Indicate
		<p>The Owner / Master was instructed to leave BIOT waters directly and to return the FV to port. All catch and gear was seized by the court.</p> <p>Assistance from Indian Authorities requested in identification of the vessel and notification of any actions taken by India as flag State in conducting a regulatory investigation into the activities of the vessel. Relevant actions in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4).</p> <p>The BIOT Administration have been in correspondence with the owner and will inform the owner / master of the vessel of further action.</p> <p><b>Flag State Actions:</b> No flag State actions notified at time of submission.</p>
m	Outcome of Actions taken	No outcomes at time of submission.

## B. Details of IOTC Resolution Elements Contravened

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Statement of Evidence	Appendix 1
Photographs	Appendix 2
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India.	Appendix 3
Letter to Dr Vundru, Joint Secretary (Fisheries)	Appendix 4
Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries reporting on investigation into the Indian flagged vessel Bosin. (06/01/2015)	Appendix 5

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Statement of Evidence

(Revised 06/13)  
Investigation Reference No: 36/14



BIOT POLICE

### WITNESS STATEMENT

(Section 154 of the BIOT Criminal Procedure Code 1986)

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Statement of: **Robert Samuel Clark**

Rank/Status: **Senior Fisheries Protection Officer**

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Civilian**

---

This statement (consisting of **5** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Date: **16 Dec 14**

---

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 67 months field experience, which includes 39 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 21<sup>st</sup> October 2014.

### SITUATION

**At 06:10**, on Sunday 14 Dec 14, whilst conducting British Indian Ocean Territory (BIOT) 466 BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 8 and on the North side of Speakers Bank, in my capacity as Senior Fisheries Protection Officer (SFPO), I was called to the bridge and assisted the Watch keeper, Chief Officer, Mr Pilapil to identify a cluster of 8 signatures on radar which he believed to be fishing vessels.

**At 06:15**, the radar signatures were plotted; inside Speakers Bank and on the Eastern edge, approximately 150nm North of Diego Garcia. The center target details were;

**Position** 04° 49.5S 072° 24.2E

**Course** 034°.

**Range** 13.6nm

**Bearing** 157°

**Speed** variable between 0.2 – 0.6kts – speed indicative of a fishing vessel (FV), drifting on its gear.

The general characteristics of conditions were; breaking daylight, overcast skies, with low level light with moderate seas and wind of 6 – 10kts, visibility being reduced due to conditions of low light and thunderstorms with intermittent heavy rain showers.

**At 06:20**, I requested that the BPV take a course which would place her on the East side of Speakers Bank and in the centre rear of the group of vessels. This request was followed.

**At 06:30**, I requested that the BPV increase to maximum speed, in order to close down and intercept the targets. I believed that the vessels were drifting on gear and in the act of fishing. This request was followed.

**At 07:00**, the Master of the BPV, Mr Sandes arrived on the bridge to commence his normal daily routine. I briefed Mr Sandes of the plan and sought his approval, which he gave.

**At 07:10**, 7 targets were identified on RADAR, all 7 targets were then plotted and acquired, as 7 is the maximum number of targets the BPV can acquire the 8<sup>th</sup> was not plotted, at the following positions;

1. 04° 48.0S 072° 24.5E
2. 04° 49.9S 072° 24.1E
3. 04° 50.3S 072° 23.9E
4. 04° 50.5S 072° 23.4E
5. 04° 50.5S 072° 23.4E
6. 04° 49.5S 072° 20.3E
7. 04° 52.4S 072° 25.7E

All targets were drifting at between 0.1 and 1.0kts and spaced at such intervals to indicate that they were drifting clear of each other. With the exception of target 1 which was making 3.6kts a speed indicative of hauling in gear.

**At 07:20**, I identified 4 Fishing Vessel (FV) with the use of binoculars and requested that the BPV make ready to make interception.

**At 08:00**, at approximately 3.2 nm distance from the targets the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with me, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew. Upon my instruction the FRC headed towards the FV's at high speed.

**At 08:18**, I arrived at the first vessel at position 04° 51.6S 072° 24.2E, an Indian style Trawler, which was identified from the markings on her forward bows as **SIVA PRASHAGAM**, she was moving at approximately 13kts and due to high freeboard and moderate seas I was not able to board her. I noted upon arrival that no gear was deployed and therefore she was waved to keep moving, which she did.

**At 08:20**, I arrived at targets 2 and 3, at position 04° 48.1S 072° 24.1E both being Indian style Trawlers, which were identified from their markings to the bows as **SAGAROSE** and **SUJAMOL**, both vessels were moving at approximately 13kts and due to high freeboard, moderate seas and closed formation sailing I was not able to board them. I noted upon arrival that no gear was deployed and therefore she was waved to keep moving, which they did.

**At 08:30**, I arrived at targets 4 and 5, at position 04° 45.9S 072° 25.1E both being Indian style Trawlers, which were identified from their markings to the bows as **HOLY FAMILY** and **MANUMON**, both vessels were moving at approximately 13kts and due to high freeboard, moderate seas and closed formation sailing I was not able to board them. I noted upon arrival that no gear was deployed and therefore she was waved to keep moving, which they did.

**At 08:50**, The FRC came alongside the 6<sup>TH</sup> target at position 04° 45.7S 072° 24.5E a Indian Long Line vessel of approximately 5m in length. I noted that her name, to the forward bows was, **BOSIN**.

**At 08:52**, I requested that the FRC come alongside the starboard quarter of the vessel. Upon doing so I noted reef fish, Red Snapper and Job Fish still alive and gasping, on the fishing deck. Indicating that they had been very recently landed on the FV, I also noted fishing line and buoys to the forward portside quarter of the vessel. I requested that the FRC move to the portside of the vessel, which it did.

**At 08:54**, the FRC came alongside the portside of the vessel and I noted that to her forward bow lay fishing buoys and line leading to a large bundle, which appeared to be only half full, of blue fishing line with wire trace leaders attached. In amongst all the fishing buoys was observed a reef shark, species unidentified, which appeared to have just been landed. I recognised that this type of vessel would haul in its gear from the forward bows and therefore concluded, when faced with this evidence, that the vessel had either just completed hauling in its gear or had cut any gear that remained in the water in order that she may flee from the approaching BPV and FRC.

**At 08:55**, I requested that the Captain of the FV make himself known. A man came forwards but did not or was not able to give his name. The man showed no indication that he understood English. I requested "registration" the man appeared to understand this and went to the Wheelhouse; he later exited with a pink clear plastic document wallet and handed it to me. Inside the wallet was contained two documents. The first being the Form IV vessel registration form which showed the name of the vessel to be TN14MFB-283 and registration and date to be IND-TN-15-MM-4086 & 06/11/2014, this also showed the owner to be a Titus, S/O (son of) Sesaiyan of 111-9/170 R.C. Church, Thoothur and a photographic likeness which resembled the man who had presented himself as Captain. I held up the document and pointed to the picture and then in turn to the Captain saying "you", he replied "yes" and pointed to himself.

The second document was examined and found to be Marine Insurance issued to a Mr Titus for vessel IND-TN-15-MM-4086 as valid from 08/10/2014 but showing the address of owner to be; 8/109A Thoothoor Post Dist Kanniyakumari, Tamil Nadu – 629161 an address different from the one shown on Form IV.

**At 08:57**, I requested the Identity Documents (ID) by holding my own ID card and saying "ID", the crew and Captain indicated that they understood this request by going to the wheelhouse and bringing papers out. 5 Photocopy's of ID's were then given to me in the following names;

Mr Wilfred S/O Manueln of 168 Thuppasikudi 4, Pallithura, Vizhinjam

Mr Jermans S/O Soosai DOB 10/05/1957

Mr Jaron S/O Ampurose DOB 03/10/1954 of Vattavilagam street, Thoothoor

Mr Sahayam S/O Konachilas of 306 Varuvilskam Town Ward, Vizhinjam

Mr Anthony J S/O Johnson of Kiriylakettu Purayidam, Vizhinjam PO.

All ID documents were placed in the pink document wallet and then inside a clear plastic bag marked BOSIN.

**At 08:58**, I held up my radio microphone and pointed to the vessels radio, indicating with my hand that the Captain should hand over his radio. I felt this act justified as during previous detentions of Indian FV's, Captains had communicated with other vessels in order to seek assistance and make flight.

The Captain handed over a complete VHF Marine radio being ICOM IC-M304, Serial Number 0154872. Due to sea conditions I did not make a boarding to check if any other communications equipment or radios were inside the Wheelhouse.

I then informed the Captain that his vessel was to follow the FRC to the BPV by pointing to the BPV and indicating with a beckoning hand. The Captain of the FV appeared to understand this instruction as he began to follow.

I then made a VHF radio call to the BPV informing her that the FV was to be detained.

Myself and crew then returned to the BPV to commence passage to Diego Garcia.

**At 09:35**, the FV came to a halt.

**At 09:45**, I launched in the FRC with FPO Mr Wijeweera and one crew member to encourage the FV to continue to follow.

**At 09:53**, the FRC arrived at the location of the FV and the Captain said to me "one chance" and indicated with his hand to suggest going away. I replied by saying "we go talk" and using hand signs to show two people talking. I then requested with a beckoning arm for the FV to follow, which it did.

I requested that the FRC remain in the water and encouraging the FV for 30 minutes, so to settle it into the routine of following. This request was followed and the FV continued to comply with my request.

Between 09:30 and 10:00 on Tues 16 Dec 14, I was present at the FV in my capacity as Subject Matter Expert (SME). I subsequently commence a search of the FV in company with the Crime Scene Investigator (CSI) Miss Prescott (ROPO 4). During the search following item were seized:

Time	Exhibit Number	Description
0940	RSC/1	Application for the berthing facility for vessel at Vizhinjam wharf; Name of Boat Jesus.
0942	RSC/2	Small brown coloured notebook with various fishing coordinates.
0944	RSC/3	Large International Chart Series; Indian Ocean Seychelles Group to Nazareth Bank and Agalega Island; Number 717.

Time	Exhibit Number	Description
0945	RSC/4	Large Indian Ocean Chagos Archipelago to Madagascar; Number 4702

ROPO 4 placed the items in separate exhibit bags and I signed the bags for continuity of the exhibits. ROPO 4 then signed the exhibit bags accordingly.

Between 10:15 and 11:00 I was present in my capacity as SME when the fishing gear was offloaded and seized by BIOT Senior Customs and Immigration Officer (SCIO), Mr Lowry.

Between 13:10 and 13:38hrs, I was present as SME when the following catch was off loaded from the Bosin by its crew. I identify the catch as:

### **CATCH**

- 6 Black Tip Reef Sharks of between 96 and 131cm
- 28 Silver Tip Reef Sharks of between 42 and 164cm
- 13 Reef White Tip Sharks of between 102 and 144cm
- 4 Grey Reef Sharks of between 46 and 131cm
- 2 Barracudas of 28 and 31cm
- 36 Red Snappers and Sweet Lips
- 7 Job Fish

Total estimated weight of catch: 300.00 kg

### **FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £400.00

Fishing vessel: Estimated value £8,000.00

At 1540, whilst in the BIOT Police Station I handed ROPO 4 a disc containing images from the period of detention and this was seized into evidence. I witnessed ROPO 4 attach a BIOT Police Exhibit Label to the item and marked it as the following:

Exhibit Number	Description
RSC/5	Song CD-R 700MB containing 5 images pertaining to FV Bosin.

I signed the rear of the exhibit label for continuity of the exhibits. ROPO 4 the signed the label accordingly.

At 1650, I handed a laminated document to ROPO 4. I witnessed ROPO 4 attach a BIOT Police Exhibit Label to the document and marked it as the following:

Exhibit Number	Description
----------------	-------------



RSC/6	United India Insurance Company Limited; Marine Hull and Machinery Policy; Policy No: 091900/22/14/01/00000062.
-------	--

I signed the label as the person originally identifying the document. ROPO 4 then signed the label accordingly.

At 1655, I handed a laminated document to ROPO 4. I witnessed ROPO 4 attach a BIOT Police Exhibit Label to the document and marked it as the following:

Exhibit Number	Description
RSC/7	Government of India Certificate of Registry of a Fishing Boat; Name of Fishing Boat: TN14MFB-283.

I signed the label as the person originally identifying the document. ROPO 4 then signed the label accordingly.

At 1700, I handed a laminated document to ROPO 4. I witnessed ROPO 4 attach a BIOT Police Exhibit Label to the documents and marked them as the following:

Exhibit Number	Description
RSC/8	Photocopy of 5 Identification cards belonging to crew of FV Bosin.

I signed the label as the person originally identifying the document. ROPO 4 then signed the label accordingly.

This concludes my Statement of Evidence.

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

16<sup>th</sup> December 2014

## Appendix 2: Photographs



Figure 1 Starboard side view - **Bosin**



*Figure 2 Port side view - Bosin*



*Figure 3 Fresh catch observed on deck - Bosin*



*Figure 4 Unstowed fishing gear on deck - Bosin*



**Appendix 3: Note Verbale No. SAD/118/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 22/12/2014).**



**Foreign &  
Commonwealth  
Office**

NOTE VERBALE No: SAD/118/14

The Foreign and Commonwealth Office presents its compliments to the High Commission of the Republic of India and has the honour to refer to its prior note verbale reference SAD 109/14 and the High Commission of India's own note verbale of 12 December, reference Lon/Pol/12/12/2014.

We wish to notify the High Commission that, on 17 December 2014 the Indian flagged fishing vessel Greeshma 1 (Registration number: 3156 TN2/FV/10/01135/10) and all 14 crew were released from Diego Garcia following the conclusion of the police investigation. The owners of the vessel will be summonsed to appear in court on Diego Garcia, or provide written representations to the court proceedings against them for fishing offences in due course, and we seek assurances that from the High Commission that all possible assistance will be provided by the Republic of India authorities in that prosecution, and subsequent enforcement of the British Indian Ocean Territory court sanctions. All catch and fishing gear from the Greeshma 1 have been seized by the court as part of this process. The vessel has been provided with fuel and all navigation equipment restored to it to ensure safe passage.

We further draw attention to the fact that on 14 December 2014, a further Indian fishing vessel Bosin (Registration certificate TN14MFB-283 and number IND-TN-15MM-4088 & 06/11/2014) was identified in the waters of the British Indian Ocean Territory suspected of fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). The vessel's master was directed to accompany fishery enforcement officers to port in Diego Garcia to allow an investigation to be concluded. As a result of that investigation, the following 9 crew members in addition to a further Indian man who cannot as yet be identified, are currently in Diego Garcia until the conclusion of the investigation, and a decision on charging can be made. As with the case of the Greeshma, this may require seizure of the fishing vessel until payment of a fine, in which case we would wish to work rapidly with your authorities to secure a repatriation of the fishermen:

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/85
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

Investigations to date suggest that the owner, according to the Indian Ocean Tuna Commission records, is Titus K of address. 111-9/170 R.C, Colachel & Kanyakumari, Tamilnadu. In order to assist authorities of the British Indian Ocean Territory in rapidly concluding their investigation, we request confirmation of the ownership details of this fishing vessel by your authorities as soon as possible.

The Foreign and Commonwealth Office wishes to express its grave concern at the continued and escalating illegal fishing activity by Indian flagged vessels in the Marine Protected Area of the British Indian Ocean Territory. The following Indian vessels have been sighted or detected on radar since the beginning of December:

Date	Vessel Name	Vessel type	Vessel Flag	Outcome
04/12/2014	Greeshma 1	Demersal longline and gillnet	IND	Detained, brought into DG
04/12/2014	Greeshma 2	Demersal longline and gillnet	IND	Requested to follow patrol vessel but steamed off
11/12/2014	Dignamol II	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Benaiah	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Carmel Matha	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Dignamol 1	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	King Jesus	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No2	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No1	Demersal longline and	IND	Vessel initially complied with instructions but later ran for the



Date	Vessel Name	Vessel type	Vessel Flag	Outcome
		gillnet		high seas. Photographs taken and prosecution to follow
14/12/2014 (AM)	Bosin	Demersal longline and gillnet	IND	Detained, currently held in Diego Garcia pending conclusion of police investigation
14/12/2014 (AM)	Sujamol	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sagarrarose	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sivaprasasen	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Holy Family	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Manumon	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification

The Foreign and Commonwealth Office further requests the urgent assurance from the High Commission that education of the fishing communities of the Tamilnadu region is undertaken in respect of the presence of a no-take Marine Protected Area in the entire 200 nautical mile Environmental Protection and Preservation Zone of the British Indian Ocean Territory. Any fishing activity in these waters will be treated with the utmost severity and owners will be prosecuted to the fullest extent of the law, with court sanctions including fines of up to £500,000, seizure of vessels, catch and gear, and imprisonment of up to 6 months. The presence of trawlers in these waters in December is of particular concern given the potential scale of damage to the seabed and fragile coral ecosystems that can be caused by such vessels.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of India enjoy in respect of the regional effort to prevent

IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission which we will be notifying of the above disturbing trends in accordance with the regular reporting requirements, and to whom we trust and expect we will also be able to report the effective cooperation of Indian authorities in halting this activity, including in supporting enforcement by the authorities of the British Indian Ocean Territory.

The Foreign & Commonwealth Office avails itself of this opportunity to renew to the Indian High Commission in London the assurances of its highest consideration.

South Asia Department  
Foreign & Commonwealth Office, London  
22 December 2014



**Appendix 4 : Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries (containing Note Verbale in Appendix 3)**



18 Queen Street  
London  
W1J 5PN  
United Kingdom

Tel: (+44) 020 7255 7755  
Fax: (+44) 020 7499 5388  
E-Mail: [enquiries@mrags.co.uk](mailto:enquiries@mrags.co.uk)  
Internet: [www.mrag.co.uk](http://www.mrag.co.uk)

Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
Room No. 221-A,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

23 December 2014

E-mail: [jsfv@nic.in](mailto:jsfv@nic.in)

Dear Dr Vundru

**Report on the investigation into alleged illegal fishing activities by Indian Flagged Vessels in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 11 December I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission to update you on the vessel Greeshma 1 and to inform you of other activity in BIOT waters.

I attach to this letter a note sent to the Indian High Commission in London that requests assistance in dealing with illegal, unregulated and unreported (IUU) fishing by Indian flagged vessels in BIOT waters. We would be most grateful for any assistance that you are able to provide in this matter. I would also be grateful if you could direct this communication to the authority responsible for flag State Compliance issues and inform me of the contact details.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your cooperation in this matter.

I extend my kind regards and thank you in advance for your assistance.

Yours Sincerely

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC



**Appendix 5: Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries reporting on investigation into the Indian flagged vessel Bosin. (06/01/2015)**



18 Queen Street  
London  
W1J 5PN  
United Kingdom

Tel: (+44) 020 7255 7755  
Fax: (+44) 020 7499 5388  
E-Mail: [enquiry@mrags.co.uk](mailto:enquiry@mrags.co.uk)  
Internet: [www.mrag.co.uk](http://www.mrag.co.uk)

Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
Room No. 221-A,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

06 January 2015

E-mail: [jsfy@nic.in](mailto:jsfy@nic.in)

Dear Dr Vundru

**Report on the investigation of the Indian vessel BOSIN in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 23 December that referred to a number of Indian flagged vessels including the fact that the Indian flagged vessel BOSIN (TN14MFB-283; IND-TN-15-MM04086 & 06/11/2014, no IOTC SFV number on board) was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The vessel BOSIN TN14MFB-283; IND-TN-15-MM04086 & 06/11/2014, no IOTC SFV number on board was released on 20 December 2014. Following an investigation into the suspected criminal activities of the Bosin a decision has been made to bring a criminal prosecution against the owner and those proceedings have been commenced.

The Master was instructed to leave BIOT waters directly and to return the FV to port. The vessel should arrive in the next few days if has not done so already. In respect of our mutual cooperation to combat illegal fishing through our membership of IOTC we would kindly request the assistance of the Indian Authorities, and request notification of any actions taken by India in conducting a regulatory investigation into the activities of the vessel. Relevant actions in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) include the following:

- Recall the vessel to port immediately;
- Notify the relevant port authorities to detain the vessel on arrival;
- Suspension of the licence of the vessel and other relevant flag State actions;
- Notification of the owner / master to comply with any court order that may arise from the BIOT authorities; and,
- Pending further action by the BIOT and Indian authorities we would request that the vessel is detained in port.

The BIOT Administration will inform the owner and master of the vessel of further action.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your continued cooperation.

Yours Sincerely

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC



**Office of the Commissioner's Representative  
Diego García  
British Indian Ocean Territory  
BFPO 485**

Tel: +246 370 3506  
Fax: +246 370 3943  
Internet: Kerry.cunningham.uk@fe.navy.mil

24 February 2015

For Attention Of:

Mr Titus Seso,

Please find enclosed the Record of Proceedings from the BIOT Magistrates court held Tuesday 24<sup>th</sup> February 2015 and a letter containing the FCO's bank details.

Upon hearing the evidence against you were found guilty of the following charges:

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

As well as hearing the prosecution evidence against you the Magistrate read and considered the representations that you had provided to the court and took them into account before reaching his decision and finding you guilty.

Also, before proceeding to sentence you the Magistrate read those representations that you had submitted regarding your personal circumstances and those representations submitted on your behalf regarding the same and took those into account before passing sentence.

You have been fined **3,500 GBP** for the charge of Fishing without a Licence and **1,500 GBP** for the charge of being in possession of prohibited fishing gear and **200 GBP** for Court costs. The fishing gear recovered from fishing vessel Bosin has been forfeited to the Crown for disposal.

The Magistrate ordered that you would have 30 days to pay the fine. Therefore, your deadline to pay is 26<sup>th</sup> March 2015.

You are to pay the fine into the FCO bank account detailed in the enclosure.

You have the right to appeal the decision by the Magistrate by submitting a letter of appeal to me.

If you require any more information please liaise directly with me but I cannot offer you any legal advice.

Please acknowledge receipt of this letter by emailing me at the address provided.

Regards,



Mr Kerry Cunningham  
Clerk of the Court  
HQBF BIOT  
Diego Garcia





**Magistrates Court  
Diego Garcia  
British Indian Ocean Territory**

**RECORD OF PROCEEDINGS 24<sup>th</sup> February 2015**

Name: Mr Titus Seso, Owner of fishing vessel Bosin,

The court case was held in the Magistrates Court on the **twenty fourth day of February 2015** on the following charge:

**STATEMENT OF OFFENCE**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**PARTICULARS OF OFFENCE**

1. That you, Titus Sesu S/O Sesaiyan, being the Owner of fishing boat Indian FV, BOSIN, IND-TN-15-MM-4086, did, between the 12<sup>th</sup> day of December 2014 and the 14<sup>th</sup> day of December 2014, fish within the fishing waters of the British Indian Ocean Territory without a licence. Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

2. That you Titus Sesu S/O Sesaiyan were the Owner of fishing boat Indian FV, BOSIN, IND-TN-15-MM-4086 on which there was found within the fishing waters of the British Indian Ocean Territory on the 14<sup>th</sup> Day of December 2014 prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Mr Titus Seso pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters.  
Mr Titus Seso was found guilty on both charges and was sentenced as follows:

Pay a fine of **3,500 GBP** for Fishing without Licence

Pay a fine of **1,500 GBP** for being in possession of prohibited fishing gear  
Pay Court costs of **200 GBP**  
Fishing Gear to be forfeited to the Crown for disposal.

Payment must be made within 30 days.

If payment has not been received by the 26<sup>th</sup> March 2015 these fines and costs will be passed to enforcement agents for them to collect.

Further Mr Titus Seso may be summoned to explain to the court why payment has not been made.

If you wish to appeal the sentence and or conviction you must do so within the next 30 days. The deadline for any such notification of an appeal is therefore also 26<sup>th</sup> March 2015.

If you require any further information regarding any of the above contact myself or BIOTAdmin@fco.gsi.gov.uk before the 26<sup>th</sup> March 2015



Mr Kerry Cunningham  
Clerk of the Magistrates Court  
British Indian Ocean Territory







**IN THE MAGISTRATES COURT  
DIEGO GARCIA  
BRITISH INDIAN OCEAN TERRITORY**

Case Number: 36/14

Court Code: 05/15

---

**CERTIFICATE OF CONVICTION**

**This is to certify that on the 24<sup>th</sup> day of February 2015 Titus Seso was at the Magistrates Court in Diego Garcia convicted following trial of the following offences:**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

That you, Mr Titus Sesu S/O Sesaiyan, being the Owner of fishing boat Indian FV, BOSIN, IND-TN-15-MM-4086, did, between the 12<sup>th</sup> day of December 2014 and the 14<sup>th</sup> day of December 2014, fish within the fishing waters of the British Indian Ocean Territory without a licence.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

Mr Titus Sesu S/O Sesaiyan were the Owner of fishing boat Indian FV, BOSIN, IND-TN-15-MM-4086 on which there was found within the fishing waters of the British Indian Ocean Territory on the 14<sup>th</sup> Day of December 2014 prohibited fishing gear, namely wire trace line.


And was sentenced as follows:

Fined **3,500 GBP** for Fishing without Licence

Fined **1,500 GBP** for being in possession of prohibited fishing gear

Ordered to pay Court costs of **200 GBP**

Fishing Gear to be forfeited to the Crown for disposal.

Clerk of Court: 

Date: 



Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
Room No. 221-A,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

26 February 2015

E-mail: [jsfy@nic.in](mailto:jsfy@nic.in)

cc. IOTC Secretariat for the attention of the Compliance Committee

Dear Dr Vundru

**Report on the investigation of the Indian vessel BOSIN in British Indian Ocean Territory (BIOT) Waters**

Further to my letters dated 23 December 2014 and 6 January 2015, I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission.

The owner of the Indian flagged vessel BOSIN TN14MFB-283; IND-TN-15-MM04086 & 06/11/2014 (no IOTC AFV number on board), detained on 14 December 2014 was found guilty of the following offences by the BIOT Magistrates' Court and has now been sentenced for the same offences as follows: (see attached Record of Court Proceedings and Certificate of Conviction):

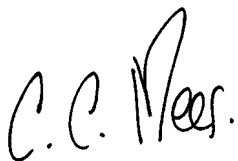
- Fishing without a licence in BIOT waters contrary to Sections 7(1) & 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.
- Possession of Prohibited fishing gear contrary to Section 6 (2) of the Fisheries (Conservation and Management) Ordinance 2007.

On 24<sup>th</sup> February 2015 the vessel owner was fined £3,500 for the first offence and £1,500 for the second offence (plus £200 costs). The owner of the vessel has 30 days to pay the fines, due no later than 26<sup>th</sup> March 2015.

As you are aware an IOTC IUU reporting form in respect of this vessel was submitted to the IOTC Secretariat on 6 February 2015 prior to the 70 day deadline. By copy of this letter to the IOTC Secretariat we request that this additional information relevant to the establishment of the IUU vessel list is circulated to the Compliance Committee with other details to be circulated with the draft and provisional IUU lists. Our recommendation in Section D of the 11/03 IUU Reporting form remains as (c).

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)). We look forward to your cooperation.

Yours Sincerely



Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

ENCL: Cover Letter / Record of Court Proceedings / Certificate of Conviction

Dr. Ansy Mathew,  
Fisheries Research and Investigation Officer Government of India,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 114.

09 April 2015

E-mail: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

cc. Dr. Raja Sekhar Vundru, Joint Secretary (Fisheries) E-mail: [jsfy@nic.in](mailto:jsfy@nic.in)

Dear Dr Mathew,

**Update on the investigations of the Indian Flagged Vessels GREESHMA 1 and BOSIN in British Indian Ocean Territory (BIOT) Waters**

The owner of these vessels were found guilty of IUU on 24<sup>th</sup> February 2015 and fined.

Representations were sent by both owners and considered by the court on 31 March 2015. The BIOT Court found no grounds to re-open either case. The earlier judgements remain in place.

To date neither owner has paid either any fine nor costs imposed.

As you are aware an IOTC IUU reporting form in respect of these vessels was submitted to the IOTC Secretariat on 6 February 2015 prior to the 70 day deadline, our recommendation in Section D will remain as (c).

If you have any questions or require assistance please do not hesitate to contact myself ([j.clark@mrag.co.uk](mailto:j.clark@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)).

Yours Sincerely



James Moir Clark

On behalf of

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC



### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK(OT)).

#### A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	CARMAL MATHA
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a (National Registration Number TN-2/FV01675/13)
e	Photo	See Appendix 2
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Antony J S/O (son of) Joseph of D No 111-7-28. St Thomas Nagar, Thoothoor PO, KK Dist Tamilnadu To be confirmed. Awaiting confirmation from the flag State.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr Antony
i	Date of alleged IUU fishing activities	11/12/2014
j	Position of alleged IUU fishing activities	06° 03.4S 071° 32.3E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in the waters of the British Indian Ocean Territory
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> Carmal Matha initially complied with order to follow BPV Pacific Marlin to port but later altered course without permission for the high seas. As BPV Pacific Marlin escorting other vessels it was unable to intercept the fleeing vessel. Photographs taken. Subject to a criminal investigation.

Item	Definition	Indicate
		<b>Flag State Actions:</b> No flag State actions notified at time of submission.
m	Outcome of Actions taken	No outcomes at time of submission.

## B. Details of IOTC Resolution Elements Contravened

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Boarding report (Appendix 1)  
Photographs (Appendix 2)  
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India (Appendix 3)  
Letter to Dr Vundru, Joint Secretary (Fisheries) (Appendix 4)

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Boarding Report

### BOARDING REPORT

**DATE:** 11<sup>th</sup> December 2014  
**VESSEL:** Carmel Matha  
**CALL SIGN:** N/A  
**IND N°:** TN-2/FV01675/13  
**IMUL N°:** N/A  
**MASTER:** Mr Antony  
**SFPO:** Robert Clark  
**BOARDING PURPOSE:** Drifting on Great Chagos Bank

#### 1. Introduction

**06:45**, on Thursday 11<sup>th</sup> December 2014, whilst conducting British Indian Ocean Territory (BIOT) 466 BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and on the West side of the Great Chagos Bank, the Senior Fisheries Protection Officer (SFPO) assisted the Watch keeper, Chief Officer, Mr Pilapil to identify a cluster of 4 signatures on radar which he believed to be fishing vessels.

**06:52**, the radar signatures were plotted; inside the Great Chagos Bank (GCB), on the Western edge, approximately 90nm North of Diego Garcia. The centre target details were;

**Position** 06° 03.4S 071° 32.3E

**Course** 008°.

**Range** 10.0nm

**Bearing** 052°

**Speed** variable between 0.2 – 0.7kts – speed indicative of a fishing vessel (FV), drifting on its gear.

The general characteristics of conditions were; breaking daylight, overcast skies, with low level light with moderate seas and wind of 04 – 06kts, visibility being reduced due to conditions of light and thunderstorms.

**At 06:55** the Master of the BPV, Mr Sandes arrived on the bridge to commence his normal daily routine.

**At 07:00** the SFPO requested that the BPV increase to maximum speed, in order to close down and intercept the targets. The SFPO believed that the vessels were drifting on gear and in the act of fishing.

**At 07:10** a further 3 targets were identified on RADAR, all 7 targets were then plotted and acquired at the following positions;

1. 06° 02.1S 071° 31.8E
2. 06° 00.8S 072° 35.0E
3. 06° 00.4S 071° 32.1E
4. 06° 01.4S 071° 33.2E
5. 06° 00.5S 071° 36.6E
6. 05° 59.4S 071° 37.0E
7. 05° 59.1S 071° 36.8E

All targets were drifting at between 0.2 and 0.6kts and spaced at such intervals to indicate that they were drifting clear of each other.

**At 07:20** the SFPO identified one Fishing Vessel (FV) with the use of binoculars and requested that the BPV make ready to making a long range interception.

**At 07:25**, at approximately 5.0 nm distance from the targets the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with SFPO Clark, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew, Upon the SFPO's instruction the FRC headed towards the FV's at high speed.

**At 08:07** The SFPO arrived at the third vessel, which was identified from the markings on her forward bows as CARMAL MATHA.

**At 08:07** The FRC came alongside the FV and the SFPO noted that a number of fishing lines were on the back deck. These lines were blue and with hooks that were visibly holding bait and either ready to deploy or had recently been recovered. This line was noted to be of a commercial type used by Indian fishermen and attached to green plastic containers consistent with the gear used by Indian commercial fishing types. It was also noted that the vessel had a high powered, halogen type spotlight hanging over the stern of the vessel, consistent with being used to light the area to attract fish during hours of darkness.

**At 08:09** the SFPO moved off to the next vessel.

## **2. Boarding Details**

**At 10:55** The SFPO and FPO Wijeweera came alongside the FV and requested that the Captain come forward. A man claiming to be called Mr Anthony DOB 20/3/1977 came forwards.

The SFPO then asked for ID's for all crew and the vessel Registration documents and was handed the following

1. 13 ID cards for the 14 crew
2. Photocopy of Form V, Certificate of Registration For a Fishing Boat – Book No 133 – Form N0 6876 showing the name of owner to be Antony J S/O (son of) Joseph of D No 111-7-28. St Thomas Nagar, Thoothoor PO, KK Dist Tamilnadu.

The SFPO pointed to the name on the Form V and then to Mr Anthony and said “you” – he replied “yes sir”.

**At 10:59** the SFPO requested that Antony open the forward fish hold so that it may be inspected. This instruction was followed.

While walking to the fish hold hatch the SFPO noted a hook configured with a wire trace leader hanging on the side of the vessel and this was photographed.

**At 11:00** the SFPO noted upon seeing the open hold that a reef fish, identified as a Red Snapper, Job Fish and Trevally were laid on the ice hold floor. The SFPO identified this as recent catch as Indian vessels of this type have a number of compartments or boxes in which they store the fish. These boxes ordinarily are situated on the port and starboard sides of the access corridor which is situated in the centre of the vessel. These fish were therefore laid on the floor in the access corridor. Some of the fish appeared to still be alive, indicative of fish that have been very recently landed. This was photographed.

The SFPO indicated to Mr Antony that his boat was detained, by making the internationally recognised sign of crossed wrists. Mr Antony responded with "one chance", indicating that he understood to be detained.

**At 11:03** the SFPO seized all documents and the following communications and navigation equipment.

1. ICOM – FM Transceiver IC2300H Radio Serial No 10008081-6
2. Garmin GPS128 Serial No 16P003776
3. KODEN Echo Sounder CVS-126 – Serial No 12615662

The SFPO felt his actions reasonable as such a large number of vessels, may choose not to comply with his lawful requests by taking flight in opposite directions. Therefore, the SFPO felt justified to take this level of action, with the knowledge that no vessels were being put at risk, as long as they complied with the reasonable and lawful instructions of the SFPO.

**At 11:05** while confiscating the above equipment the SFPO noted more hooks configured with wire trace leaders in the wheelhouse. These were photographed.

**At 11:07** the SFPO disembarked the vessel and proceeded to the next vessel.

### **3. Recovery**

**At 12:25** after completing the processing of the final FV, The SFPO and boarding team were recovered to the BPV.

Upon recovery the SFPO proceeded to check the Indian Ocean Tuna Commission (IOTC), Register of Active Vessel (RAV), where he could not find any record of this vessel

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

11<sup>th</sup> December 2014

## Appendix 2: Photographs



*Figure 1 Bow photograph – Carmal Matha*

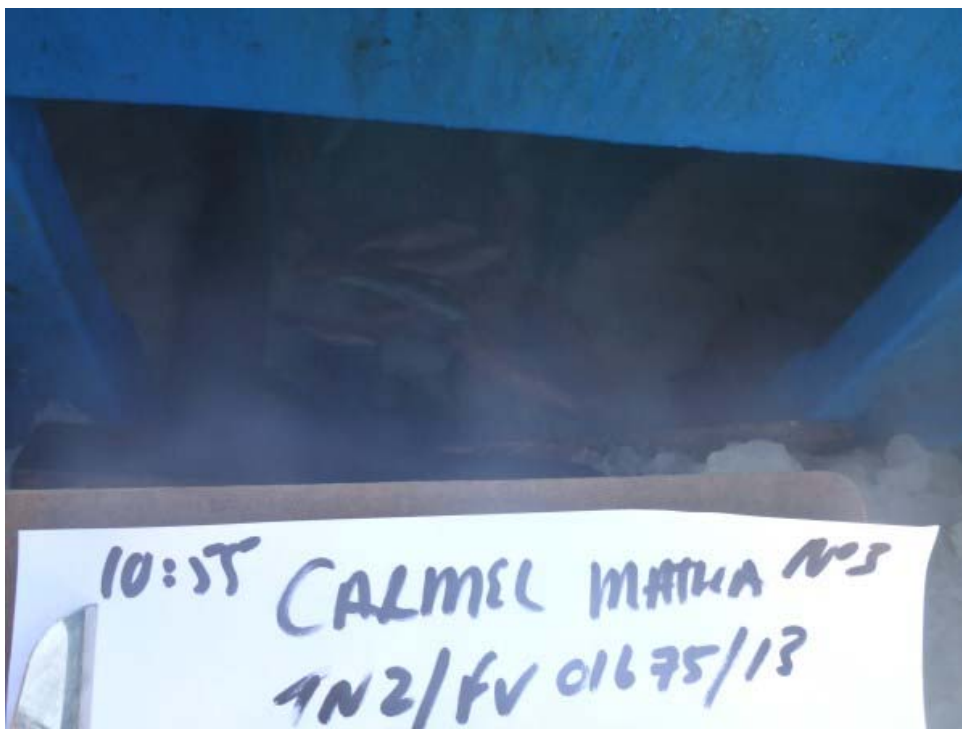


*Figure 2 Starboard side photograph – Carmal Matha*





*Figure 3 Deck photograph – Carmal Matha*



*Figure 4 Example of catch – Carmal Matha*



*Figure 5 Fishing hooks on board – Carmal Matha*

**Appendix 3: Note Verbale No. SAD/118/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 22/12/2014).**



**Foreign &  
Commonwealth  
Office**

NOTE VERBALE No: SAD/118/14

The Foreign and Commonwealth Office presents its compliments to the High Commission of the Republic of India and has the honour to refer to its prior note verbale reference SAD 109/14 and the High Commission of India's own note verbale of 12 December, reference Lon/Pol/12/12/2014.

We wish to notify the High Commission that, on 17 December 2014 the Indian flagged fishing vessel Greeshma 1 (Registration number: 3156 TN2/FV/10/01135/10) and all 14 crew were released from Diego Garcia following the conclusion of the police investigation. The owners of the vessel will be summonsed to appear in court on Diego Garcia, or provide written representations to the court proceedings against them for fishing offences in due course, and we seek assurances that from the High Commission that all possible assistance will be provided by the Republic of India authorities in that prosecution, and subsequent enforcement of the British Indian Ocean Territory court sanctions. All catch and fishing gear from the Greeshma 1 have been seized by the court as part of this process. The vessel has been provided with fuel and all navigation equipment restored to it to ensure safe passage.

We further draw attention to the fact that on 14 December 2014, a further Indian fishing vessel Bosin (Registration certificate TN14MFB-283 and number IND-TN-15MM-4086 & 06/11/2014) was identified in the waters of the British Indian Ocean Territory suspected of fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). The vessel's master was directed to accompany fishery enforcement officers to port in Diego Garcia to allow an investigation to be concluded. As a result of that investigation, the following 9 crew members in addition to a further Indian man who cannot as yet be identified, are currently in Diego Garcia until the conclusion of the investigation, and a decision on charging can be made. As with the case of the Greeshma, this may require seizure of the fishing vessel until payment of a fine, in which case we would wish to work rapidly with your authorities to secure a repatriation of the fishermen:

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/85
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man



Investigations to date suggest that the owner, according to the Indian Ocean Tuna Commission records, is Titus K of address. 111-9/170 R.C, Colachel & Kanyakumari, Tamilnadu. In order to assist authorities of the British Indian Ocean Territory in rapidly concluding their investigation, we request confirmation of the ownership details of this fishing vessel by your authorities as soon as possible.

The Foreign and Commonwealth Office wishes to express its grave concern at the continued and escalating illegal fishing activity by Indian flagged vessels in the Marine Protected Area of the British Indian Ocean Territory. The following Indian vessels have been sighted or detected on radar since the beginning of December:

Date	Vessel Name	Vessel type	Vessel Flag	Outcome
04/12/2014	Greeshma 1	Demersal longline and gillnet	IND	Detained, brought into DG
04/12/2014	Greeshma 2	Demersal longline and gillnet	IND	Requested to follow patrol vessel but steamed off
11/12/2014	Dignamol II	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Benaiah	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Carmel Matha	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Dignamol 1	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	King Jesus	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No2	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No1	Demersal longline and	IND	Vessel initially complied with instructions but later ran for the

Date	Vessel Name	Vessel type	Vessel Flag	Outcome
		gillnet		high seas. Photographs taken and prosecution to follow
14/12/2014 (AM)	Bosin	Demersal longline and gillnet	IND	Detained, currently held in Diego Garcia pending conclusion of police investigation
14/12/2014 (AM)	Sujamol	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sagarrarose	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sivaprasasen	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Holy Family	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Manumon	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification

The Foreign and Commonwealth Office further requests the urgent assurance from the High Commission that education of the fishing communities of the Tamilnadu region is undertaken in respect of the presence of a no-take Marine Protected Area in the entire 200 nautical mile Environmental Protection and Preservation Zone of the British Indian Ocean Territory. Any fishing activity in these waters will be treated with the utmost severity and owners will be prosecuted to the fullest extent of the law, with court sanctions including fines of up to £500,000, seizure of vessels, catch and gear, and imprisonment of up to 6 months. The presence of trawlers in these waters in December is of particular concern given the potential scale of damage to the seabed and fragile coral ecosystems that can be caused by such vessels.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of India enjoy in respect of the regional effort to prevent



IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission which we will be notifying of the above disturbing trends in accordance with the regular reporting requirements, and to whom we trust and expect we will also be able to report the effective cooperation of Indian authorities in halting this activity, including in supporting enforcement by the authorities of the British Indian Ocean Territory.

The Foreign & Commonwealth Office avails itself of this opportunity to renew to the Indian High Commission in London the assurances of its highest consideration.

South Asia Department  
Foreign & Commonwealth Office, London  
22 December 2014





**Appendix 4: Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries (containing Note Verbale in Appendix 3)**



18 Queen Street  
London  
W1J 5PN  
United Kingdom

Tel: (+44) 020 7255 7755  
Fax: (+44) 020 7499 5388  
E-Mail: [enquiries@mrags.co.uk](mailto:enquiries@mrags.co.uk)  
Internet: [www.mrag.co.uk](http://www.mrag.co.uk)

Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
Room No. 221-A,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

23 December 2014

E-mail: [jsfv@nic.in](mailto:jsfv@nic.in)

Dear Dr Vundru

**Report on the investigation into alleged illegal fishing activities by Indian Flagged Vessels in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 11 December I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission to update you on the vessel Greeshma 1 and to inform you of other activity in BIOT waters.

I attach to this letter a note sent to the Indian High Commission in London that requests assistance in dealing with illegal, unregulated and unreported (IUU) fishing by Indian flagged vessels in BIOT waters. We would be most grateful for any assistance that you are able to provide in this matter. I would also be grateful if you could direct this communication to the authority responsible for flag State Compliance issues and inform me of the contact details.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your cooperation in this matter.

I extend my kind regards and thank you in advance for your assistance.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK(OT)).

#### A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	DIGNAMOL 1
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a (National Registration Number IND-TN-15-MM-125)
e	Photo	See Appendix 2
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Jelvis s/o Dicostan of 7/103 K R Puram, Thoothoor, KK Dist, Mamilnadu Mr SD. Jelvish, S/O Dikostan of 7/169 Wasol 2, Block Y, Yishming Block, , Thoothoor, Kanyakumam To be confirmed. Awaiting confirmation from the flag State.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr James Robert
i	Date of alleged IUU fishing activities	11/12/2014
j	Position of alleged IUU fishing activities	06° 03.4S 071° 32.3E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in the waters of the British Indian Ocean Territory
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> Dignamol 1 initially complied with order to follow BPV Pacific Marlin to port but later altered course without permission for the high seas. As BPV Pacific Marlin escorting other vessels it was unable to intercept the fleeing vessel. Photographs taken. Subject to a criminal investigation.

Item	Definition	Indicate
		<b>Flag State Actions:</b> No flag State actions notified at time of submission.
m	Outcome of Actions taken	No outcomes at time of submission.

## B. Details of IOTC Resolution Elements Contravened

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Boarding report (Appendix 1)  
Photographs (Appendix 2)  
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India (Appendix 3)  
Letter to Dr Vundru, Joint Secretary (Fisheries) (Appendix 4)

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Boarding Report

### BOARDING REPORT

**DATE:** 11<sup>th</sup> December 2014  
**VESSEL:** Dignamol 1  
**CALL SIGN:** N/A  
**IND N°:** IND-TN-15-MM-125 and TN-2/FV/00872/09  
**IMUL N°:** N/A  
**MASTER:** Mr James Robert  
**SFPO:** Robert Clark  
**BOARDING PURPOSE:** Drifting on Great Chagos Bank

#### 1. Introduction

**06:45**, on Thursday 11<sup>th</sup> December 2014, whilst conducting British Indian Ocean Territory (BIOT) 466 BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and on the West side of the Great Chagos Bank, the Senior Fisheries Protection Officer (SFPO) assisted the Watch keeper, Chief Officer, Mr Pilapil to identify a cluster of 4 signatures on radar which he believed to be fishing vessels.

**06:52**, the radar signatures were plotted; inside the Great Chagos Bank (GCB), on the Western edge, approximately 90nm North of Diego Garcia. The centre target details were;

**Position** 06° 03.4S 071° 32.3E

**Course** 008°.

**Range** 10.0nm

**Bearing** 052°

**Speed** variable between 0.2 – 0.7kts – speed indicative of a fishing vessel (FV), drifting on its gear.

The general characteristics of conditions were; breaking daylight, overcast skies, with low level light with moderate seas and wind of 04 – 06kts, visibility being reduced due to conditions of light and thunderstorms.

**At 06:55** the Master of the BPV, Mr Sandes arrived on the bridge to commence his normal daily routine.

**At 07:00** the SFPO requested that the BPV increase to maximum speed, in order to close down and intercept the targets. The SFPO believed that the vessels were drifting on gear and in the act of fishing.

**At 07:10** a further 3 targets were identified on RADAR, all 7 targets were then plotted and acquired at the following positions;

1. 06° 02.1S 071° 31.8E
2. 06° 00.8S 072° 35.0E
3. 06° 00.4S 071° 32.1E
4. 06° 01.4S 071° 33.2E
5. 06° 00.5S 071° 36.6E
6. 05° 59.4S 071° 37.0E
7. 05° 59.1S 071° 36.8E

All targets were drifting at between 0.2 and 0.6kts and spaced at such intervals to indicate that they were drifting clear of each other.

**At 07:20** the SFPO identified one Fishing Vessel (FV) with the use of binoculars and requested that the BPV make ready to making a long range interception.

**At 07:25**, at approximately 5.0 nm distance from the targets the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with SFPO Clark, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew, Upon the SFPO's instruction the FRC headed towards the FV's at high speed.

At 07:48 The SFPO arrived at the first vessel, which was identified from the markings on her forward bows as DIGNAMOL I.

**At 07:52** The FRC came alongside the FV and the SFPO noted that reef fish consisting of Red Snapper, Green Job Fish, Silver Tip Reef Shark and Coral Trout were laid out on the starboard side of the vessel. The SFPO recognised these to be fish that had been recently landed but not yet stowed into the ice hold. This evidence was photographed by the SFPO.

**At 09:05** The SFPO made a VHF radio call to the BPV requesting 7 clear plastic bin liner bags, 7 white A4 pieces of paper, black marker pens, clipboard, water and food. The SFPO wished to have the items in order to introduce a control system for collection and separation of evidence.

**At 09:10** the FRC came alongside the BPV to collect the requested items and then once collected departed to commence processing and evidence collection.

## **2. Boarding Details**

**At 07:55** The SFPO and FPO Wijeweera came alongside the FV and requested that the Captain come forward. A Mr James Robert DOB Not obtained came forwards.

**At 08:02** The SFPO and at position 05° 59.4S 071° 32.7E and because clear evidence could be seen of recent fishing activity the SFPO cautioned Mr James Robert for fishing without a licence in BIOT waters and indicated to Mr James Robert that his vessel was detained by making the internationally recognised sign of, crossed wrists. Mr James Robert immediately said "please sir, one chance", to indicate that he understood his vessel to be detained. The details of detention and position were relayed by the SFPO, over VHF radio, to the BPV for recording in the ships Rough Log.

**At 08:04** and while alongside the FV in the FRC the SFPO requested that Mr James Robert detach his radio microphone and hand it to him. This request was communicated by the SFPO holding up his own radio microphone, then pointing to the FV's wheel house and indicating with his hand to bring the item. Mr James Robert indicated that he understood this instruction by removing and handing over the requested item. This SFPO felt his request to remove the radio microphone was reasonable, under the circumstances of the presence of 6 other vessels with who Mr James Robert may have communicated the SFPO's intended actions of evidence collection, therefore, justified on the grounds of evidence preservation.



The SFPO then pointed towards the BPV and instructed Mr James Robert to go to its location. He did not reply but proceeded to the Wheelhouse of the FV and started to head in her direction, indicating that he understood this instruction.

**At 11:06** The SFPO and FPO Mr Wijeweera again boarded the FV and the SFPO wrote upon a white paper the name of the vessel, time of boarding and registration markings noted to be on her starboard gunwale being IND-TN-15-MM-125. The SFPO then passed the entire deck and photographed all fish, which had now been placed in baskets, as if ready to be carried to the ice holds for stowage. However, the group of fish that had first been observed, on the starboard side, had not been transferred to baskets.

**At 11:08** The SFPO entered the wheelhouse of the FV where he found hooks attached to wire trace, a prohibited gear in BIOT hanging on the starboard side. This was photographed.

**At 11:10** The SFPO again advised Mr James Robert that his vessel was detained and cautioned him for Fishing in BIOT waters without a licence and possession of a prohibited fishing gear, namely wire trace. Again the SFPO gave the internationally recognised hand signal of crossed wrists to which Mr James Robert said "one chance", indicating that he understood that his vessel had been detained.

**At 11:11** the SFPO requested ID cards and vessel registration documents and Mr James Robert handed the SFPO the following items, which were placed into a clear plastic bag marked 4.

1. 13 ID cards which included, Mr James Robert's as a photocopy.
2. Photo copy of, Government of Tamil Nadu, Certificate of Registration and Licensing No TN/15/MFB 570.
3. Photocopy of, Form V Certificate of Registration For Fishing Vessel – No 1485 registered to vessel TN2/FV/00872/09 – showing owner of the vessel to be one JELVIS S/O DICOSTAN of 7/103 K R Puram, Thoothoor, KK Dist, Mamilnadu and valid until 19/03/2015
4. Photocopy of Kerala State Ports Harbour Craft Rules, 1970. Certificate of Registration of Mechanised Fishing Vessel Licence Number FALP4837 pertaining to Dignamol I and showing the owner as Mr SD. Jelvish, S/O Dikostan of 7/169 Wasol 2, Block Y, Yishming Block, , Thoothoor, Kanyakumam and consisting of 3 pages

**At 11:12** the SFPO seized all documents and the following communications and navigation equipment.

1. ICOM – S/MW vessels radio Serial No 2814516
2. Garmin GPS – GPS 128 Serial No 94779591
3. KODEN Echo Sounder – CVS-118Mk I – Serial No 11X26182 (X indicates a number that was not legible).

The SFPO felt his actions reasonable as such a large number of vessels, may choose not to comply with his lawful requests by taking flight in opposite directions. Therefore, the SFPO felt justified to take this level of action, with the knowledge that no vessels were being put at risk, as long as they complied with the reasonable and lawful instructions of the SFPO.

### **3. Recovery**

**At 12:25** after completing the processing of the final FV, The SFPO and boarding team were recovered to the BPV.

Upon recovery the SFPO proceeded to check the Indian Ocean Tuna Commission (IOTC), Register of Active Vessel (RAV), where he could not find any record of this vessel

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

11<sup>th</sup> December 2014

## Appendix 2: Photographs



*Figure 1 Bow photograph – Dignamol 1*



*Figure 2 Starboard side photograph – Dignamol 1*



*Figure 3 Example of catch (Red Snapper, Green Job Fish, Silver Tip Reef Shark and Coral Trout ) – Dignamol 1*



*Figure 4 Example of catch (Red snapper) - Dignamol 1*





*Figure 5 Example of catch - Dignamol 1*



*Figure 6 Fishing hooks on board - Dignamol 1*

**Appendix 3: Note Verbale No. SAD/118/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 22/12/2014).**



**Foreign &  
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NOTE VERBALE No: SAD/118/14

The Foreign and Commonwealth Office presents its compliments to the High Commission of the Republic of India and has the honour to refer to its prior note verbale reference SAD 109/14 and the High Commission of India's own note verbale of 12 December, reference Lon/Pol/12/12/2014.

We wish to notify the High Commission that, on 17 December 2014 the Indian flagged fishing vessel Greeshma 1 (Registration number: 3156 TN2/FV/10/01135/10) and all 14 crew were released from Diego Garcia following the conclusion of the police investigation. The owners of the vessel will be summonsed to appear in court on Diego Garcia, or provide written representations to the court proceedings against them for fishing offences in due course, and we seek assurances that from the High Commission that all possible assistance will be provided by the Republic of India authorities in that prosecution, and subsequent enforcement of the British Indian Ocean Territory court sanctions. All catch and fishing gear from the Greeshma 1 have been seized by the court as part of this process. The vessel has been provided with fuel and all navigation equipment restored to it to ensure safe passage.

We further draw attention to the fact that on 14 December 2014, a further Indian fishing vessel Bosin (Registration certificate TN14MFB-283 and number IND-TN-15MM-4086 & 06/11/2014) was identified in the waters of the British Indian Ocean Territory suspected of fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). The vessel's master was directed to accompany fishery enforcement officers to port in Diego Garcia to allow an investigation to be concluded. As a result of that investigation, the following 9 crew members in addition to a further Indian man who cannot as yet be identified, are currently in Diego Garcia until the conclusion of the investigation, and a decision on charging can be made. As with the case of the Greeshma, this may require seizure of the fishing vessel until payment of a fine, in which case we would wish to work rapidly with your authorities to secure a repatriation of the fishermen:

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- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/85
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man



Investigations to date suggest that the owner, according to the Indian Ocean Tuna Commission records, is Titus K of address. 111-9/170 R.C, Colachel & Kanyakumari, Tamilnadu. In order to assist authorities of the British Indian Ocean Territory in rapidly concluding their investigation, we request confirmation of the ownership details of this fishing vessel by your authorities as soon as possible.

The Foreign and Commonwealth Office wishes to express its grave concern at the continued and escalating illegal fishing activity by Indian flagged vessels in the Marine Protected Area of the British Indian Ocean Territory. The following Indian vessels have been sighted or detected on radar since the beginning of December:

Date	Vessel Name	Vessel type	Vessel Flag	Outcome
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The Foreign and Commonwealth Office further requests the urgent assurance from the High Commission that education of the fishing communities of the Tamilnadu region is undertaken in respect of the presence of a no-take Marine Protected Area in the entire 200 nautical mile Environmental Protection and Preservation Zone of the British Indian Ocean Territory. Any fishing activity in these waters will be treated with the utmost severity and owners will be prosecuted to the fullest extent of the law, with court sanctions including fines of up to £500,000, seizure of vessels, catch and gear, and imprisonment of up to 6 months. The presence of trawlers in these waters in December is of particular concern given the potential scale of damage to the seabed and fragile coral ecosystems that can be caused by such vessels.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of India enjoy in respect of the regional effort to prevent



IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission which we will be notifying of the above disturbing trends in accordance with the regular reporting requirements, and to whom we trust and expect we will also be able to report the effective cooperation of Indian authorities in halting this activity, including in supporting enforcement by the authorities of the British Indian Ocean Territory.

The Foreign & Commonwealth Office avails itself of this opportunity to renew to the Indian High Commission in London the assurances of its highest consideration.

South Asia Department  
Foreign & Commonwealth Office, London  
22 December 2014



**Appendix 4: Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries (containing Note Verbale in Appendix 3)**



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Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
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Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

23 December 2014

E-mail: [jsfv@nic.in](mailto:jsfv@nic.in)

Dear Dr Vundru

**Report on the investigation into alleged illegal fishing activities by Indian Flagged Vessels in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 11 December I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission to update you on the vessel Greeshma 1 and to inform you of other activity in BIOT waters.

I attach to this letter a note sent to the Indian High Commission in London that requests assistance in dealing with illegal, unregulated and unreported (IUU) fishing by Indian flagged vessels in BIOT waters. We would be most grateful for any assistance that you are able to provide in this matter. I would also be grateful if you could direct this communication to the authority responsible for flag State Compliance issues and inform me of the contact details.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your cooperation in this matter.

I extend my kind regards and thank you in advance for your assistance.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK(OT)).

#### A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	DIGNAMOL II
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a (National Registration Number TN-2/FV01662/13)
e	Photo	See Appendix 2
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	To be confirmed. Awaiting confirmation from the flag State.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr F Britto
i	Date of alleged IUU fishing activities	11/12/2014
j	Position of alleged IUU fishing activities	06° 03.4S 071° 32.3E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in the waters of the British Indian Ocean Territory
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<p><b>Coastal State Actions:</b> Dignamol II initially complied with order to follow BPV Pacific Marlin to port but later altered course without permission for the high seas. As BPV Pacific Marlin escorting other vessels it was unable to intercept the fleeing vessel. Photographs taken. Subject to a criminal investigation.</p> <p><b>Flag State Actions:</b> No flag State actions notified at time of submission.</p>

Item	Definition	Indicate
m	Outcome of Actions taken	No outcomes at time of submission.

## B. Details of IOTC Resolution Elements Contravened

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>



### C. Associated Documents

Boarding report (Appendix 1)  
Photographs (Appendix 2)  
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India (Appendix 3)  
Letter to Dr Vundru, Joint Secretary (Fisheries) (Appendix 4)

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Boarding Report

### BOARDING REPORT

**DATE:** 11<sup>th</sup> December 2014  
**VESSEL:** Dignamol II  
**CALL SIGN:** N/A  
**IND N°:** TN-2/FV01662/13  
**IMUL N°:** N/A  
**MASTER:** Mr F Britto  
**SFPO:** Robert Clark  
**BOARDING PURPOSE:** Drifting on Great Chagos Bank

#### 1. Introduction

**06:45**, on Thursday 11<sup>th</sup> December 2014, whilst conducting British Indian Ocean Territory (BIOT) 466 BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and on the West side of the Great Chagos Bank, the Senior Fisheries Protection Officer (SFPO) assisted the Watch keeper, Chief Officer, Mr Pilapil to identify a cluster of 4 signatures on radar which he believed to be fishing vessels.

**06:52**, the radar signatures were plotted; inside the Great Chagos Bank (GCB), on the Western edge, approximately 90nm North of Diego Garcia. The centre target details were;

**Position** 06° 03.4S 071° 32.3E

**Course** 008°.

**Range** 10.0nm

**Bearing** 052°

**Speed** variable between 0.2 – 0.7kts – speed indicative of a fishing vessel (FV), drifting on its gear.

The general characteristics of conditions were; breaking daylight, overcast skies, with low level light with moderate seas and wind of 04 – 06kts, visibility being reduced due to conditions of light and thunderstorms.

**At 06:55** the Master of the BPV, Mr Sandes arrived on the bridge to commence his normal daily routine.

**At 07:00** the SFPO requested that the BPV increase to maximum speed, in order to close down and intercept the targets. The SFPO believed that the vessels were drifting on gear and in the act of fishing.

**At 07:10** a further 3 targets were identified on RADAR, all 7 targets were then plotted and acquired at the following positions;

1. 06° 02.1S 071° 31.8E
2. 06° 00.8S 072° 35.0E
3. 06° 00.4S 071° 32.1E
4. 06° 01.4S 071° 33.2E
5. 06° 00.5S 071° 36.6E
6. 05° 59.4S 071° 37.0E
7. 05° 59.1S 071° 36.8E

All targets were drifting at between 0.2 and 0.6kts and spaced at such intervals to indicate that they were drifting clear of each other.

**At 07:20** the SFPO identified one Fishing Vessel (FV) with the use of binoculars and requested that the BPV make ready to making a long range interception.

**At 07:25**, at approximately 5.0 nm distance from the targets the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with SFPO Clark, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew, Upon the SFPO's instruction the FRC headed towards the FV's at high speed.

**At 08:26** The SFPO arrived at the fourth vessel, which was identified from the markings on her forward bows as DIGNAMOL II.

The FRC came alongside the FV and the SFPO noted that a number of fishing lines were on the back deck. These lines were blue and with hooks that were visibly holding bait and either ready to deploy or had recently been recovered. This line was noted to be of a commercial type used by Indian fishermen and attached to orange plastic container consistent with the gear used by Indian commercial fishing types. It was also noted that the vessel had two fluorescent lights on poles hanging over its starboard side, trained downwards to the water, consistent with lights being used to attract fish at night.

A number of fish heads were observed to the side of a chopping board, on the after or fishing deck, consistent with fish that had been chopped up and their flesh used for bait. Next to this lay a green plastic container with blue commercial standard fishing line secured around it. With a second green plastic container attached to line that was hanging over the stern of the vessel.

The vessel was instructed to head towards the BPV, which it did.

## **2. Boarding Details**

**At 10:18** The SFPO and FPO Wijeweera came alongside and boarded the FV and requested that the Captain come forward. A man claiming to be called Mr Britto DOB 12/4/1983 came forwards.

The SFPO then asked for identity documents (ID) for all crew and the vessel Registration documents and was handed the following items.

1. 12 ID cards one of which was a photocopy

The SFPO looked through the ID cards and identified the one belonging to Mr Britto, who was then identified through his photograph. The ID presented being Government of Tamilnadu, Department of Fisheries Fisherman ID no: T.T.R – 467 in the name of F BRITTO. Fathers Name Francis – DOB 12/4/1983 and of address – 7 Anbiam 38, THOOTHOOR, Kalkulam – TK, Kanyakumari District, Tamilnadu, India. Date of Issue: July 2009.

Mr Britto claimed not to have the registration documents for the vessel.

**At 10:20** the SFPO requested that Mr Britto open the forward fish hold so that it may be inspected. This instruction was followed.

**At 10:22** the SFPO requested that a Kawakawa that could be seen on the fish hold floor be brought up for inspection. This request was followed. Upon inspecting the fish it was found to be stiff fresh, a condition that occurs in fish shortly after mortality.

**At 10:24** the SFPO entered the fishing hold and proceeded to inspect the first fish that he found at the top of any ice box. When he approached the third ice box, on the port side, he found a red snapper at the top of the ice which had not been covered and was fully exposed. This fish was examined and again found to be stiff fresh, consistent with being freshly caught and evidence of recent fishing activity. Upon inspecting the other fish in the box, all were noted to be reef fish.

**At 10:26** the SFPO exited the fish hold and noted bundles of fishing line on the top of the main fishing net on the main deck. This was examined and found to be terminated with wire trace.

The SFPO then informed Mr Britto that his vessel was detained by making the internationally recognised hand signal of crossed wrists. Mr Britto indicated that he understood this by saying "Christmas sir, one chance".

**At 10:30** the SFPO seized all documents and the following communications and navigation equipment.

1. ICOM – FM Transceiver IC2300H Radio Serial No 10016233-2
2. Garmin GPS128 – No serial number evident
3. KODEN Echo Sounder CVS-126 – Serial No 12614188

The SFPO felt his actions reasonable as such a large number of vessels, may choose not to comply with his lawful requests by taking flight in opposite directions. Therefore, the SFPO felt justified to take this level of action, with the knowledge that no vessels were being put at risk, as long as they complied with the reasonable and lawful instructions of the SFPO.

**At 10:32** while confiscating the above equipment the SFPO noted more hooks configured with wire trace leaders in the wheelhouse. These were photographed.

**At 10:37** the SFPO disembarked the vessel and proceeded to the next vessel.

### **3. Recovery**

**At 12:25** after completing the processing of the final FV, The SFPO and boarding team were recovered to the BPV.

Upon recovery the SFPO proceeded to check the Indian Ocean Tuna Commission (IOTC), Register of Active Vessel (RAV), where he could not find any record of this vessel

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

11<sup>th</sup> December 2

## Appendix 2: Photographs



*Figure 1 Deck photograph – Dignamol II*



*Figure 2 Bow photograph – Dignamol II*



Figure 3 Starboard side photograph – *Dignamol II*



Figure 4 Example of catch (*Kawakawa*) – *Dignamol II*





*Figure 5 Example of catch (Red snapper) - Dignamol II*



*Figure 6 Fishing gear on board - Dignamol II*



*Figure 7 Fishing hooks on board - Dignamol II*

**Appendix 3: Note Verbale No. SAD/118/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 22/12/2014).**



**Foreign &  
Commonwealth  
Office**

NOTE VERBALE No: SAD/118/14

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South Asia Department  
Foreign & Commonwealth Office, London  
22 December 2014



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Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

23 December 2014

E-mail: [jsfv@nic.in](mailto:jsfv@nic.in)

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If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your cooperation in this matter.

I extend my kind regards and thank you in advance for your assistance.

Yours Sincerely

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Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

### IOTC Reporting form for Illegal Activity

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#### A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	GREESHMA
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a (National Registration Number TN2/FV/10/01135/10)
e	Photo	See Appendix 2
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	TITUS K. of S/O. Kastheen, 3/17B CHINNATHURAI, THOOTHOR POST, KANYAKUMARI DISTRICT, TAMILNADU (To be confirmed. Awaiting confirmation from the flag State).
h	Operator (previous operator/s, if any) and Master/Fishing Master	Master - Mr T (Tony) Resolin
i	Date of alleged IUU fishing activities	04/12/2014
j	Position of alleged IUU fishing activities	06° 12.5S 072° 14.6E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in the waters of the British Indian Ocean Territory
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> The vessel GREESHMA TN2/FV/01135/10 dated 13/02/2010 was released on 17 December 2014. Following an investigation into the suspected criminal activities of the owner of the Greeshma a decision has been made to bring a criminal prosecution against the owner and those proceedings have been commenced.

Item	Definition	Indicate
		<p>The Owner / Master was instructed to leave BIOT waters directly and to return the FV to port. All catch and gear was seized by the court.</p> <p>Assistance from Indian Authorities requested in identification of the vessel and notification of any actions taken by India as flag State in conducting a regulatory investigation into the activities of the vessel. Relevant actions in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4).</p> <p>The BIOT Administration will inform the owner / master of the vessel of further action.</p> <p><b>Flag State Actions:</b> No flag State actions notified at time of submission.</p>
m	Outcome of Actions taken	No outcomes at time of submission.

## B. Details of IOTC Resolution Elements Contravened

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Statement of Evidence	Appendix 1
Photographs	Appendix 2
Letter requesting confirmation of ownership to Fishery Survey of India	Appendix 3
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India	Appendix 4
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India	Appendix 5
Letter to Dr Vundru, Joint Secretary (Fisheries)	Appendix 6

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>



## Appendix 1: Statement of Evidence

(Revised 06/13)  
Investigation Reference No: 33/14



BIOT POLICE

### WITNESS STATEMENT

(Section 154 of the BIOT Criminal Procedure Code 1986)

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Statement of: Robert Samuel Clark

Rank/Status: Senior Fisheries Protection Officer

Age if under 18: **Over 18** (if over 18 insert 'over 18') Occupation: **Civilian**

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This statement (consisting of 7 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Date: 9 December 2014

---

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 66 months field experience, which includes 38 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 21<sup>st</sup> October 2014.

### **SITUATION**

22:45, on Thursday 4<sup>th</sup> December 2014, whilst conducting British Indian Ocean Territory (BIOT) 465 BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 3 and on the East side of the Great Chagos Bank, I the Senior Fisheries Protection Officer (SFPO) identified a signature on radar which he believed to be fishing vessels.

22:49, the radar signature was plotted; inside the Great Chagos Bank (GCB), on the Eastern edge, approximately 60nm North of Diego Garcia. The target details were;

**Position** 06° 12.5S 072° 14.6E

**Course** 253°.

**Range** 9.93nm

**Bearing** 321°

**Speed** variable between 0.2 – 1.2kts – speed indicative of a fishing vessel (FV), behavior indicative of a fishing vessel drifting on or near to its gear.

The general characteristics of conditions were; darkness, clear skies, with full moonlight. moderate seas and wind of 10 – 12kts, visibility being excellent.

At 22:55 I requested that the BPV increase to maximum speed, in order to close down and intercept the target. I believed that the vessel was drifting on gear and in the act of fishing.

At 23:05 the Master of the BPV, Mr Sandes was called to the bridge to take command of the vessel.

At 23:06 a second target was acquired on RADAR by me, details were;

**Position** 06° 11.0S 072° 11.1E

**Course** 022°.

**Range** 10.6nm

**Bearing** 314°

**Speed** 5.1kts constant – indicative of steaming

At 23:08 I identified bright lights on the horizon, in the general vicinity of the first RADAR signature and target FV.

At 23:30, at approximately 4.0 nm distance from the target the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with me, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew, Upon the my instruction the FRC headed towards the vessel at high speed.

At 23:46 I noted flashing lights in the water to the west of the target vessel by approximately 100m. These were identified as fishing buoy strobe lights that had been set in pairs at intermittent but unmeasured points on what appeared to be fishing gear in the water.

At 23:54 I arrived at the suspect vessel and identified her as Indian FV, GREESHMA, IND-TN-15-MM-155 from the markings to her forward bows port and starboard beams.

At 23:56 on the 4<sup>th</sup> December 2014 I and FPO Mr Wijeweera boarded FV Greeshma at position 06° 13S 072° 15E.

Upon arrival I noted that a large fishing net was on the forward deck of the vessel.

13 persons immediately surrounded me and they were asked to move back and sit on the vessel deck.

At 23:59 I asked that the Captain of the FV identify himself and a Mr Anthony Resolin DOB 06 – 06 – 1976 came forwards with one other crew member who acted as interpreter as Mr Resolin claimed not to speak English and FPO Mr Wijeweera did not understand the language being used. All questions after this point were interpreted with the aid of one of this member of the fishing crew.

At 00:01 on the 5<sup>th</sup> December 2014 I asked Mr Resolin; is that your fishing gear in the water? He replied “yes”.

I then asked Mr Resolin the following questions;

Is there another fishing boat with you? He replied "yes"

What is its name? He replied "Greeshma 2, same owner, together"

Are you fishing together? He replied "yes".

Do you both have fishing gear in the water right now? He replied "yes he is 10 mile".

What is his position?

At 00:05 I followed Mr Resolin and two other men into the wheel house where a radio call was made to Greeshma 2 to get her position. The man making the radio call used the name "Greeshma" to summons a response.

At 00:06 I was given the Greeshma 2 position as 06° 10S 071° 51E and I relayed this to the BPV for a position check against the second target still being tracked on RADAR.

At 00:10 I received a radio call from the BPV stating that the position given was 22nmls from the Greeshma 1 location and that it did not correspond with the target on RADAR.

At 00:11 I observed hooks fixed with wire trace in the wheelhouse. He asked Mr Resolin if the gear he had in the water was this. Mr Resolin pointed towards the gear in the water and with his finger made the shape of a hook and then picked the wire trace up and said "in water yes, fishing".

How long is your fishing gear? Mr Resolin replied "7 miles".

At 00:12 Greeshma 1 detained and Mr Resolin cautioned for fishing without a licence in BIOT and possession and use of wire trace.

At 00:14 I instructed Mr Resolin to radio Greeshma 2 and instruct her to come to the location of Greeshma 1. She replied that she would be 1.5hours, before arrival indicating that she had agreed to this instruction.

At 00:16 I requested the fishing licence and logbook along with identity cards (ID) for all crew, who had been identified to be 14 persons.

At 00:22 I was handed the following documents and ID cards.

**Certificate of Registration for Fishing Vessel** – No 3156 TN2/FV/01135/10 dated 13/02/2010. Showing the owner of the vessel to be one TITUS K. of S/O. Kastheen, 3/17B CHINNATHURAI, THOOTHOR POST, KANYAKUMARI DISTRICT, TAMILNADU and valid up until 13/02/2012. On the rear of this document it showed that it had been renewed on 6 Aug 2012 and was valid up until 13/02/2014, with no further renewals.

Government of India Form IV – Particulars of Vessel – which matched the registration document and showed the same owner

13 identity cards and papers with one crew members papers not submitted because the cook was asleep and the master did not want to wake him before morning, so he would be fit to cook breakfast. I agreed to leave him to sleep.

Identity Documents For Crew as follows;

Master

Mr T (Tony) Resolin – DOB 06.06.1976

Crew

Mr R Bebi – DOB 27-10-1995

Mr Emilliyas – DOB 01-01-1997

Mr Antony John Xavier – DOB 14-01-1981

Mr Sibiu – DOB 01-09-1986

Mr Alphonse – DOB 01-09-1963

Mr Judes Heni – DOB 25-10-1994

Mr Durai – DOB 1985

Mr Thatheyus – DOB 01-09-1975

Mr Maria Vijin – DOB 01-09-1965

Mr Vilvadhass – DOB 31-08-1961

Mr A Denniston – DOB 06-12-1965

Mr L Ramesh – DOB 25-05-1995

At 00:34 I and BPV crew disembarked the FV and returned to the BPV to await first light and commencement of the recovery of gear.

Upon recovery I proceeded to check the Indian Ocean Tuna Commission (IOTC), Register of Active Vessel (RAV), where he could not find any record of this vessel

At 05:02 the FV was observed to cease drifting and speed up to 5.6kts, until it arrived at the location of the first fishing buoy with strobe light attached. Due to conditions of darkness the only visible indication that the FV had begun to haul in its gear was that the strobe light was lifted onto the stern of the FV.

At 07:05 the FRC was launched with me and one crew member. I noted that the crew of the FV were hauling in a blue colored fishing line at the stern of the vessel. At about 200m from the vessel it was noted that a black plastic container was floating with the same color fishing line attached to it and bound by brown rope.

At 07:08 I lifted the black plastic container to inspect the line and gear, it was observed to be blue fishing line with a wire trace leader, commercial barbed J hook and baited with a Red Snapper steak.

It is a common method that FV's do not carry bait fish, they simply drift net on reef areas to catch reef fish that are then cut up to be bait for shark fishing. Due to the constitution of this rig, it is asserted that it was deliberately configured to target shark species.

At 07:10 I returned to the FV and enquired to the whereabouts of the other FV Greeshma 2, who had indicated the night before that she would come to that location but who had been noted to steam North, if she were the target we had acquired, and away from the location. Mr Resolin replied "gone".

At 07:12 I requested that the FV surrender her radio microphone. This instruction was not followed. The SFPO was not sure if Mr Resolin understood his instruction so he held his VHF radio up and pulled on the microphone extension and then pointed towards the radio in the wheelhouse. At this point Mr. Resolin became quite agitated and emotional, throwing himself against the nets piled on the FV deck and shouting "please sir, no sir, Christmas, poor". The SFPO replied "sorry you are detained" and made the internationally recognised hand symbol of crossed wrists to indicate detention. Mr Resolin continued to be emotional and started to become aggressive, shouting in his own language, the meaning of which I did not understand.

At 07:40 and after some prolonged negotiation the FV handed over its radio microphone.

I again instructed the FV to continue hauling in her gear. Mr Resolin sat on the deck of the FV and put his head in his hands. At this point the whole crew came to the port side of the vessel and were shouting "please sir". I shook my head and said "no" and handed one of the crew a VHF hand held radio and showed him how to use it. Again Mr Resolin started shouting at me and waving his arms in a manner felt to be aggressive. I then requested that the FRC back away from the vessel to a safer distance.

At 08:05 and again after some prolonged negotiating and gesturing to show pulling of gear by me, the crew of the FV started to haul in the gear again.

At 08:10 one Black Tip Reef Shark was seen to be hauled into the vessel from the stern.

At 08:15 I requested that the FRC return to the BPV as the weather was changing to squalls with heavy rain with gusting winds.

At 15:25 I witnessed the final buoy being hauled onto the stern of the FV and she began to steam towards the BPV, indicating that she had completed hauling in her gear.

At 07:14 on the 6<sup>th</sup> December 2014 I disembarked the BPV at outer buoys 1 and 2, Diego Garcia where I was accompanied by 1 Royal Marines Commando to board the FV Greeshma and escort her to the Small Boat Basin.

At 08:02 I witnessed the FV being tied up at Finger Pier No3 in the Small Boat basin where she was met by the Senior Customs and Immigration Officer, Mr Lowey.

At 09:22 I handed the following evidence to Miss Holmes (ROPO3).

Two Vessel Registration documents



I witnessed ROPO 3 attach a BIOT Police Exhibit Label to one of the vessel registration documents and marked it as the following:

Exhibit Number	Description
RSC/1	Certificate of registry of a fishing boat pertaining to FV Gireesima dated 13 Feb 12

I then signed the exhibit label as the person originally identifying the article.

ROPO 3 then signed the exhibit label accordingly.

I then witnessed ROPO 3 attached a BIOT Police exhibit label to the other vessel registration document and marked it as the following:

Exhibit Number	Description
RSC2	Certificate of registration for fishing vessels pertaining to FV Greeshma dated 13 Feb 10

I then signed the exhibit label as the person originally identifying the article.

ROPO 3 then signed the exhibit label accordingly.

At 09:45 whilst in the wheelhouse of the vessel I handed ROPO 3 a blue 2012 diary containing latitude and longitude co-ordinates which were within BIOT waters.

I witnessed ROPO 3 attach a BIOT Police Exhibit Label to one of the diary and marked it as the following:

Exhibit Number	Description
RSC/3	Blue 'the executive' diary containing latitude and longitude co-ordinates

I then signed the exhibit label as the person originally identifying the article.

ROPO 3 then signed the exhibit label accordingly.

At 09:50 I handed ROPO 3 a grey note book.

I then witnessed ROPO 3 attached a BIOT Police exhibit label to the note book and marked it as the following:

Exhibit Number	Description
RSC/4	Grey note book containing varies numbers

I then signed the exhibit label as the person originally identifying the article.

ROPO 3 then signed the exhibit label accordingly.

At 10:09 whilst on the fishing deck I handed ROPO 3 a harpoon spear head.

I then witnessed ROPO 3 attached a BIOT Police exhibit label to item and marked it as the following:

Exhibit Number	Description
RSC/5	Harpoon 35.5cm in length with wire trace attached

I then signed the exhibit label as the person originally identifying the article.

ROPO 3 then signed the exhibit label accordingly.

At 10:40 and for administration purposes I enquired with the Master of the FV what length his drift net was. He replied "5 miles".

Between 09:25 and 18:45hrs, on the 8<sup>th</sup> December 2014 I was present in my capacity as a subject matter expert (SME) when the following catch was off loaded from the Greeshma by its crew under the direction of the BIOT Police CSI ROPO 3. I identify the catch as:

### **CATCH**

- 10 Tiger sharks of between 45 and 92cm
- 6 Bull Sharks of between 108 and 325cm
- 1 Scalloped Hammer Head Shark of 245cm
- 2 Sail Fish of 156 and 171cm
- 98 Reef Silver Tip sharks of between 41 and 123cm
- 1 Oceanic White Tip Shark of 186
- 50 Black Tip sharks of between 75 and 196cm
- 60 Grey Reef Sharks of between 97 and 142cm
- 54 Reef Black Tip Sharks of between 27 and 102cm
- Approximately 7.5 tons of reef fish comprising, Red Snapper, Sweet Lips, Trevally, Giant Trevally, Coral Cod, Coral Trout, Groupers, Barracudas, Kawakawa, Green and Blue Job Fish
- 28 Sharks that were not identifiable due to small size – below 30cm
- 2 Giant Guitarfish (olive).

Total estimated weight of catch: 11500.00 kg

### **FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £8,000.00

Fishing vessel: Estimated value £30,000.00

During the inspection of the catch, it was noted that many of the reef fish species were too small to have been caught by the long line gear arrangement. Therefore, it is my expert opinion that these fish must have been caught using the drift nets that were not deployed at the time of detection and detention but had been used in BIOT waters as no other feature or reef, where these fish could have been caught, exists within sailing distance to have been so fresh. It is my opinion that these reef fish were no more than 3 days old, this was ascertained by inspecting the firmness of flesh, eye clarity and gill condition.

While inspecting the catch I did not identify any specimens that exceeded 7 days in age since caught.

At 19:50 on the 9<sup>th</sup> December 2014 at the BIOT, Police Station I handed ROPO3 a disc containing 12 images from the period of detention.

I then witnessed ROPO 3 attached a BIOT Police exhibit label to item and marked it as the following:

Exhibit Number	Description
RSC/6	CD-R disk containing 12 images pertaining to FV Greeshma fishing in BIOT waters dated 5 Dec 14.

I then signed the exhibit label as the person originally identifying the article.

ROPO 3 then signed the exhibit label accordingly.

This concludes my Statement of Evidence.

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

11<sup>th</sup> December 2014

## Appendix 2: Photographs



Figure 1 Port side view - **Greeshma**



Figure 2 Starboard side view - **Greeshma**



Figure 3 Stern view - **Greeshma**



Figure 4 Indian flagged vessel **Greeshma** hauling longline





*Figure 5 Longline gear in the water (1) - Greeshma*



*Figure 6 Longline gear in the water (1) - Greeshma*



*Figure 7 Baited longline gear with wire trace -Greeshma*



*Figure 8 Catch (laid out on finger pier) - Greeshma*



*Figure 9 Catch laid out on road - **Greeshma***



### Appendix 3: Letter requesting confirmation of ownership from UK(OT) to Fishery Survey of India.



18 Queen Street  
London  
W1J 5PN  
United Kingdom

Tel: (+44) 020 7255 7755  
Fax: (+44) 020 7499 5388  
E-Mail: [enquiry@mrag.co.uk](mailto:enquiry@mrag.co.uk)  
Internet: [www.mrag.co.uk](http://www.mrag.co.uk)

Mr. Shri Premchand  
Director General (I/C)  
Fishery Survey of India  
Botawala Chambers  
Sir P.M. Road, Fort  
Mumbai – 400 001

E-Mail: [dg@fsi.gov.in](mailto:dg@fsi.gov.in)

Dear Mr. Premchand,

#### Report on the investigation of the Indian vessel Greeshma 1 in British Indian Ocean Territory (BIOT) Waters

The Indian flagged vessel GREESHMA 1 (Registration number: 3156 TN2/FV/10/01135/10) is being criminally investigated on suspicion of being involved in illegal fishing. In order to complete the investigation the BIOT Administration needs to be clear as to the accurate details of the registered owner before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of this vessel are preliminary, no finding has been made by the Administration of any such activity.

According to the best information available to the Administration the owner's name and address are as follows:

Source	Owner Name / Address
Certificate of Registration, Government of India Form IV	Titus K. S/O. Kastheen, 3/17b Chinnathurai, Thoothoor Post, Kanyakumari District, Tamilnadu

Note that the Certificate of registration was found to have expired on 13/02/2014 and did not appear to have been renewed. Please can you confirm the ownership details for the vessel? We would be grateful for a formal signed response with a Ministry of Agriculture letterhead, which can be scanned and sent by email as soon as possible, preferably before 16<sup>th</sup> December 2014. Thank you for your cooperation.

Yours sincerely

James Moir Clark

Senior Consultant

On behalf of Dr C.C. Mees

Head of UK-OT Delegation

**Appendix 4: Note Verbale No. SAD/109/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 11/12/2014).**



**Foreign &  
Commonwealth  
Office**

NOTE VERBALE No: SAD/109/14

The British High Commission presents its compliments to the Indian High Commission in London and has the honour to request assistance in the enforcement of the marine protected area of the British Indian Ocean Territory (BIOT).

We draw to the attention of the Ministry of Foreign Affairs that, on 5 December 2014 the Indian flagged fishing vessel Greeshma 1 (Registration number: 3156 TN2/FV/10/01135/10) was identified in the waters of the British Indian Ocean Territory suspected of fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). The vessel's master was directed to accompany fishery enforcement officers to port in Diego Garcia to allow an investigation to be concluded.

We further draw attention to the fact that as a result of that investigation, the following crew members, who indicate they are Indian nationals, are currently in Diego Garcia until the conclusion of the investigation, and a decision on charging can be made. This may require seizure of the fishing vessel until payment of a fine, in which case we would wish to work rapidly with your authorities to secure a repatriation of the fishermen:

a. Mr T (Tony) Resolin	Date of Birth	06-10-1976
b. Mr R Bebi	Date of Birth	27-10-1995
c. Mr Emilliyas	Date of Birth	01-01-1997
d. Mr Antony John Xavier	Date of Birth	14-01-1981
e. Mr Siblu	Date of Birth	01-09-1986
f. Mr Alphonse	Date of Birth	01-09-1963
g. Mr Judes Heni	Date of Birth	25-10-1994
h. Mr Durai	Date of Birth	unknown 1985
i. Mr Thatheyus	Date of Birth	01-09-1975
j. Mr Maria Vijin	Date of Birth	01-09-1965
k. Mr Vilvadhass	Date of Birth	31-08-1961
l. Mr A Denniston	Date of Birth	06-12-1965
m. Mr L Ramesh	Date of Birth	25-05-1995

Investigations to date suggest that the owner is the Indian Ocean Tuna Commission as Titus K of address. S/O. Kastheen, 3/17b Chinnathurai, Thoothoor Post, Kanyakumari District, Tamilnadu. In order to assist authorities of the British Indian Ocean Territory in rapidly concluding their investigation, we request confirmation of the ownership of this fishing vessel by your authorities as soon as possible.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of India enjoy in respect of the regional effort to prevent



IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission.

The Foreign & Commonwealth Office avails itself of this opportunity to renew to the Indian High Commission in London the assurances of its highest consideration.



South Asia Department  
Foreign & Commonwealth Office, London  
11 December 2014

**Appendix 5: Note Verbale No. SAD/118/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 22/12/2014).**



**Foreign &  
Commonwealth  
Office**

NOTE VERBALE No: SAD/118/14

The Foreign and Commonwealth Office presents its compliments to the High Commission of the Republic of India and has the honour to refer to its prior note verbale reference SAD 109/14 and the High Commission of India's own note verbale of 12 December, reference Lon/Pol/12/12/2014.

We wish to notify the High Commission that, on 17 December 2014 the Indian flagged fishing vessel Greeshma 1 (Registration number: 3156 TN2/FV/10/01135/10) and all 14 crew were released from Diego Garcia following the conclusion of the police investigation. The owners of the vessel will be summonsed to appear in court on Diego Garcia, or provide written representations to the court proceedings against them for fishing offences in due course, and we seek assurances that from the High Commission that all possible assistance will be provided by the Republic of India authorities in that prosecution, and subsequent enforcement of the British Indian Ocean Territory court sanctions. All catch and fishing gear from the Greeshma 1 have been seized by the court as part of this process. The vessel has been provided with fuel and all navigation equipment restored to it to ensure safe passage.

We further draw attention to the fact that on 14 December 2014, a further Indian fishing vessel Bosin (Registration certificate TN14MFB-283 and number IND-TN-15MM-4086 & 06/11/2014) was identified in the waters of the British Indian Ocean Territory suspected of fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). The vessel's master was directed to accompany fishery enforcement officers to port in Diego Garcia to allow an investigation to be concluded. As a result of that investigation, the following 9 crew members in addition to a further Indian man who cannot as yet be identified, are currently in Diego Garcia until the conclusion of the investigation, and a decision on charging can be made. As with the case of the Greeshma, this may require seizure of the fishing vessel until payment of a fine, in which case we would wish to work rapidly with your authorities to secure a repatriation of the fishermen:

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/85
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

Investigations to date suggest that the owner, according to the Indian Ocean Tuna Commission records, is Titus K of address. 111-9/170 R.C, Colachel & Kanyakumari, Tamilnadu. In order to assist authorities of the British Indian Ocean Territory in rapidly concluding their investigation, we request confirmation of the ownership details of this fishing vessel by your authorities as soon as possible.

The Foreign and Commonwealth Office wishes to express its grave concern at the continued and escalating illegal fishing activity by Indian flagged vessels in the Marine Protected Area of the British Indian Ocean Territory. The following Indian vessels have been sighted or detected on radar since the beginning of December:

Date	Vessel Name	Vessel type	Vessel Flag	Outcome
04/12/2014	Greeshma 1	Demersal longline and gillnet	IND	Detained, brought into DG
04/12/2014	Greeshma 2	Demersal longline and gillnet	IND	Requested to follow patrol vessel but steamed off
11/12/2014	Dignamol II	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Benaiah	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Carmel Matha	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Dignamol 1	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	King Jesus	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No2	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No1	Demersal longline and	IND	Vessel initially complied with instructions but later ran for the



Date	Vessel Name	Vessel type	Vessel Flag	Outcome
		gillnet		high seas. Photographs taken and prosecution to follow
14/12/2014 (AM)	Bosin	Demersal longline and gillnet	IND	Detained, currently held in Diego Garcia pending conclusion of police investigation
14/12/2014 (AM)	Sujamol	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sagarrarose	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sivaprasasen	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Holy Family	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Manumon	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification

The Foreign and Commonwealth Office further requests the urgent assurance from the High Commission that education of the fishing communities of the Tamilnadu region is undertaken in respect of the presence of a no-take Marine Protected Area in the entire 200 nautical mile Environmental Protection and Preservation Zone of the British Indian Ocean Territory. Any fishing activity in these waters will be treated with the utmost severity and owners will be prosecuted to the fullest extent of the law, with court sanctions including fines of up to £500,000, seizure of vessels, catch and gear, and imprisonment of up to 6 months. The presence of trawlers in these waters in December is of particular concern given the potential scale of damage to the seabed and fragile coral ecosystems that can be caused by such vessels.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of India enjoy in respect of the regional effort to prevent

IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission which we will be notifying of the above disturbing trends in accordance with the regular reporting requirements, and to whom we trust and expect we will also be able to report the effective cooperation of Indian authorities in halting this activity, including in supporting enforcement by the authorities of the British Indian Ocean Territory.

The Foreign & Commonwealth Office avails itself of this opportunity to renew to the Indian High Commission in London the assurances of its highest consideration.

South Asia Department  
Foreign & Commonwealth Office, London  
22 December 2014





**Appendix 6: Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries (containing Note Verbale in Appendix 5)**



18 Queen Street  
London  
W1J 5PN  
United Kingdom

Tel: (+44) 020 7255 7755  
Fax: (+44) 020 7499 5388  
E-Mail: [enquiries@mrags.co.uk](mailto:enquiries@mrags.co.uk)  
Internet: [www.mrag.co.uk](http://www.mrag.co.uk)

Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
Room No. 221-A,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

23 December 2014

E-mail: [jsfv@nic.in](mailto:jsfv@nic.in)

Dear Dr Vundru

**Report on the investigation into alleged illegal fishing activities by Indian Flagged Vessels in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 11 December I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission to update you on the vessel Greeshma 1 and to inform you of other activity in BIOT waters.

I attach to this letter a note sent to the Indian High Commission in London that requests assistance in dealing with illegal, unregulated and unreported (IUU) fishing by Indian flagged vessels in BIOT waters. We would be most grateful for any assistance that you are able to provide in this matter. I would also be grateful if you could direct this communication to the authority responsible for flag State Compliance issues and inform me of the contact details.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your cooperation in this matter.

I extend my kind regards and thank you in advance for your assistance.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC



**Office of the Commissioner's Representative  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485**

Tel: +246 370 3506  
Fax: +246 370 3943  
Internet: Kerry.cunningham.uk@fe.navy.mil

24 February 2015

For Attention Of:

Mr K Titus,

Please find enclosed the Record of Proceedings from the BIOT Magistrates court held Tuesday 24<sup>th</sup> February 2015 and a letter containing the FCO's bank details.

Upon hearing the evidence against you were found guilty of the following charges:

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

You were found not guilty of the charges below:

Possession of prohibited fishing gear, namely 5 miles of drift net in BIOT Waters contrary to Section 6(2) and 6(3)(b) Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear, namely harpoon spear in BIOT Waters contrary to Section 6(2) and 6(3)(f) Fisheries (Conservation and Management) Ordinance 2007.

As well as hearing the prosecution evidence against you the Magistrate read and considered the representations that you had provided to the court and took them into account before reaching his decision regarding your guilt.

Also, before proceeding to sentence you in respect of those offences which the Magistrate found that you were guilty of, he read those representations that you had submitted regarding your personal circumstances and those representations submitted on your behalf regarding the same and took those into account before passing sentence.

You have been fined **15,000 GBP** for the charge of Fishing without a Licence and **3,000 GBP** for the charge of being in possession of prohibited fishing gear and **200 GBP** for Court costs. The fishing gear recovered from fishing vessel Greeshma has been forfeited to the Crown for disposal.

The Magistrate ordered that you would have 30 days to pay the fine. Therefore, your deadline to pay is 26<sup>th</sup> March 2015.

You are to pay the fine into the FCO bank account detailed in the enclosure.

You have the right to appeal the decision by the Magistrate by submitting a letter of appeal to me.

If you require any more information please liaise directly with me but I cannot offer you any legal advice.

Please acknowledge receipt of this letter by emailing me at the address provided.

Regards,



Mr Kerry Cunningham  
Clerk of the Court  
HQBF BIOT  
Diego Garcia





**Magistrates Court  
Diego Garcia  
British Indian Ocean Territory**

**RECORD OF PROCEEDINGS 24<sup>th</sup> February 2015**

Name: Mr K Titus, Owner of fishing vessel Greeshma,

The court case was held in the Magistrates Court on the **twenty fourth day of February 2015** on the following charge:

**STATEMENT OF OFFENCE**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear, namely wire trace in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear, namely 5 miles of drift net in BIOT Waters contrary to Section 6(2) and 6(3)(b) Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear, namely harpoon spear in BIOT Waters contrary to Section 6(2) and 6(3)(f) Fisheries (Conservation and Management) Ordinance 2007.

**PARTICULARS OF OFFENCE**

1. that you, K Titus, being the Owner of fishing boat Indian FV, GREESHMA, IND-TN-15-MM-155 did, between the 29<sup>th</sup> day November 2014 and the 4<sup>th</sup> day of December 2014, fish within the fishing waters of the British Indian Ocean Territory without a licence. Contrary to Section 7(1) and Section 7(2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

2. That you K Titus, were the Owner of fishing boat Indian FV, GREESHMA, IND-TN-15-MM-155 on which there was found within the fishing waters of the British Indian Ocean Territory on the 4<sup>th</sup> day of December 2014 prohibited fishing gear, namely

wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

3. That you K Titus, were the Owner of fishing boat Indian FV, GREESHMA, IND-TN-15-MM-155 on which there was found within the fishing waters of the British Indian Ocean Territory on the 4<sup>th</sup> day of December 2014 prohibited fishing gear, namely 5 miles of drift net. Contrary to Section 6(2) & 6(3)(b) of the Fisheries (Conservation and Management) Ordinance 2007.

4. That you K Titus, were the Owner of fishing boat Indian FV, GREESHMA, IND-TN-15-MM-155 on which there was found within the fishing waters of the British Indian Ocean Territory on the 4<sup>th</sup> day of December 2014 prohibited fishing gear, namely harpoon spear. Contrary to Section 6(2) & 6(3)(f) of the Fisheries (Conservation and Management) Ordinance 2007.

Mr K Titus pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded Not Guilty to Possession of prohibited Fishing Gear in BIOT waters.

Mr K Titus was found not guilty of the following charges:

Possession of prohibited fishing gear, namely 5 miles of drift net in BIOT Waters contrary to Section 6(2) and 6(3)(b) Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear, namely harpoon spear in BIOT Waters contrary to Section 6(2) and 6(3)(f) Fisheries (Conservation and Management) Ordinance 2007.

Mr K Titus was found guilty of the following charges:

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear, namely wire trace in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

Mr K Titus was sentenced as follows:

Pay a fine of **15,000 GBP** for Fishing without Licence  
Pay a fine of **3,000 GBP** for being in possession of prohibited fishing gear  
Pay Court costs of **200 GBP**  
Fishing Gear to be forfeited to the Crown for disposal.

Payment must be made within 30 days.

If payment has not been received by the 26<sup>th</sup> March 2015 these fines and costs will be passed to enforcement agents for them to collect.



Further Mr K Titus may be summoned to explain to the court why payment has not been made.

If you wish to appeal the sentence and or conviction you must do so within the next 30 days. The deadline for any such notification of an appeal is therefore also 26<sup>th</sup> March 2015.

If you require any further information regarding any of the above contact myself or [BIOTAdmin@fco.gsi.gov.uk](mailto:BIOTAdmin@fco.gsi.gov.uk) before the 26<sup>th</sup> March 2015



Mr Kerry Cunningham  
Clerk of the Magistrates Court  
British Indian Ocean Territory





**IN THE MAGISTRATES COURT  
DIEGO GARCIA  
BRITISH INDIAN OCEAN TERRITORY**

Case Number: 33/14

Court Code: 04/15

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**CERTIFICATE OF CONVICTION**

**This is to certify that on the 24<sup>th</sup> day of February 2015 K Titus was at the Magistrates Court in Diego Garcia convicted following trial of the following offences:**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

That you, , K Titus Son of S/O KASTHEEN , being the Owner of fishing boat Indian FV, GREESHMA, (IND-TN-15-MM-155) did, between the 29<sup>th</sup> day November 2014 and the 4<sup>th</sup> day of December 2014, fish within the fishing waters of the British Indian Ocean Territory without a licence.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

Mr K Titus, being the Owner of the fishing Indian FV, GREESHMA, (IND-TN-15-MM-155), was on 4 December 2014, found in possession of prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007

And was sentenced as follows:

Fined **15,000 GBP** for Fishing without Licence

Fined **3,000 GBP** for being in possession of prohibited fishing gear

Ordered to pay Court costs of **200 GBP**

Fishing Gear to be forfeited to the Crown for disposal.



Clerk of Court:

Date: 26/2/15

Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
Room No. 221-A,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

26 February 2015

E-mail: [jsfy@nic.in](mailto:jsfy@nic.in)

cc. IOTC Secretariat for the attention of the Compliance Committee

Dear Dr Vundru

**Report on the investigation of the Indian Flagged Vessel GREESHMA 1 in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 23 December 2014, I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission.

The owner of the Indian flagged vessel GREESHMA 1 Registration number 3156 TN2/FV/10/01135/10 (no IOTC AFV number on board) detained on 5 December 2014 was found guilty of the following offences by the BIOT Magistrates' Court and has now been sentenced for the same offences as follows: (see attached Record of Court Proceedings and Certificate of Conviction):

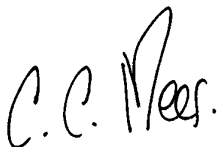
- Fishing without a licence in BIOT waters contrary to Sections 7(1) & 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.
- Possession of Prohibited fishing gear contrary to Section 6 (2) of the Fisheries (Conservation and Management) Ordinance 2007.

On 24<sup>th</sup> February 2015 the vessel owner was fined £15,000 for the first offence and £3,000 for the second offence (plus £200 costs). The owner of the vessel has 30 days to pay the fines, due no later than 26<sup>th</sup> March 2015.

As you are aware an IOTC IUU reporting form in respect of this vessel was submitted to the IOTC Secretariat on 6 February 2015 prior to the 70 day deadline. By copy of this letter to the IOTC Secretariat we request that this additional information relevant to the establishment of the IUU vessel list is circulated to the Compliance Committee with other details to be circulated with the draft and provisional IUU lists. Our recommendation in Section D of the 11/03 IUU Reporting form remains as (c).

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)). We look forward to your cooperation.

Yours Sincerely



Dr C.C. Mees

Head of UK(OT) Delegation to IOTC

ENCL: Cover Letter / Record of Court Proceedings / Certificate of Conviction

Dr. Ansy Mathew,  
Fisheries Research and Investigation Officer Government of India,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 114.

09 April 2015

E-mail: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

cc. Dr. Raja Sekhar Vundru, Joint Secretary (Fisheries) E-mail: [jsfy@nic.in](mailto:jsfy@nic.in)

Dear Dr Mathew,

**Update on the investigations of the Indian Flagged Vessels GREESHMA 1 and BOSIN in British Indian Ocean Territory (BIOT) Waters**

The owner of these vessels were found guilty of IUU on 24<sup>th</sup> February 2015 and fined.

Representations were sent by both owners and considered by the court on 31 March 2015. The BIOT Court found no grounds to re-open either case. The earlier judgements remain in place.

To date neither owner has paid either any fine nor costs imposed.

As you are aware an IOTC IUU reporting form in respect of these vessels was submitted to the IOTC Secretariat on 6 February 2015 prior to the 70 day deadline, our recommendation in Section D will remain as (c).

If you have any questions or require assistance please do not hesitate to contact myself ([j.clark@mrag.co.uk](mailto:j.clark@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)).

Yours Sincerely



James Moir Clark

On behalf of

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK(OT)).

#### A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	KING JESUS
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a (National Registration Number TN-2/FV01606/12)
e	Photo	See Appendix 2
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	To be confirmed. Awaiting confirmation from the flag State.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Master - Bibi S. R. Paul Miranda S
i	Date of alleged IUU fishing activities	11/12/2014
j	Position of alleged IUU fishing activities	06° 03.4S 071° 32.3E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in the waters of the British Indian Ocean Territory
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<p><b>Coastal State Actions:</b> King Jesus initially complied with order to follow BPV Pacific Marlin to port but later altered course without permission for the high seas. As BPV Pacific Marlin escorting other vessels it was unable to intercept the fleeing vessel. Photographs taken. Subject to a criminal investigation.</p> <p><b>Flag State Actions:</b> No flag State actions notified at time of submission.</p>



Item	Definition	Indicate
m	Outcome of Actions taken	No outcomes at time of submission.

## B. Details of IOTC Resolution Elements Contravened

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Boarding report Appendix 1  
Photographs Appendix 2  
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India. Appendix 3  
Letter to Dr Vundru, Joint Secretary (Fisheries) Appendix 4

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Boarding Report

### BOARDING REPORT

**DATE:** 11<sup>th</sup> December 2014  
**VESSEL:** *King Jesus*  
**CALL SIGN:** N/A  
**IND N°:** TN-2/FV01606/12  
**IMUL N°:** N/A  
**MASTER:** Mr S Bibn  
**SFPO:** Robert Clark  
**BOARDING PURPOSE:** Drifting on Great Chagos Bank

#### 1. Introduction

**06:45**, on Thursday 11<sup>th</sup> December 2014, whilst conducting British Indian Ocean Territory (BIOT) 466 BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and on the West side of the Great Chagos Bank, the Senior Fisheries Protection Officer (SFPO) assisted the Watch keeper, Chief Officer, Mr Pilapil to identify a cluster of 4 signatures on radar which he believed to be fishing vessels.

**06:52**, the radar signatures were plotted; inside the Great Chagos Bank (GCB), on the Western edge, approximately 90nm North of Diego Garcia. The centre target details were;

**Position** 06° 03.4S 071° 32.3E

**Course** 008°.

**Range** 10.0nm

**Bearing** 052°

**Speed** variable between 0.2 – 0.7kts – speed indicative of a fishing vessel (FV), drifting on its gear.

The general characteristics of conditions were; breaking daylight, overcast skies, with low level light with moderate seas and wind of 04 – 06kts, visibility being reduced due to conditions of light and thunderstorms.

**At 06:55** the Master of the BPV, Mr Sandes arrived on the bridge to commence his normal daily routine.

**At 07:00** the SFPO requested that the BPV increase to maximum speed, in order to close down and intercept the targets. The SFPO believed that the vessels were drifting on gear and in the act of fishing.

**At 07:10** a further 3 targets were identified on RADAR, all 7 targets were then plotted and acquired at the following positions;

1. 06° 02.1S 071° 31.8E
2. 06° 00.8S 072° 35.0E
3. 06° 00.4S 071° 32.1E
4. 06° 01.4S 071° 33.2E
5. 06° 00.5S 071° 36.6E
6. 05° 59.4S 071° 37.0E

7. 05° 59.1S 071° 36.8E

All targets were drifting at between 0.2 and 0.6kts and spaced at such intervals to indicate that they were drifting clear of each other.

**At 07:20** the SFPO identified one Fishing Vessel (FV) with the use of binoculars and requested that the BPV make ready to making a long range interception.

**At 07:25**, at approximately 5.0 nm distance from the targets the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with SFPO Clark, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew, Upon the SFPO's instruction the FRC headed towards the FV's at high speed.

**At 08:37** The SFPO arrived at the fifth vessel, which was identified from the markings on her forward bows as KING JESUS

The FRC came alongside the FV and the SFPO noted that all her forward deck had a large cover over what appeared to be her fishing net. On top of this net was a large white tank encased in a steel cage. Hanging off this cage was a gaff hook, the kind used to hook fish on capture. Next to the white tank and to its rear were a number of green plastic containers, with blue commercial fishing line around them consistent with the SFPO's knowledge of gear used by Indian fishing vessels (FV's). To the starboard side of the white container was a orange plastic container, again configured with fishing line and above it a light hanging on a wire consistent with a deck light for working during the hours of darkness. It is the experience of the SFPO that lights of this kind are only deployed onto deck during working times and are packed away when vessels undertake sea voyages.

The vessel was instructed to head towards the BPV, which it did and the SFPO moved to the next vessel.

## 2. Boarding Details

**At 11:21** The SFPO and FPO Wijeweera came alongside and boarded the FV and requested that the Captain come forward. A man claiming to be called Mr Bibi DOB 23/5/1978 came forwards.

The SFPO then asked for identity documents (ID) for all crew and the vessel Registration documents and was handed the following items.

1. 12 ID cards two of which were photocopies
2. Licence for fishing at sea – licence number 85/2012 issued to vessel name TN2/FV/01606/12, DT. 18-07-2012 showing a picture of Mr Bibi and his full name as: Bibi S. R. Paul Miranda S. Fathers Name: Stephen – Age: 35 of address No 10/10 A. Near Govt Hospital, Thoothur, Kanyakumari District, Tamil Nadu. Valid from 06-08-2012 to 31-03-2015 and his area of operation to be: Territorial waters of Tamilnadu.

Mr Bibi claimed not to have the registration documents for the vessel.

**At 11:24** the SFPO requested that Mr Bibi open the forward fish hold so that it may be inspected. This instruction was followed.

**At 11:25** the SFPO witnessed a large number of Barracuda on top of the ice as the hold was opened. These fish were all showing signs of being freshly caught, some of which had gills open and gasping, still alive. While in location the SFPO noted hooks terminated with wire trace in a large bundle of blue fishing line on the forward deck.

**At 11:26** The SFPO then informed Mr Bibi that his vessel was detained by making the internationally recognised hand signal of crossed wrists. Mr Bibi indicated that he understood this by saying "yes sir".

**At 11:30** the SFPO seized all documents and the following communications and navigation equipment.

1. ICOM – FM Transceiver IC2300H Radio – No Serial Number
2. Garmin GPS128 – Serial No 16P005067
3. FURUNO Echo Sounder FCV-620 – Serial No 10872-9062

The SFPO felt his actions reasonable as such a large number of vessels, may choose not to comply with his lawful requests by taking flight in opposite directions. Therefore, the SFPO felt justified to take this level of action, with the knowledge that no vessels were being put at risk, as long as they complied with the reasonable and lawful instructions of the SFPO.

**At 11:35** the SFPO disembarked the vessel and proceeded to the next vessel.

### **3. Recovery**

**At 12:25** after completing the processing of the final FV, The SFPO and boarding team were recovered to the BPV.

Upon recovery the SFPO proceeded to check the Indian Ocean Tuna Commission (IOTC), Register of Active Vessel (RAV), where he could not find any record of this vessel

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

11<sup>th</sup> December 2014



## Appendix 2: Photographs



Figure 1 Port side view of the Indian flagged vessel - **King Jesus**



Figure 2 Fishing gear observed on board - **King Jesus**



*Figure 3 Stern view - King Jesus*



*Figure 4 Fishing gear observed on board - King Jesus*



*Figure 5 Freshly caught barracuda observed on board - **King Jesus***



**Appendix 3: Note Verbale No. SAD/118/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 22/12/2014).**



**Foreign &  
Commonwealth  
Office**

NOTE VERBALE No: SAD/118/14

The Foreign and Commonwealth Office presents its compliments to the High Commission of the Republic of India and has the honour to refer to its prior note verbale reference SAD 109/14 and the High Commission of India's own note verbale of 12 December, reference Lon/Pol/12/12/2014.

We wish to notify the High Commission that, on 17 December 2014 the Indian flagged fishing vessel Greeshma 1 (Registration number: 3156 TN2/FV/10/01135/10) and all 14 crew were released from Diego Garcia following the conclusion of the police investigation. The owners of the vessel will be summonsed to appear in court on Diego Garcia, or provide written representations to the court proceedings against them for fishing offences in due course, and we seek assurances that from the High Commission that all possible assistance will be provided by the Republic of India authorities in that prosecution, and subsequent enforcement of the British Indian Ocean Territory court sanctions. All catch and fishing gear from the Greeshma 1 have been seized by the court as part of this process. The vessel has been provided with fuel and all navigation equipment restored to it to ensure safe passage.

We further draw attention to the fact that on 14 December 2014, a further Indian fishing vessel Bosin (Registration certificate TN14MFB-283 and number IND-TN-15MM-4086 & 06/11/2014) was identified in the waters of the British Indian Ocean Territory suspected of fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). The vessel's master was directed to accompany fishery enforcement officers to port in Diego Garcia to allow an investigation to be concluded. As a result of that investigation, the following 9 crew members in addition to a further Indian man who cannot as yet be identified, are currently in Diego Garcia until the conclusion of the investigation, and a decision on charging can be made. As with the case of the Greeshma, this may require seizure of the fishing vessel until payment of a fine, in which case we would wish to work rapidly with your authorities to secure a repatriation of the fishermen:

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/85
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

Investigations to date suggest that the owner, according to the Indian Ocean Tuna Commission records, is Titus K of address. 111-9/170 R.C, Colachel & Kanyakumari, Tamilnadu. In order to assist authorities of the British Indian Ocean Territory in rapidly concluding their investigation, we request confirmation of the ownership details of this fishing vessel by your authorities as soon as possible.

The Foreign and Commonwealth Office wishes to express its grave concern at the continued and escalating illegal fishing activity by Indian flagged vessels in the Marine Protected Area of the British Indian Ocean Territory. The following Indian vessels have been sighted or detected on radar since the beginning of December:

Date	Vessel Name	Vessel type	Vessel Flag	Outcome
04/12/2014	Greeshma 1	Demersal longline and gillnet	IND	Detained, brought into DG
04/12/2014	Greeshma 2	Demersal longline and gillnet	IND	Requested to follow patrol vessel but steamed off
11/12/2014	Dignamol II	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Benaiah	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Carmel Matha	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Dignamol 1	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	King Jesus	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No2	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No1	Demersal longline and	IND	Vessel initially complied with instructions but later ran for the



Date	Vessel Name	Vessel type	Vessel Flag	Outcome
		gillnet		high seas. Photographs taken and prosecution to follow
14/12/2014 (AM)	Bosin	Demersal longline and gillnet	IND	Detained, currently held in Diego Garcia pending conclusion of police investigation
14/12/2014 (AM)	Sujamol	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
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14/12/2014 (AM)	Holy Family	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Manumon	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification

The Foreign and Commonwealth Office further requests the urgent assurance from the High Commission that education of the fishing communities of the Tamilnadu region is undertaken in respect of the presence of a no-take Marine Protected Area in the entire 200 nautical mile Environmental Protection and Preservation Zone of the British Indian Ocean Territory. Any fishing activity in these waters will be treated with the utmost severity and owners will be prosecuted to the fullest extent of the law, with court sanctions including fines of up to £500,000, seizure of vessels, catch and gear, and imprisonment of up to 6 months. The presence of trawlers in these waters in December is of particular concern given the potential scale of damage to the seabed and fragile coral ecosystems that can be caused by such vessels.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of India enjoy in respect of the regional effort to prevent

IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission which we will be notifying of the above disturbing trends in accordance with the regular reporting requirements, and to whom we trust and expect we will also be able to report the effective cooperation of Indian authorities in halting this activity, including in supporting enforcement by the authorities of the British Indian Ocean Territory.

The Foreign & Commonwealth Office avails itself of this opportunity to renew to the Indian High Commission in London the assurances of its highest consideration.

South Asia Department  
Foreign & Commonwealth Office, London  
22 December 2014



**Appendix 4: Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries (containing Note Verbale in Appendix 3)**



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Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
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Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

23 December 2014

E-mail: [jsfv@nic.in](mailto:jsfv@nic.in)

Dear Dr Vundru

**Report on the investigation into alleged illegal fishing activities by Indian Flagged Vessels in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 11 December I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission to update you on the vessel Greeshma 1 and to inform you of other activity in BIOT waters.

I attach to this letter a note sent to the Indian High Commission in London that requests assistance in dealing with illegal, unregulated and unreported (IUU) fishing by Indian flagged vessels in BIOT waters. We would be most grateful for any assistance that you are able to provide in this matter. I would also be grateful if you could direct this communication to the authority responsible for flag State Compliance issues and inform me of the contact details.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your cooperation in this matter.

I extend my kind regards and thank you in advance for your assistance.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK(OT)).

#### A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	ST MARY'S NO.1
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a (National Registration Number TN2/FV/01644/09)
e	Photo	See Appendix 2
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr Peter A S/O Antony Ad'Mai of St Thomas Nacer, Thoothoor PO, KK Dist, Tamilnadu Peter A. Fathers Name, ANTHONIADIMAI of 40 St Thomas Street, Thoothur, Kanyakuman District, Tamil Nadu, 629160 To be confirmed. Awaiting confirmation from the flag State.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr Borgen
i	Date of alleged IUU fishing activities	11/12/2014
j	Position of alleged IUU fishing activities	06° 03.4S 071° 32.3E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in the waters of the British Indian Ocean Territory
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> St Mary's No.1 initially complied with order to follow BPV Pacific Marlin to port but later altered course without permission for the high seas. As BPV Pacific Marlin escorting other vessels it was unable to intercept the



Item	Definition	Indicate
		fleeing vessel. Photographs taken. Subject to a criminal investigation.  <b>Flag State Actions:</b> No flag State actions notified at time of submission.
m	Outcome of Actions taken	No outcomes at time of submission.

## B. Details of IOTC Resolution Elements Contravened

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>



### C. Associated Documents

Boarding report (Appendix 1)  
Photographs (Appendix 2)  
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India (Appendix 3)  
Letter to Dr Vundru, Joint Secretary (Fisheries) (Appendix 4)

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Boarding Report

### BOARDING REPORT

**DATE:** 11<sup>th</sup> December 2014  
**VESSEL:** St Marys No1  
**CALL SIGN:** N/A  
**IND N°:** TN2/FV/01644/09  
**IMUL N°:** N/A  
**MASTER:** Mr Borgen  
**SFPO:** Robert Clark  
**BOARDING PURPOSE:** Drifting on Great Chagos Bank

#### 1. Introduction

**06:45**, on Thursday 11<sup>th</sup> December 2014, whilst conducting British Indian Ocean Territory (BIOT) 466 BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and on the West side of the Great Chagos Bank, the Senior Fisheries Protection Officer (SFPO) assisted the Watch keeper, Chief Officer, Mr Pilapil to identify a cluster of 4 signatures on radar which he believed to be fishing vessels.

**06:52**, the radar signatures were plotted; inside the Great Chagos Bank (GCB), on the Western edge, approximately 90nm North of Diego Garcia. The centre target details were;

**Position** 06° 03.4S 071° 32.3E

**Course** 008°.

**Range** 10.0nm

**Bearing** 052°

**Speed** variable between 0.2 – 0.7kts – speed indicative of a fishing vessel (FV), drifting on its gear.

The general characteristics of conditions were; breaking daylight, overcast skies, with low level light with moderate seas and wind of 04 – 06kts, visibility being reduced due to conditions of light and thunderstorms.

**At 06:55** the Master of the BPV, Mr Sandes arrived on the bridge to commence his normal daily routine.

**At 07:00** the SFPO requested that the BPV increase to maximum speed, in order to close down and intercept the targets. The SFPO believed that the vessels were drifting on gear and in the act of fishing.

**At 07:10** a further 3 targets were identified on RADAR, all 7 targets were then plotted and acquired at the following positions;

1. 06° 02.1S 071° 31.8E
2. 06° 00.8S 072° 35.0E
3. 06° 00.4S 071° 32.1E
4. 06° 01.4S 071° 33.2E
5. 06° 00.5S 071° 36.6E
6. 05° 59.4S 071° 37.0E
7. 05° 59.1S 071° 36.8E

All targets were drifting at between 0.2 and 0.6kts and spaced at such intervals to indicate that they were drifting clear of each other.

**At 07:20** the SFPO identified one Fishing Vessel (FV) with the use of binoculars and requested that the BPV make ready to making a long range interception.

**At 07:25**, at approximately 5.0 nm distance from the targets the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with SFPO Clark, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew, Upon the SFPO's instruction the FRC headed towards the FV's at high speed.

**At 08:49** The SFPO arrived at the Seventh vessel, which was identified from the markings on her forward bows as St Marys 1

The SFPO noted upon approach that the vessel had a fishing light deployed over her starboard side. Fishing lights are used to attract reef fish during hours of darkness and this indicated to the SFPO that the vessel must have been fishing the night before.

After coming alongside the vessel that on the after fishing deck a number of styrene blocks with fishing line, blue in colour and of a commercial type used by Indian fishermen were deployed. Two had bait on the hooks. The SFPO also noted gaff hooks and hook removal bars laid on the after fishing deck, in such a position as to indicate they had recently been in use.

The FRC was then requested to make a circle of the vessel, on the starboard side of the wheelhouse was noted a small reef fish, laying under a black pipe indicative of recent fishing activity. To the port side, and under a fishing light identical to the one observed on the starboard side a blue basket was noted with a Barracuda inside it. On her forward deck and laid on top of the drift net area were noted a number of plastic containers, a type which are used as fishing buoys by Indian fishermen, all were noted to have fishing line, again blue in colour and of a commercial type wrapped around them. One buoy, had a distinctive yellow rope around it, this type is used as a marker buoy by Indian fishermen when setting long line sets, as a marker buoy for recovery. Having fishing gear deployed in such a manner is indicative of recent fishing activity.

The vessel was instructed to head towards the BPV, which it did and the SFPO moved to the next vessel.

## **2. Boarding Details**

**At 11:52** The SFPO and FPO Wijeweera came alongside and boarded the FV and requested that the Captain come forward. A man claiming to be called Mr Borgen DOB 21/6/1985 came forwards.

The SFPO then asked for identity documents (ID) for all crew and the vessel Registration documents and was handed the following items.

1. 15 ID cards

2. Certificate of Registration for Fishing Vessel Form V – Book No 164 – Form No 8193. Showing the owner to be one – Mr Peter A S/O Antony Ad'Mai of St Thomas Nacer, Thoothoor PO, KK Dist, Tamilnadu. Valid up until 07/11/2014
3. Copy of Licence for Fishing in the Sea – Licence No 09/2013 showing a likeness of the man claiming to be Mr Borgen, in the name of Peter A. Fathers Name, ANTHONIADIMAI of 40 St Thomas Street, Thoothur, Kanyakuman District, Tamil Nadu, 629160

**At 11:55** the SFPO requested that Mr Borgen open the forward fish hold so that it may be inspected. This instruction was followed.

While waiting to enter the hold the SFPO noted a hook terminated with wire trace hanging on the forward mast.

**At 11:58** the SFPO entered the fishing hold and tested the ice on each box to see if it was loose to indicate that it had recently been disturbed. In the 2<sup>nd</sup> box on the port side the SFPO found loose ice indicative of ice that had been disturbed recently.

**At 11:59** the SFPO pulled the top fish out of the ice and identified it as a Red Snapper. This fish was stiff fresh indicating that it had recently been caught and was in the early stages after mortality.

**At 12:02** The SFPO exited the fish hold and informed Mr Borgen that his vessel was detained by making the internationally recognised hand signal of crossed wrists. Mr Borgen responded by saying “one chance”, indicating to the SFPO that Mr Borgen understood his vessel to be detained.

**At 12:05** the SFPO seized all documents and the following communications and navigation equipment.

1. ICOM – FM Transceiver IC2300H Radio – 10033188-8
2. Garmin GPS128 – Serial No 94773615
3. KODEN Echo Sounder CVS-126 – Serial No 12613093

The SFPO felt his actions reasonable as such a large number of vessels, may choose not to comply with his lawful requests by taking flight in opposite directions. Therefore, the SFPO felt justified to take this level of action, with the knowledge that no vessels were being put at risk, as long as they complied with the reasonable and lawful instructions of the SFPO.

**At 12:09** the SFPO disembarked the vessel and proceeded to communicate with all vessels that they must follow the BPV by waving his arm in a beckoning manner.

### **3. Recovery**

**At 12:25** after completing the processing of the final FV, The SFPO and boarding team were recovered to the BPV.

Upon recovery the SFPO proceeded to check the Indian Ocean Tuna Commission (IOTC), Register of Active Vessel (RAV), where he could not find any record of this vessel

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

11<sup>th</sup> December 2014



## Appendix 2: Photographs



*Figure 1 Starboard side photograph – St Mary's No.1*



*Figure 2 Bow photograph – St Mary's No.1*



*Figure 3 Deck photograph – St Mary's No.1*



*Figure 4 Example of catch – St Mary's No.1*



*Figure 5 Example of catch – St Mary’s No.1*



*Figure 6 Example of catch (Red Snapper) – St Mary’s No.1*





*Figure 7 Fishing hooks on board – St Mary's No.1*

**Appendix 3: Note Verbale No. SAD/118/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 22/12/2014).**



**Foreign &  
Commonwealth  
Office**

NOTE VERBALE No: SAD/118/14

The Foreign and Commonwealth Office presents its compliments to the High Commission of the Republic of India and has the honour to refer to its prior note verbale reference SAD 109/14 and the High Commission of India's own note verbale of 12 December, reference Lon/Pol/12/12/2014.

We wish to notify the High Commission that, on 17 December 2014 the Indian flagged fishing vessel Greeshma 1 (Registration number: 3156 TN2/FV/10/01135/10) and all 14 crew were released from Diego Garcia following the conclusion of the police investigation. The owners of the vessel will be summonsed to appear in court on Diego Garcia, or provide written representations to the court proceedings against them for fishing offences in due course, and we seek assurances that from the High Commission that all possible assistance will be provided by the Republic of India authorities in that prosecution, and subsequent enforcement of the British Indian Ocean Territory court sanctions. All catch and fishing gear from the Greeshma 1 have been seized by the court as part of this process. The vessel has been provided with fuel and all navigation equipment restored to it to ensure safe passage.

We further draw attention to the fact that on 14 December 2014, a further Indian fishing vessel Bosin (Registration certificate TN14MFB-283 and number IND-TN-15MM-4086 & 06/11/2014) was identified in the waters of the British Indian Ocean Territory suspected of fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). The vessel's master was directed to accompany fishery enforcement officers to port in Diego Garcia to allow an investigation to be concluded. As a result of that investigation, the following 9 crew members in addition to a further Indian man who cannot as yet be identified, are currently in Diego Garcia until the conclusion of the investigation, and a decision on charging can be made. As with the case of the Greeshma, this may require seizure of the fishing vessel until payment of a fine, in which case we would wish to work rapidly with your authorities to secure a repatriation of the fishermen:

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
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Investigations to date suggest that the owner, according to the Indian Ocean Tuna Commission records, is Titus K of address. 111-9/170 R.C, Colachel & Kanyakumari, Tamilnadu. In order to assist authorities of the British Indian Ocean Territory in rapidly concluding their investigation, we request confirmation of the ownership details of this fishing vessel by your authorities as soon as possible.

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11/12/2014	Carmel Matha	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
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11/12/2014	King Jesus	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
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This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of India enjoy in respect of the regional effort to prevent



IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission which we will be notifying of the above disturbing trends in accordance with the regular reporting requirements, and to whom we trust and expect we will also be able to report the effective cooperation of Indian authorities in halting this activity, including in supporting enforcement by the authorities of the British Indian Ocean Territory.

The Foreign & Commonwealth Office avails itself of this opportunity to renew to the Indian High Commission in London the assurances of its highest consideration.

South Asia Department  
Foreign & Commonwealth Office, London  
22 December 2014



**Appendix 4: Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries (containing Note Verbale in Appendix 3)**



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Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
Room No. 221-A,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

23 December 2014

E-mail: [jsfv@nic.in](mailto:jsfv@nic.in)

Dear Dr Vundru

**Report on the investigation into alleged illegal fishing activities by Indian Flagged Vessels in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 11 December I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission to update you on the vessel Greeshma 1 and to inform you of other activity in BIOT waters.

I attach to this letter a note sent to the Indian High Commission in London that requests assistance in dealing with illegal, unregulated and unreported (IUU) fishing by Indian flagged vessels in BIOT waters. We would be most grateful for any assistance that you are able to provide in this matter. I would also be grateful if you could direct this communication to the authority responsible for flag State Compliance issues and inform me of the contact details.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your cooperation in this matter.

I extend my kind regards and thank you in advance for your assistance.

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK(OT)).

#### A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	ST MARY'S NO.2
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a (National Registration Number TN2/FV/00819/09)
e	Photo	See Appendix 2
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr Peter A S/O Anthoniadimai of East Coastal road Thoothoor – PO KK Dist – Tamilnadu To be confirmed. Awaiting confirmation from the flag State.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr Babin Melbin
i	Date of alleged IUU fishing activities	11/12/2014
j	Position of alleged IUU fishing activities	06° 03.4S 071° 32.3E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in the waters of the British Indian Ocean Territory
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> St Mary's No.2 initially complied with order to follow BPV Pacific Marlin to port but later altered course without permission for the high seas. As BPV Pacific Marlin escorting other vessels it was unable to intercept the fleeing vessel. Photographs taken. Subject to a criminal investigation.  <b>Flag State Actions:</b>



Item	Definition	Indicate
		No flag State actions notified at time of submission.
m	Outcome of Actions taken	No outcomes at time of submission.

## B. Details of IOTC Resolution Elements Contravened

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Boarding report (Appendix 1)  
Photographs (Appendix 2)  
Note Verbale from the Foreign and Commonwealth Office to the High Commission of the Republic of India (Appendix 3)  
Letter to Dr Vundru, Joint Secretary (Fisheries) (Appendix 4)

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Boarding Report

### BOARDING REPORT

**DATE:** 11<sup>th</sup> December 2014  
**VESSEL:** St Marys No2  
**CALL SIGN:** N/A  
**IND N°:** TN2/FV/00819/09 and TN/15/MFB 597  
**IMUL N°:** N/A  
**MASTER:** Mr Babin Melbin  
**SFPO:** Robert Clark  
**BOARDING PURPOSE:** Drifting on Great Chagos Bank

#### 1. Introduction

**06:45**, on Thursday 11<sup>th</sup> December 2014, whilst conducting British Indian Ocean Territory (BIOT) 466 BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and on the West side of the Great Chagos Bank, the Senior Fisheries Protection Officer (SFPO) assisted the Watch keeper, Chief Officer, Mr Pilapil to identify a cluster of 4 signatures on radar which he believed to be fishing vessels.

**06:52**, the radar signatures were plotted; inside the Great Chagos Bank (GCB), on the Western edge, approximately 90nm North of Diego Garcia. The centre target details were;

**Position** 06° 03.4S 071° 32.3E

**Course** 008°.

**Range** 10.0nm

**Bearing** 052°

**Speed** variable between 0.2 – 0.7kts – speed indicative of a fishing vessel (FV), drifting on its gear.

The general characteristics of conditions were; breaking daylight, overcast skies, with low level light with moderate seas and wind of 04 – 06kts, visibility being reduced due to conditions of light and thunderstorms.

**At 06:55** the Master of the BPV, Mr Sandes arrived on the bridge to commence his normal daily routine.

**At 07:00** the SFPO requested that the BPV increase to maximum speed, in order to close down and intercept the targets. The SFPO believed that the vessels were drifting on gear and in the act of fishing.

**At 07:10** a further 3 targets were identified on RADAR, all 7 targets were then plotted and acquired at the following positions;

1. 06° 02.1S 071° 31.8E
2. 06° 00.8S 072° 35.0E
3. 06° 00.4S 071° 32.1E
4. 06° 01.4S 071° 33.2E
5. 06° 00.5S 071° 36.6E
6. 05° 59.4S 071° 37.0E
7. 05° 59.1S 071° 36.8E

All targets were drifting at between 0.2 and 0.6kts and spaced at such intervals to indicate that they were drifting clear of each other.

**At 07:20** the SFPO identified one Fishing Vessel (FV) with the use of binoculars and requested that the BPV make ready to making a long range interception.

**At 07:25**, at approximately 5.0 nm distance from the targets the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with SFPO Clark, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew, Upon the SFPO's instruction the FRC headed towards the FV's at high speed.

**At 08:37** The SFPO arrived at the Sixth vessel, which was identified from the markings on her forward bows as KING JESUS

The SFPO noted upon coming alongside the vessel that on the starboard side of her stern and fishing deck laid a number of reef fish which included Red Snapper. Upon making one circle of the vessel more fish, including Red Snapper and others were noted to the Starboard side of her wheelhouse. This fish were observed to be gasping and still alive. It was also noted that to her portside forward bow a fluorescent tube light was tied onto the side of the vessel, in the area of the line hauler and pointing toward the water, in such a manner as to indicate that this equipment had been used during the hours of darkness. To hold such a piece of equipment out during a sea voyage would damage it and it is normally stowed away safely when not in use.

The vessel was instructed to head towards the BPV, which it did and the SFPO moved to the next vessel.

## **2. Boarding Details**

**At 11:39** and while making the final approach to board vessel King Jesus the SFPO noted fish discarded into the water.

**At 11:40** The SFPO and FPO Wijeweera came alongside and boarded the FV and requested that the Captain come forward. A man claiming to be called Mr Babin Melbin DOB 9/5/1982 came forwards.

The SFPO then asked for identity documents (ID) for all crew and the vessel Registration documents and was handed the following items.

1. 12 ID cards one of which was a photocopy.
2. Photocopy of Government of Tamil Nadu – Certificate of Registration and Licence No TN/15/MFB 597. Which was not fully legible but did have a photograph of Mr Bain Melbin inserted into it
3. Certificate of Registration for Fishing Vessel Form V – Book No 29 – Form No 1430. Showing the owner to be one – Mr Peter A S/O Anthoniadimai of East Coastal road Thoothoor – PO KK Dist – Tamilnadu. Expiry date 04/02/2013 and no further renewals.
4. Copy of letter to one Shri. A Peter S/O Anthoniadimai, East Coastal Road, Thoothoor PO K.K.Dist – Subject – Certificate of Fishing Vessel Registration – Revalidation – Reg for vessel TN2/FV/00819/09 Dt:05/02/2009

**At 11: 42** the SFPO walked around her fishing deck and noted that a lime coloured basket was to the side of the vessel, containing bait on hooks in such a position as to indicate they were ready to be deployed. On a board to the forward of the wheelhouse a hook terminated with wire trace and her decks were covered in blue commercial fishing line. All fish that had been noted at first pass had now been removed.

**At 11:44** the SFPO requested that Mr Melbin open the forward fish hold so that it may be inspected. This instruction was followed.

**At 11:45** the SFPO witnessed a large number of Reef Fish laid on the floor of the ice hold that had not been stowed in ice as would normally be expected. This indicated to the SFPO that all these fish were freshly captured.

The SFPO then informed Mr Melbin that his vessel was detained by making the internationally recognised hand signal of crossed wrists. Mr Melbin did not respond and just shook his head in such a manner that the SFPO understands to mean “yes”, in South Asian cultures.

**At 11:47** the SFPO seized all documents and the following communications and navigation equipment.

1. ICOM – FM Transceiver IC2300H Radio – 10013546-0
2. Garmin GPS128 – No serial number but a stickers with the words “St Marris”
3. KODEN Echo Sounder CVS-118MkII – No serial number

The SFPO felt his actions reasonable as such a large number of vessels, may choose not to comply with his lawful requests by taking flight in opposite directions. Therefore, the SFPO felt justified to take this level of action, with the knowledge that no vessels were being put at risk, as long as they complied with the reasonable and lawful instructions of the SFPO.

**At 11:48** the SFPO disembarked the vessel and proceeded to the next vessel.

### **3. Recovery**

**At 12:25** after completing the processing of the final FV, The SFPO and boarding team were recovered to the BPV.

Upon recovery the SFPO proceeded to check the Indian Ocean Tuna Commission (IOTC), Register of Active Vessel (RAV), where he could not find any record of this vessel

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

11<sup>th</sup> December 2014



## Appendix 2: Photographs



*Figure 1 Starboard side photograph – St Mary's No.2*



*Figure 2 Bow photograph – St Mary's No.2*



*Figure 3 Deck photograph – St Mary's No.2*



*Figure 4 Example of catch – St Mary's No.2*





*Figure 5 Example of catch – St Mary's No.2*



*Figure 6 Example of catch – St Mary's No.2*



*Figure 7 Fishing hooks on board – St Mary's No.2*



*Figure 8 Fishing gear on board – St Mary's No.2*



*Figure 9 Discarded fish – St Mary's No.2*



**Appendix 3: Note Verbale No. SAD/118/14 from the Foreign and Commonwealth Office to the High Commission of the Republic of India. (Dated 22/12/2014).**



**Foreign &  
Commonwealth  
Office**

NOTE VERBALE No: SAD/118/14

The Foreign and Commonwealth Office presents its compliments to the High Commission of the Republic of India and has the honour to refer to its prior note verbale reference SAD 109/14 and the High Commission of India's own note verbale of 12 December, reference Lon/Pol/12/12/2014.

We wish to notify the High Commission that, on 17 December 2014 the Indian flagged fishing vessel Greeshma 1 (Registration number: 3156 TN2/FV/10/01135/10) and all 14 crew were released from Diego Garcia following the conclusion of the police investigation. The owners of the vessel will be summonsed to appear in court on Diego Garcia, or provide written representations to the court proceedings against them for fishing offences in due course, and we seek assurances that from the High Commission that all possible assistance will be provided by the Republic of India authorities in that prosecution, and subsequent enforcement of the British Indian Ocean Territory court sanctions. All catch and fishing gear from the Greeshma 1 have been seized by the court as part of this process. The vessel has been provided with fuel and all navigation equipment restored to it to ensure safe passage.

We further draw attention to the fact that on 14 December 2014, a further Indian fishing vessel Bosin (Registration certificate TN14MFB-283 and number IND-TN-15MM-4086 & 06/11/2014) was identified in the waters of the British Indian Ocean Territory suspected of fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). The vessel's master was directed to accompany fishery enforcement officers to port in Diego Garcia to allow an investigation to be concluded. As a result of that investigation, the following 9 crew members in addition to a further Indian man who cannot as yet be identified, are currently in Diego Garcia until the conclusion of the investigation, and a decision on charging can be made. As with the case of the Greeshma, this may require seizure of the fishing vessel until payment of a fine, in which case we would wish to work rapidly with your authorities to secure a repatriation of the fishermen:

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/85
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

Investigations to date suggest that the owner, according to the Indian Ocean Tuna Commission records, is Titus K of address. 111-9/170 R.C, Colachel & Kanyakumari, Tamilnadu. In order to assist authorities of the British Indian Ocean Territory in rapidly concluding their investigation, we request confirmation of the ownership details of this fishing vessel by your authorities as soon as possible.

The Foreign and Commonwealth Office wishes to express its grave concern at the continued and escalating illegal fishing activity by Indian flagged vessels in the Marine Protected Area of the British Indian Ocean Territory. The following Indian vessels have been sighted or detected on radar since the beginning of December:

Date	Vessel Name	Vessel type	Vessel Flag	Outcome
04/12/2014	Greeshma 1	Demersal longline and gillnet	IND	Detained, brought into DG
04/12/2014	Greeshma 2	Demersal longline and gillnet	IND	Requested to follow patrol vessel but steamed off
11/12/2014	Dignamol II	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Benaiah	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Carmel Matha	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	Dignamol 1	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	King Jesus	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No2	Demersal longline and gillnet	IND	Vessel initially complied with instructions but later ran for the high seas. Photographs taken and prosecution to follow
11/12/2014	St Marys No1	Demersal longline and	IND	Vessel initially complied with instructions but later ran for the



Date	Vessel Name	Vessel type	Vessel Flag	Outcome
		gillnet		high seas. Photographs taken and prosecution to follow
14/12/2014 (AM)	Bosin	Demersal longline and gillnet	IND	Detained, currently held in Diego Garcia pending conclusion of police investigation
14/12/2014 (AM)	Sujamol	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sagarrarose	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Sivaprasasen	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Holy Family	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification
14/12/2014 (AM)	Manumon	Trawler	IND	Initially sighted on Radar travelling between 0.2 and 1 kts, when boarding attempted ran at 13kts. Photographs taken for later identification

The Foreign and Commonwealth Office further requests the urgent assurance from the High Commission that education of the fishing communities of the Tamilnadu region is undertaken in respect of the presence of a no-take Marine Protected Area in the entire 200 nautical mile Environmental Protection and Preservation Zone of the British Indian Ocean Territory. Any fishing activity in these waters will be treated with the utmost severity and owners will be prosecuted to the fullest extent of the law, with court sanctions including fines of up to £500,000, seizure of vessels, catch and gear, and imprisonment of up to 6 months. The presence of trawlers in these waters in December is of particular concern given the potential scale of damage to the seabed and fragile coral ecosystems that can be caused by such vessels.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of India enjoy in respect of the regional effort to prevent

IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission which we will be notifying of the above disturbing trends in accordance with the regular reporting requirements, and to whom we trust and expect we will also be able to report the effective cooperation of Indian authorities in halting this activity, including in supporting enforcement by the authorities of the British Indian Ocean Territory.

The Foreign & Commonwealth Office avails itself of this opportunity to renew to the Indian High Commission in London the assurances of its highest consideration.

South Asia Department  
Foreign & Commonwealth Office, London  
22 December 2014



**Appendix 4: Letter to Dr Vundru, Joint Secretary (Fisheries), Department of Animal Husbandry, Dairying and Fisheries (containing Note Verbale in Appendix 3)**



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Dr. Raja Sekhar Vundru,  
Joint Secretary (Fisheries)  
Room No. 221-A,  
Department of Animal Husbandry, Dairying & Fisheries,  
Ministry of Agriculture, Krishi Bhavan,  
New Delhi-110 001.

23 December 2014

E-mail: [jsfv@nic.in](mailto:jsfv@nic.in)

Dear Dr Vundru

**Report on the investigation into alleged illegal fishing activities by Indian Flagged Vessels in British Indian Ocean Territory (BIOT) Waters**

Further to my letter dated 11 December I am writing to you on behalf of the British Indian Territory Administration in my capacity as Head of the UK Delegation to the Indian Ocean Tuna Commission to update you on the vessel Greeshma 1 and to inform you of other activity in BIOT waters.

I attach to this letter a note sent to the Indian High Commission in London that requests assistance in dealing with illegal, unregulated and unreported (IUU) fishing by Indian flagged vessels in BIOT waters. We would be most grateful for any assistance that you are able to provide in this matter. I would also be grateful if you could direct this communication to the authority responsible for flag State Compliance issues and inform me of the contact details.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your cooperation in this matter.

I extend my kind regards and thank you in advance for your assistance.

Yours Sincerely

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC



Mr Rondolph Payet  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

6<sup>th</sup> February 2015

cc. Mr Herminio Tembe, Chair of the Compliance Committee; Mr Hosea Gonza Mbilinyi Vice Chair

Dear Rondolph,

**Resolution 11/03. On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area.**

Please find attached, as required under resolution 11/03, details for ten Sri Lankan vessels summarised in Table 1 below. I attach two Zip files, one containing the IOTC 11/03 IUU report for each vessel in both Word and PDF format, and a second containing a compendium of supplementary information that cross cuts individual IUU reports summarised in Table 2. This latter consists of correspondence between the BIOT and Sri Lankan Authorities.

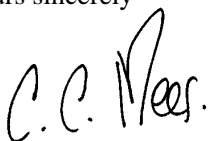
Section A(1) of the 11/03 IOTC Reports indicates the Coastal State Actions taken by the BIOT Administration, and any Flag State actions. Section C of the 11/03 Report indicates the Associated Documents and where the supporting evidence may be found (Appendices or in the Compendium). For ease of reference all files referred to in Section C are named and sorted by date and topic. Thus, for example, 20141120\_SL\_Confirmation\_Ownership\_Otto\_II refers to correspondence relating to the ownership of Otto 2 dated 20 November 2014. A summary of the Supplementary information is provided at the end of this letter.

We are grateful to the Sri Lankan Authorities who have cooperated with the BIOT Administration to address these cases through our bilateral arrangement. However, at the time of writing not all cases have been concluded either by the BIOT Administration or the Sri Lankan Authorities and therefore at this stage we are recommending that nine of the vessels are IUU listed, and for one we seek further supporting evidence of the actions taken. Following a thorough review of any evidence of the actions taken by Sri Lanka prior to the Compliance Committee we reserve the option to amend our recommendation on IUU listing as presented in Section D of each 11/03 Report and summarised in Table 1. In particular, the BIOT Administration requires details from Sri Lanka on the penalties applied to the respective vessel owners and masters to determine whether sanctions of adequate severity have been imposed and whether measures have been taken to promote compliance with IOTC Conservation and Management Measures (Resolution 11/03 para10.b; Resolution 07/01).

Of the 10 vessels listed in Table 1 eight have been dealt with by the BIOT Administration to date and two are pending. The BIOT Principal Legal Adviser, who directs and has conduct of all prosecutions in BIOT has determined that there is sufficient evidence to try the owners of the remaining two vessels. Accordingly in due course the owners concerned will be summonsed to answer those allegations of criminal conduct before the BIOT Court. Resolution 11/03 relates to vessels 'presumed' to have been carrying out IUU activities (para 2) and requires evidence to be submitted 70 days prior to the Compliance Committee meeting. Therefore on the basis of the evidence evaluated by the BIOT Principal Legal Adviser and now presented to the Compliance Committee we also present the FV Jane and Stef Ania Duwa for IUU listing.

I would be grateful if you could circulate this material for the information of the Compliance Committee. Thank you.

Yours sincerely



Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

Table 1: Details of the Sri Lankan Vessels arrested in BIOT waters for presentation to IOTC under Resolution 11/03 since the 11<sup>th</sup> Compliance Committee Meeting held in Sri Lanka in 2014.

No.	Vessel Name	Identification Number Date of Arrest	Outcome – (see A.I and Appendices of 11/03 IOTC Report)	Response and action by Flag State Authorities (See A.I and Section C of 11/03 Report)	Adequate Severity? Measures to promote compliance with IOTC Conservation and Management Measures?	Recommendation for IUU listing
1	Seawish	IMUL- A-0608-KLT (Sri Lanka) 4/10/2014	Fixed Penalty notice issued.  Fine paid	<p><b>Initial actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• Released and granted fishing only within the EEZ of Sri Lanka after payment of the fine and completion of gear marking. Supporting evidence for gear marking provided.</li> </ul> <p><b>Legal proceedings</b> None</p>	<p><b>Pending.</b> Fine paid in full. Sri Lanka has taken appropriate administrative action with respect to the owner. However at this stage we recommend (b) pending the provision of formal supporting evidence of the actions taken against the owner (e.g. notification to local authorities of cancellation licence; to IOTC of removal from AFV list; of revised licence permitting fishing in internal waters only, etc). Furthermore we request details of any actions taken against the Master to deter IUU and promote compliance with IOTC CMMs.</p>	<p>b. Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.</p>
2	Sulara 2	IMUL- A-0341-KLT (Sri Lanka) 18/03/2014	Guilty in BIOT Court and fined.  Fine not paid	<p><b>Initial Actions.</b></p> <ul style="list-style-type: none"> <li>• Deregistered by flag State.</li> <li>• Suspension of high seas operation licence.</li> <li>• Prohibition of use of the vessel for fishing by the owner.</li> <li>• Deregistered from IOTC authorised fishing vessel list.</li> <li>• Owner called to the DFAR and conducted an inquiry. The owner made aware on the international laws and the obligations of high seas fishing and the consequence of being listed in IUU vessels list of IOTC.</li> <li>• Owner informed to take actions to pay the fine imposed by the Courts of BIOT courts at earliest.</li> </ul> <p><b>Legal proceedings</b> Pending: proceedings by Sri Lanka under FARA No. 35 of 2013 and the High Seas Fishing Regulations</p>	<p><b>Pending:</b> Fine to BIOT court outstanding. Administrative penalties (initial actions) taken by Sri Lanka insufficient. Recommend (c) pending a review of the outcome of any legal proceedings and other actions taken by Sri Lanka against the owner and master.</p>	<p>c. Recommend inclusion on IOTC IUU list</p>

No.	Vessel Name	Identification Number Date of Arrest	Outcome – (see A.I and Appendices of 11/03 IOTC Report)	Response and action by Flag State Authorities (See A.I and Section C of 11/03 Report)	Adequate Severity? Measures to promote compliance with IOTC Conservation and Management Measures?	Recommendation for IUU listing
3	Imasha 2	IMUL- A-0352-KLT (Sri Lanka) 18/04/2014	Guilty in BIOT Court and fined. Fine not paid	<p><b>Initial Actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• Deregistered by flag State.</li> <li>• Suspension of high seas operation licence.</li> <li>• Prohibition of use of the vessel for fishing by the owner.</li> <li>• Deregistered from IOTC authorised fishing vessel list.</li> <li>• Owner called to the DFAR and conducted an inquiry. The owner made aware on the international laws and the obligations of high seas fishing and the consequence of being listed in IUU vessels list of IOTC. Further he has been informed to take actions to pay the fine imposed by the Courts of BIOT courts at earliest.</li> </ul> <p><b>Legal Proceedings</b> Pending: proceedings by Sri Lanka under FARA No. 35 of 2013 and the High Seas Fishing Regulations</p>	<p><b>Pending:</b> Fine to BIOT court outstanding. Administrative penalties (initial actions) taken by Sri Lanka insufficient. Recommend (c) pending a review of the outcome of any legal proceedings and other actions taken by Sri Lanka against the owner and master.</p>	c. Recommend inclusion on IOTC IUU list
4	Niroda Putha	IMUL-A-0543-KLT (Sri Lanka) 15/06/2014	Guilty in BIOT Court and fined. Fine not paid	<p><b>Initial Actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• Vessel deregistered.</li> <li>• High seas operation licence suspended as of 01/09/2014.</li> <li>• IOTC requested to remove vessel from the Authorised Fishing Vessels list.</li> <li>• Owner called into DFAR and made aware of responsibilities and consequence of IUU listing.</li> </ul> <p><b>Legal Proceedings</b> Pending: proceedings by Sri Lanka under FARA No. 35 of 2013 and the High Seas Fishing Regulations</p>	<p><b>Pending:</b> Fine to BIOT court outstanding. Administrative penalties (initial actions) taken by Sri Lanka insufficient. Recommend (c) pending a review of the outcome of any legal proceedings and other actions taken by Sri Lanka against the owner and master.</p>	c. Recommend inclusion on IOTC IUU list

No.	Vessel Name	Identification Number Date of Arrest	Outcome – (see A.I and Appendices of 11/03 IOTC Report)	Response and action by Flag State Authorities (See A.I and Section C of 11/03 Report)	Adequate Severity? Measures to promote compliance with IOTC Conservation and Management Measures?	Recommendation for IUU listing
5	Thiwanka 5	IMUL-A-0086-MTR IOTC: 011479 23/05/2014 – 22/06/2014.	Guilty in BIOT Court and fined.  Fine not paid	<p><b>Initial Actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• Harbour managers have been informed to avoid to deploy the accused skippers in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to deploy employing these skippers in their fishing vessels.</li> <li>• Owner instructed to comply with BIOT Court</li> </ul> <p><b>Legal Proceedings</b> Pending: proceedings by Sri Lanka under FARA No. 35 of 2013 and the High Seas Fishing Regulations</p>	<p><b>Pending:</b> Fine to BIOT court outstanding. Administrative penalties (initial actions) taken by Sri Lanka insufficient. Recommend (c) pending a review of the outcome of any legal proceedings and other actions taken by Sri Lanka against the owner and master.</p>	c. Recommend inclusion on IOTC IUU list
6	DULARI	n/a 07/09/2014 (Repeat offender)	Guilty in BIOT Court and fined.  Fine due by 21/02/2015	<p><b>Initial Actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• The Skipper and the owner of the vessel attended an inquiry in the DFAR Head office immediately after the arrival of the vessel.</li> <li>• Vessel registration and the suspension of fishing vessel "Dulari" will be informed to the relevant parties once the vessel reach Sri Lanka.</li> <li>• Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to employing this skipper in their fishing vessels.</li> </ul> <p><b>Legal Proceedings</b> Pending: proceedings by Sri Lanka under FARA No. 35 of 2013 and the High Seas Fishing Regulations as appropriate</p>	<p><b>Pending:</b> Fine to BIOT court due by 21<sup>st</sup> February. Supporting evidence for administrative penalties (initial actions) taken by Sri Lanka required. Recommend (c) pending outcome of fine payment and a review of any legal proceedings and other actions taken by Sri Lanka against the owner and master.</p>	c. Recommend inclusion on IOTC IUU list

No.	Vessel Name	Identification Number Date of Arrest	Outcome – (see A.I and Appendices of 11/03 IOTC Report)	Response and action by Flag State Authorities (See A.I and Section C of 11/03 Report)	Adequate Severity? Measures to promote compliance with IOTC Conservation and Management Measures?	Recommendation for IUU listing
7	Otto 2	IMUL-A-0523-KLT (IOTC No. 014364) 6/11/2014	Guilty in BIOT Court and fined.  Fine due by 21/02/2015	<p><b>Initial Actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• Owner summoned for an inquiry on 19th January to the head office and statements recorded.</li> <li>• Owner made aware on the high seas fishing conditions and the consequence of been listed in IUU fishing and informed to respect the decision of the courts of BIOT.</li> <li>• Informed of the proceedings under the provisions of Fisheries Act No.35 of 2013.</li> </ul> <p><b>Legal Proceedings</b> Pending: proceedings by Sri Lanka under FARA No. 35 of 2013 and the High Seas Fishing Regulations as appropriate</p>	<p><b>Pending:</b> Fine to BIOT court due by 21<sup>st</sup> February. Supporting evidence for administrative penalties (initial actions) taken by Sri Lanka required. Recommend (c) pending outcome of fine payment and a review of any legal proceedings and other actions taken by Sri Lanka against the owner and master.</p>	c. Recommend inclusion on IOTC IUU list
8	Kavida Duwa	IMUL-A-0155-KLT (IOTC No. 12322). 6/11/2014	Guilty in BIOT Court and fined.  Fine due by 21/02/2015	<p><b>Initial Actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• Owner summoned for an inquiry on 19th January to the head office and statements recorded.</li> <li>• Owner made aware on the high seas fishing conditions and the consequence of been listed in IUU fishing and informed to respect the decision of the courts of BIOT.</li> <li>• Informed of the proceedings under the provisions of Fisheries Act No.35 of 2013.</li> </ul> <p><b>Legal Proceedings</b> Pending: proceedings by Sri Lanka under FARA No. 35 of 2013 and the High Seas Fishing Regulations as appropriate</p>	<p><b>Pending:</b> Fine to BIOT court due by 21<sup>st</sup> February. Supporting evidence for administrative penalties (initial actions) taken by Sri Lanka required. Recommend (c) pending outcome of fine payment and a review of any legal proceedings and other actions taken by Sri Lanka against the owner and master.</p>	c. Recommend inclusion on IOTC IUU list
9	FV Jane	IMUL-A-0524-KLT IOTC No. IOTC0014365 1/12/2014	Summons issued and trial date set for 27/02/02.	<p><b>Initial Actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> </ul> <p><b>Legal Proceedings</b> Pending: proceedings by Sri Lanka under FARA No. 35 of 2013 and the High Seas Fishing Regulations as appropriate</p>	<p><b>Pending:</b> The BIOT Principal Legal Adviser has determined that there is sufficient evidence to try the owner for IUU. Recommend (c) on the presumption of IUU as indicated in Resolution 11/03 pending outcome of BIOT Court case and a review of any legal proceedings and other actions taken by Sri Lanka against the owner and master.</p>	c. Recommend inclusion on IOTC IUU list



No.	Vessel Name	Identification Number Date of Arrest	Outcome – (see A.I and Appendices of 11/03 IOTC Report)	Response and action by Flag State Authorities (See A.I and Section C of 11/03 Report)	Adequate Severity? Measures to promote compliance with IOTC Conservation and Management Measures?	Recommendation for IUU listing
10	Stef Ania Duwa	IMULA0374-KLT IOTC: 10130  21/06/2014	Date for BIOT court case not yet established	<p><b>Initial Actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• Harbour managers have been informed to avoid to deploy the accused skippers in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to deploy employing these skippers in their fishing vessels.</li> <li>• Owner instructed to comply with BIOT Court</li> </ul> <p><b>Legal Proceedings</b></p> <p>Pending: proceedings by Sri Lanka under FARA No. 35 of 2013 and the High Seas Fishing Regulations as appropriate</p>	<p><b>Pending:</b> The BIOT Principal Legal Adviser has determined that there is sufficient evidence to try the owners for IUU. Recommend (c) on the presumption of IUU as indicated in Resolution 11/03 pending outcome of BIOT Court case and a review of any legal proceedings and other actions taken by Sri Lanka against the owner and master.</p>	c. Recommend inclusion on IOTC IUU list



**Table 2 Continued.**

Document	Seawish	Sulara 2	Imasha 2	Thiwanka 5	Stef Ania Duwa	Niroda Putha	Dulari	Otto 2	Kavida Duwa	FV Jane	Notes
20141204_UKOT_Otto_II_Vessel_Released_Pending_Investigation								✓			Update on release of Otto II and request assistance of DFAR in investigating the vessel
20141017_UKOT_Kavidya_Duwa_ownership_details_to_Sri_Lanka									✓		Giving Sri Lanka details of Kavidya Duwa investigation and requesting ownership details
20141204_UKOT_Kavidya_Duwa_Vessel_Released_Pending_Investigation									✓		Update on release of Kavidya Duwa and request assistance of DFAR in investigating the vessel
20141120_SL_Confirmation_Ownership_Kavidya_Duwa									✓		Confirming Kavidya Duwa ownership details
20141202_UKOT_FVJane_ownership_details_to_Sri_Lanka										✓	Giving Sri Lanka details of Jane investigation and requesting ownership details
20141203_SL_Response_Ownership_FVJane										✓	Confirming Jane ownership details
20141210_UKOT_FVJane_Vessel_Released										✓	Update on release of Jane and request assistance of DFAR in investigating the vessel
20150127_Notification_of_Court_Proceedings_DULARI							✓				
20150127_Notification_of_Court_Proceedings_KAVIDYA_DUWA									✓		
20150127_Notification_of_Court_Proceedings_OTTO_II							✓				
20150129_DFARemail	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Email from DFAR summarising actions, but with no supporting evidence.
20150206_SL_Response_5_Cases_Page4_Missing	✓	✓	✓	✓		✓					Letter from DFAR confirming actions re 5 vessels and evidence of gear marking for Seawish. 4 vessels not paid fine referred to AG - awaiting outcome

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in [area in which the activity took place] [Click here to enter text.](#)

#### A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	DULARI
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a
e	Photo	See Attached – Appendix 3
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr W.M.A. Ajantha Palin
h	Operator (previous operator/s, if any) and Master/Fishing Master	Master (Ivan Priyantha)
i	Date of alleged IUU fishing activities	07/09/2014
j	Position of alleged IUU fishing activities	05° 00.6'S; 072° 14.6'E.
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT waters and possession of prohibited fishing gear.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<p><b>Coastal State Actions:</b> Vessel found guilty on both charges. On 22<sup>nd</sup> January 2015 the vessel owner was fined £32,000 for the first offence and £2,000 for the second offence (plus £200 costs). The owner of the vessel has 30 days to pay the fines.</p> <p><b>Flag State Actions:</b> The relevant port authorities, Fisheries Officers and the Sri Lanka Navy were informed to apprehend the vessel</p>

Item	Definition	Indicate
		and the skipper as soon as the vessel Dulari (IMUL-A-0713KLT) lands in any harbour in Sri Lanka. The Assistant Director of Kalutara District is instructed to anchor the vessel at the nearest fishing port and direct the Skipper and the owner of the vessel for an inquiry in the Head office immediately after the arrival of the vessel. (Annex viii-a, viii-b) Vessel registration and the suspension of fishing vessel "Dulari" will be informed to the relevant parties once the vessel reach Sri Lanka. Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to employing this skipper in their fishing vessels.
m	Outcome of Actions taken	Click here to enter text.

## B. Details of IOTC Resolution Elements Contravened

*(Indicate with a "X" the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>



### C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs)

*Statement of Evidence – Appendix 1*

*Record of Court Proceedings – Appendix 2*

*Photographs – Appendix 3*

<b>Communications from the compendium</b>
20140910_DULARI
20140918_SL IUU response
20141110_BIOTA_IUUResponse_DFAR
20150127_Notification_of_Court_Proceedings_DULARI

### D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1 – Statement of Evidence



**BIOT POLICE**

### **WITNESS STATEMENT**

(CJ Act 1967, S.9; MC Act 1980, SS.5A (3a) and 5B; MC Rules 1981, r70)

Statement of: **Thomas James Franklin**

Age if under 18: **'Over 18'**

Occupation: **Senior Fisheries Protection Officer BIOT**

This statement (consisting of **6** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Dated the: **Thursday 8th September, 2014**

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have over 15 years' experience working in fisheries which includes 9 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 16<sup>th</sup> July, 2014.

### **SITUATION**

On the 7<sup>th</sup> of September, 2014, the BIOT patrol vessel "Pacific Marlin" (BPV) was on routine fisheries patrol in inner sector 1. At 04:45, the Officer of the Watch (OOW), Christopher Gravoso, informed me that a possible target had been acquired on the radar. The details of the target was confirmed by the OOW and myself as follows:

Position: 05° 00.6'S; 072° 14.6'E.

Course: 132°.

Speed: 2.4 knots.

Range: 5.9 nm.

Bearing: 219°.

Speed and course of the target varied considerably under observation. These characteristics were in my opinion, typical of a small fishing vessel (FV) setting or drifting with fishing gear in the water. The target itself was located on the western edge of Speaker's Bank. No lights were seen. The lack of lights is indicative of a vessel seeking to avoid detection. As a consequence, my suspicion that this was a vessel fishing illegally in BIOT was increased.

At this stage I requested that Captain Neil Sandes be called to the bridge. The BPV then altered course to approach the target from the NW, thereby avoiding any possible fishing gear that had been set by the vessel. Once within 2nm, the BPV “stalked” the FV, waiting for daylight in order to safely carry out an inspection.

At 05:10, at a position of 05° 00.32’S; 072° 14.5’E, the vessel increased speed to 4.5 knots and took a course of 030°. In my opinion, this could have been due to the vessel suddenly sighting the BPV and cutting the fishing gear, or having completed hauling in fishing gear. The BPV continued to track the vessel at a distance of approximately 1.5nm. The vessel was still not visible and had no lights, navigational or otherwise, turned on.

At 06:05, the vessel was sighted with binoculars and was confirmed to be a typical Sri Lankan multiday (IMUL) fishing vessel (FV). The vessel appeared to have marker buoys lashed to the bridge deckhead and the forward mast. There were still no lights onboard the vessel and no indication that the FV had seen the BPV.

At 06:40, the workboat was launched at 1nm distance with FPOs Agasthi, Yohan (both Sri Lankan) and I onboard.

Upon approach the vessel clearly had fishing gear stowed onboard. The words Silver Marine were seen on the portside quarter and the lettering IMUL-A-713-KLT on the starboard and port bow. The lettering 9-7810-KLT was on the bridge bulkhead. There were still no lights or signs of activity on the FV. Once alongside, FPO Yohan shone a spotlight at the vessel in order to alert the crew to the boarding party’s presence. At this point the crew exited the bridge.

At 06:47, FPO Agasthi and I boarded the FV. There were 6 crew onboard. I told the crew, with FPO Agasthi acting as translator, that they were being inspected by a BIOT fisheries officer. The entire inspection was carried out with FPO Agasthi translating.

I then asked that the Captain identify himself and the rest of the crew to position themselves at the bow of the FV. Immediately the Captain and crew started saying to that the vessel had “engine problems” and was only in BIOT in order to fix these. I had to demand that the crew to not speak in less responding to my questions.

Prior to further questioning, I inspected the fishing gear. This consisted of a nylon drift net in the compartment forward of the bridge, and a box of longline mainline and snoods with wire trace on the starboard side. The drift net was not wet, and did not appear to have been used recently. The longline was partially wet, and probably had been used in the last 2 days, although unlikely to have been hauled in in the last 2 hours.

I then asked to see the fish holds. The 1<sup>st</sup> hold had several sacks of ice at the top. I asked that these be removed in order to inspect the contents. A crew man tried to remove the sacks and then said he could not as this was frozen solid. As the crewman said he could not remove the sacks, I tried to do so and found I could remove them very easily. As a consequence I became suspicious that the sacks themselves were hiding something.

Upon inspection of the hold under the sacks, I saw a kawakawa of approximately 2kg. This appeared to be fresh with bright clear eyes and red bloody gills. In my opinion, this had been caught within the last 24 hours. Furthermore, there was a small amount of fresh blood on the ice. I then saw more tuna tails in the side of the hold and asked that these be removed. This included one kawakawa of 2kg, one dogtooth tuna of approximately 10 kg and one wahoo of approximately 8 kg. All of these appeared to be fresh, with clear eyes and red gills. Furthermore, the dogtooth was still warm to touch, despite having been in cool storage, and in my opinion, cannot have been there for more than 2 hours. I asked FPO Agasthi to verify the temperature of the dogtooth tuna as well as the freshness of the other tuna. He agreed with me that these tuna had been caught within the last 24 hours.

At 07:10 I cautioned the Captain and crew, and then asked where this fish had been caught. The Captain responded "outside BIOT", again repeating that he was only here due to "engine troubles". At this stage I asked the Captain to take the FV on a heading into the swell to reduce the rocking motion. While the Captain was in the bridge, I asked the crew when this fish had been caught. One crew member stated "yesterday". When the Captain returned from the bridge, I asked him the same question. The Captain responded "4 days ago", in contrast to the crewman's statements. I then noticed a red snapper on the deck hidden next the drift net. I asked where this had been caught. The Captain said this had been caught with a hand line in BIOT for personal consumption.

I continued to inspect the 1<sup>st</sup> hold. One shark was seen but this was under well packed ice and did not appear to have been stored recently. The SFPO then inspected the 2<sup>nd</sup> hold. This consisted of well packed undisturbed ice covering several sharks. These did not appear to have been stored recently.

At 07:20, I asked to go to the bridge with the Captain to inspect the FV's paperwork and continue the questioning. Upon entering the bridge, the Captain and I confirmed the position of the FV as 04° 55.2'S; 072° 16.5'E. The vessel's name was confirmed as Dulari. Two crew members attempted to enter the bridge also, and I asked that these remain at the bow and said that if they do not follow this instruction, I will consider that they are obstructing an SFPO in his duties and may be charged.

The Captain said he had no paperwork. I asked the Captain to confirm again that he had neither an open seas nor EEZ fishing license, or a state logbook (both requirements under Sri Lankan and IOTC legislation). I then asked to see the personal identification documents of himself and the crew. The Captain again replied he or the crew did not have any.

The Captain then told me his name is V. Ivan Priyantha, date of birth, 23<sup>rd</sup> of August, 1967.

The owner's details were established as:

Sarath Fernando of,  
Maswala  
Beruwala,  
Sri Lanka.  
Phone number: 0094 777 526 511

I asked the Captain to confirm again when he was last fishing. The Captain stated "4 days ago". I then asked the Captain where he was last fishing. "04° 50'S; 069° 10'E". At this stage, I radioed the BPV to confirm where this position was. The Captain Neil Sandes responded that this was outside BIOT's western perimeter in open waters.

The total catch onboard was reported by the Captain to be approximately 3,000kg of mixed fish onboard, including tuna, wahoo and sharks. Again I asked the Captain if he had any written record at all of the catch onboard, to which he replied he did not.

I then asked the Captain, where is your next waypoint? The Captain responded "03° 10'S; 075° 10'E". At this stage I radioed the BPV to determine the shortest route between these two points and compare this with the FV's current position. Captain Neil Sandes responded that the shortest voyage between these two points is approximately 50nm north of the current position.

Following this information, I put it to the Captain that, if he is travelling between those two points, he would have no reason to be found on or near Speaker's Bank, which is a known fishing spot. The Captain responded he is only there due to "engine problems". I radioed the bridge again to see if it is feasible that a boat without power could possibly drift into its current position while taking the voyage between those two points. Captain Neil Sandes confirmed that drift is NW and as such would actually take a vessel further from Speaker's Bank. Therefore I was confident that the FV had no feasible reason to be near Speaker's Bank apart from engaging in illegal fishing.

I then put it to the Captain, after again reminding him that he is under caution, that even after an incomplete inspection of the holds, I have found at least 5 pieces of fish that have been caught within the last 24 hours. Furthermore, I know that dogtooth tuna does not usually occur in open waters, such as at the location where it was purportedly caught, and instead is commonly found near and around coral banks and atolls. The Captain responded, "Please, I have not been fishing, we are just on our way home".

Throughout the interview, the Captain continued arguing that they had not been fishing BIOT, they are on their way back to Sri Lanka but they had engine problems. Several of the crew repeatedly came to the bridge at which point I had to ask them to return to the bow of the vessel and not interrupt the investigation.

At 07:40, I told the Captain that I would return to the BPV and consult with the BIOT prosecutor and chief of police (ROPO1) as to whether, in light of the facts, the vessel should be detained. I told the Captain, that it was my view that the FV had been fishing illegally in BIOT in contravention of section 7 of the BIOT 2007 Fisheries Ordinance, at least for a part of his voyage. I also told the Captain that being in possession of wire trace, even if not being used, is illegal in BIOT under section 6 of the BIOT 2007 Fisheries Ordinance.

I then confiscated navigational equipment and the SSB radio handset to ensure the FV does not attempt to escape while I was onboard the BPV, also assuring the Captain that this would be returned on release of the FV.

At 7:50, FPO Agasthi and I disembark the FV and are recovered to the BPV to discuss the facts of the investigation with acting BIOT prosecutor, Michael Zauchenberger.

While onboard the BPV, I checked the updated IOTC record (as of the 27<sup>th</sup> of August, 2014) No vessel with the IMUL suffix 7810-KLT was on the IOTC authorised vessel list. However, one record existed for a vessel with the suffix 0713-KLT, which is not dissimilar to the lettering IMUL-A-713-KLT on the port bow of the FV.



After obtaining confirmation from Michael Zauchenberger that the FV should be detained and escorted to Diego Garcia, I returned to the FV at 08:47 with FPO Agasthi.

At this stage, I told the Captain that he is being detained for fishing illegally in BIOT under section 7 of the BIOT 2007 fisheries ordinance, and being in possession of illegal fishing gear under section 6 of the BIOT 2007 fisheries ordinance. I then told the Captain two non-essential crewmen are required to return with the SFPO to the BPV to mitigate the risk of the vessel escaping.

The crew and the Captain continued arguing that they had not been fishing in BIOT. I reiterated to the Captain that it was clear at least some of his catch had been caught illegally in BIOT. Furthermore, as he did not have a catch record, he had no way of demonstrating that the rest of the catch was actually caught outside BIOT. Furthermore, the FV had illegal fishing gear onboard, in combination with no fishing license or state logbook.

The Captain and crew now started to declare that the fish had been caught in BIOT but only with handlines for personal consumption while the engine was being repaired. I stated to the Captain that this amount was far in excess of what could be considered for personal consumption and that there is no feasible reason why they were at their current position other than to engage in illegal fishing at a known fishing ground. Furthermore, being a commercial fishing boat, this catch had clearly been caught for commercial reasons, i.e., sale in Sri Lanka rather than personal consumption.

After repeating that the vessel was being detained, one crew member started crying and pleading that he did not want to go to the BPV while another crew member moved to the bridge and appeared to go into some sort of fit, shivering all over. I asked that the designated medical officer of the FV attend to the ill crew member. Another crew member told me that his mother had died and he had to get home as soon as possible. The Captain then said he did not have enough fuel and was worried that the engine may break down on the way to Diego Garcia. I knew these to be tactics often used by illegal Sri Lankan fishermen to avoid being arrested.

I told the Captain and crew that any mechanical issues with the vessel will be resolved in DG, and prior to release, and BIOT authorities will ensure that the FV has enough fuel, food, water and capability to return directly to Sri Lanka. The crew would be treated fairly and will receive medical treatment if required. Furthermore, I told the crew that they will not be charged individually as it is the FV's owner who is liable. However, I did tell the crew that if they refuse to comply with my instructions, they will be charged individually for obstructing a BIOT fisheries officer in his duties under section 16 of the BIOT 2007 fisheries ordinance.

The Captain then stated he cannot follow the BPV due to his engine problems, at which point I radioed the BPV and confirmed that the BPV would be able to tow the FV to DG. I then told the Captain to prepare for be towed to DG. At this point, the Captain agreed to follow the BPV under her own power. Furthermore, two crew members then volunteered to come to the BPV, including the crew member that had suffered from an apparent fit in the bridge. I asked if he was in a fit state to transfer to the work boat, to which the crew man responded that he was.

The two crew to return to the BPV were:

C. N. Nuwan, D.o.B 13<sup>th</sup> February, 1985, and P. D. Amith, D.o.B. 19<sup>th</sup> December, 1987.

Prior to disembarkation, I left the captain with a handheld VHF radio and instructed him to monitor channel 8 for any instructions from the BPV.

At 09:25, FPO Agasthi and I disembark the FV plus two crewmen and are recovered to the FV.

The BPV and FV then start the voyage to Diego Garcia. Due to the FV's apparent engine problems and weather conditions, speed is an average of 2.5nm.

While en route to Diego Garcia, I reviewed previous boardings of Sri Lankan vessels. I found that on the 29<sup>th</sup> of January, 2013, SFPO R. Clark boarded and arrested the Sulara (boarding report RC028), which was captained by Ivan Priyantha, D.o.B. 13<sup>th</sup> February, 1985, ostensibly the same person. The Sulara was also owned by a Sarat Fernando (the Dulari is owned by Sarath Fernando). This vessel had been arrested for fishing illegally on Speaker's Bank. The Captain was charged for both fishing illegally in BIOT and obstruction of a fisheries officer (case N<sup>o</sup> 01/2013).

Due to continued stoppages by the FV and slow speed, purportedly caused by engine problems, Captain Neil Sandes, Chief Engineer Les Swart and I decide the best option is to tow the FV to the lee side of the Saloman Islands, where the Chief Engineer will inspect the vessel, and if possible repair it. If this was not possible, Les Swart would ensure that the tow line is secure and the BPV would then tow the FV to Diego Garcia. At 18:05, relevant instructions were radioed to the FV by FPO Yohan and the BPV commenced towing the FV.

At 19:00, the bowsprit of the FV was snapped by the towing line. The FV Captain, using the VHF radio to communicate, refused to attach the towline to anything else, such as the fishing winch which was suggested by Captain Neil Sandes. He instead stated that he will wait for a support vessel to bring supplies and repair his boat. I asked the FV Captain when this support vessel is due to arrive and he replied he did not know. I told the FV Captain by radio, with FPO Yohan interpreting, that once we reach the lee of the Saloman Islands, which is only 4nm away, we will send engineers over to fix the FV and ensure it can reach Diego Garcia. However, the FV Captain continued to refuse assistance and to cooperate in any way.

With the worsening weather and falling daylight, I decided that due to the potential development of a risk to life situation, we would have to return the FV's crew members, GPS unit and radio handset. It was not possible for the C/E to safely inspect and potentially repair the FV. Furthermore, I believed that this may be the last opportunity to safely transfer crew due to the predicted worsening weather and falling daylight. At 19:25, the crew members, GPS unit and radio handset are returned to the FV. I told FPO Yohan to instruct the FV Captain to discard the dogtooth tuna, 2 kawakawa and one wahoo that I knew to have been caught in BIOT. I also told him to tell the Captain, that as soon as it is possible, he is to leave BIOT, and if he is found again in BIOT waters anywhere near known fishing grounds, he will be arrested. Furthermore, while he is in BIOT, he is to leave a light on.

At 19:47, the workboat was recovered, with damage having been suffered during the transfer that required mending prior to any further use. I then instructed the BPV to follow the FV at 8nm, a distance at which I considered they will be unlikely to see us, whereas we should still be able to track them by radar. The FV continued to apparently drift, with a light on, until 22:30, when it took a course of approximately 040° and a speed of 3 knots.

The FV was tracked through the night until 07:30. It made a consistent course with speed varying between 3 and 4 knots. The heading it took is consistent with a course returning to Sri Lanka. The fact that the FV was able to repair the vessel to return to Sri Lanka, or at least to a rendezvous point with a support vessel, suggested to me that the Captain had deliberately misled me in the severity of the engine problems and his ability to navigate to Diego Garcia.

At 07:30, I instruct the BPV to stop tracking the FV and return to the Saloman Islands to effectuate repairs of the workboat. Upon completion of the workboat repairs it is my intention to return to Diego Garcia.

## **COLLECTION OF EVIDENCE**

Several photographs were taken during the boarding including the fish believed to have been caught in BIOT and the wire trace. Furthermore, the reported route of the FV was compared with its actual position.

<b>Exhibit No.</b>	<b>Description of Exhibit</b>
Photo TF025-01	Photo of dogtooth tuna
Photo TF025-02	Photo of first kawakawa
Photo TF025-03	Photo of second kawakawa
Photo TF025-04	Photo of wahoo head, including clear unglazed eyes (indicator of freshness)
Photo TF025-05	Wire trace
Photo TF025-06	Photo of dogtooth tuna gills showing red colour, indicative of freshness.
Photo TF025-07	Photo of dogtooth tuna eye showing clear unglazed eyes (indicator of freshness)
Photo TF025-08	Photo of kawakawa eye showing clear unglazed eyes (indicator of freshness)
Photo TF025-09	Photo of red snapper
Photo TF025-10	Photo of fishing vessel. Note inconsistent vessel id on the bow and bridge bulkhead.
Photo TF025-11	Map of BIOT showing shortest route for FV between the two reported waypoints and the FV's position when detected, some 65nm distant.

## **CATCH**

The Captain stated he had approximately 3,000kg of catch onboard consisting of tuna (nei), shark and wahoo. I consider beyond reasonable doubt that he had caught at least some of this catch in BIOT. This includes:

- 1 wahoo of approximately 8kg;
- 1 dogtooth tuna of approximately 10kg;
- 2 x kawakawa of approximately 2kg each; and
- 1 red snapper of approximately 500g.

This catch was disposed of under observation by the FV crew on my demand following the return of the FV's crew, GPS and radio handset.

This concludes my Statement of Evidence.

## Appendix 2 – Record of Court Proceedings



**Magistrates Court  
Diego Garcia  
British Indian Ocean Territory**

**RECORD OF PROCEEDINGS 22<sup>nd</sup> January 2015**

Name: Mr W.M.A. Ajantha Palin, Dulari,

The court case was held in the Magistrates Court on the **twenty second day of January 2015** on the following charge:

**STATEMENT OF OFFENCE**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**PARTICULARS OF OFFENCE**

1. That you, Mr W.M.A. Ajantha Palin, being the Owner of fishing vessel 'Dulari' (IMUL-A-0713KLT) were on 7 September 2014, found in possession of prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

and

2. That you, Mr W.M.A. Ajantha Palin, being the Owner of fishing vessel 'Dulari' (IMUL-A-0713KLT) did on 7 September 2014, fish in the fishing waters of the British Indian Ocean Territory without a licence contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Mr W.M.A. Ajantha Palin pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters. Mr W.M.A. Ajantha Palin was found guilty on both charges and was sentenced as follows:

Pay a fine of **32,000 GBP** for Fishing without Licence

Pay a fine of **2,000 GBP** for being in possession of prohibited fishing gear



Pay Court costs of **200 GBP**

Fishing Gear to be forfeited to the Crown for disposal.

Payment must be made within 30 days.

If payment has not been received by the 21<sup>st</sup> February 2015 these fines and costs will be passed to enforcement agents for them to collect.

Further Mr W.M.A. Ajantha Palin may be summoned to explain to the court why payment has not been made.

If you wish to appeal the sentence and or conviction you must do so within the next 30 days. The deadline for any such notification of an appeal is therefore also 21<sup>st</sup> February 2015.

If you require any further information regarding any of the above contact myself or BIOTAdmin@fco.gsi.gov.uk before the 21<sup>st</sup> February 2015



Mr Kerry Cunningham  
Clerk of the Magistrates Court  
British Indian Ocean Territory





**IN THE MAGISTRATES COURT  
DIEGO GARCIA  
BRITISH INDIAN OCEAN TERRITORY**

Case Number: 24/14

Court Code: 03/15

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**CERTIFICATE OF CONVICTION**

**This is to certify that on the 22<sup>nd</sup> Day January 2014 Mr W.M.A. Ajantha Palin was at the Magistrates Court in Diego Garcia Convicted following trial of the following offences:**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

That you, Mr W.M.A. Ajantha Palin, being the Owner of fishing vessel 'Dulari' (IMUL-A-0713KLT) were on 7 September 2014, found in possession of prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

Mr W.M.A. Ajantha Palin pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters.

Mr W.M.A. Ajantha Palin was found guilty on both charges and was sentenced as follows:

Fined of **32,000 GBP** for Fishing without Licence

Fined of **2,000 GBP** for being in possession of prohibited fishing gear

Ordered to pay **200 GBP** towards court costs.

Fishing Gear to be forfeited to the Crown for disposal.

Clerk of Court:



Date: 23/1/15

### Appendix 3 - Photographs



Figure 1: Dulari port side



Figure 2: Dulari wire trace



**Figure 3: Dulari fishing gear (unmarked)**



Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

10 September 2014

Dear Mr. Hettiarachchi

**Bilateral communication on illegal fishing by the Sri Lankan vessel DULARI (IMUL-A-713-KLT) in British Indian Ocean Territory (BIOT) Waters**

The Sri Lankan multi-day vessel DULARI (IMUL-A-713-KLT) was arrested for fishing illegally in the BIOT MPA on 7<sup>th</sup> September 2014.

During the inspection the Master of the Dulari was unable to confirm his identity or that of the vessel as there was no official paperwork onboard, i.e. logbook, open seas or EEZ fishing licence (requirements under Sri Lankan legislation and IOTC requirements). The Master had no personal identification documents nor did any of the crew.

The vessel was marked with the lettering IMUL-A-713-KLT on the starboard and port bow. The lettering 9-7810-KLT was on the bridge bulkhead. According to the IOTC Positive List (as of 10/09/2014), the registered owner of IMUL-A-713-KLT is "WMA. PALIN, 01, SAMAPURA, HETTIMULLA, BERUWALA". No record of a current vessel with the partial identification "9-7810-KLT" could be found. During the inspection the Master informed the BIOT Senior Fisheries Protection Officer (SFPO) that his name was V. Ivan Priyantha, (DOB: 23<sup>rd</sup> of August, 1967). The owner of the vessel was identified by the Master as Sarath Fernando of Maswala, Beruwala, Sri Lanka (Phone number: 0094 777 526 511).

The vessel was arrested and was being escorted, to Diego Garcia for further inspection and confirmation of these details when due to mechanical and safety issues it was decided that, in increasingly worsening weather conditions, for safety reasons it would be best to release the fishing vessel allowing it to return to Sri Lanka. It has subsequently come to the attention of the BIOT Authorities that both the Master and vessel have been convicted of illegal fishing previously in the BIOT MPA (the vessel is suspected of previously being named SULARA and was arrested and convicted in 2013)

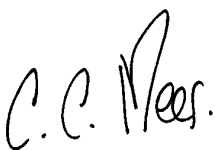
Based on the evidence collected during the inspection, a decision to prosecute the vessel *in absentia* has now been made. The BIOT Court will issue summons for the owner and Master to attend a court hearing at a date to be determined.

The vessel is on its way back to Sri Lanka and should arrive in the next few days. In respect of our bilateral cooperation to combat illegal fishing we would kindly request the assistance of DFAR with the following:

- Recall the vessel to port immediately;
- Notify the relevant port authorities to detain the vessel on arrival;
- Confirmation of the identity of the vessel (including previous names);
- Confirmation of the identify and contact details for the Master and owner; and
- Suspension of the licence of the vessel pending the court hearing, during which time we would request that the vessel would be detained in port.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your continued cooperation.

Yours Sincerely



Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC



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Office of Director General } 472187



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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

Dr.C.C.Mees  
Head UK Delegation to IOTC  
18, Queen Street  
London, W 1J 5PN  
United Kingdom

Dear Dr. Mees

නව මහලක්ෂී කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } 18/09/2014  
Date }

**Bi-lateral communication on illegal fishing by Sri Lankan vessels “Sulara 02” (IMUL-A-0341 KLT), Imasha 2 (IMUL-A-0332 KLT) , Thiwanka 5 (IMUL-A-0086 MTR), Stef Ania Duwa (IMUL-A-0374 KLT), Nirodha putha (IMUL-A-0543 KLT) and Dulari (IMUL-A-713KLT) in the British Indian Ocean Territory waters.**

This refer to your letters dated 28<sup>th</sup> August 2014 and the 10<sup>th</sup> September 2014 on the above.

At the outset, We extend our sincere thanks to the BIOT authority for the patience and the understanding of our situation in handling the recently reported cases of illegal fishing activities of Sri Lankan vessels in BIOT waters. I would like to report the present status of our investigations on the above vessels.

#### 1. Sulara 2

- (i) The vessel was apprehended on 29/08/2014 and now anchored at Weligama harbour at Matara. (Annex - i)
- (ii) As you are aware this Department has been in developing bilateral cooperation with you for last couple of years in order to eliminate IUU fishing involved by Sri Lankan flagged vessels in the BIOT waters. Accordingly after we have been informed of the illegal fishing activity of the vessel Sulara 2 in BIOT waters, We tried every effort to urge the vessel owner to pay the fine and settle this case with the BIOT authorities in a satisfactory manner. However, considering the written submission sent by the vessel owner to the BIOT Magistrate with a copy to this Department, it is understood that Mr. Lal Fernando the vessel owner, is not in a position to pay the fine and he has submitted an appeal, explaining his inability to pay such a big amount of fine due to his economic constraints.

However in response to your inquiry on the future actions in this regard by the Sri Lankan authorities, We would like to mention that, We have already sought legal advise from the Attorney General Department for the proceedings of this case.

At the same time we further inquired the possibility of filing a case for the same offence under the Fisheries and Aquatic Resources Act No.35, 2013(FARA,35, 2013) of Sri Lanka, while the court decision of BIOT is still valid. We are still awaiting a reply from Attorney General in this regard.

However the vessel owner Mr. Lal Fernando was called to the DFAR, Head office on 1<sup>st</sup> September 2014 for the second time and further, inquiries were made regarding this matter. His final request is to punish the skipper, not him who committed the offence. The inquiry panel paid great concern on this matter. Therefore in the event of your withdrawal of the case against the vessel owner in the courts of BIOT, DFAR will draw attention to take legal actions against the skipper of the vessel under the High Seas regulations made under section 61(t) of FARA, No.35, 2013.

- (iii) Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed at the harbours and fisheries offices, warning vessel owners not to deploy this skipper in their fishing vessels. (Annex – ii)

## **2. Imasha 2, Thiwanka 5, Stef Ania Duwa.**

- (i) The three vessels are now anchored at Beruwala harbour.
- (ii) Harbour managers have been informed to avoid to deploy the accused skippers in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to deploy employing these skippers in their fishing vessels. (Annex –ii)
- (iii) The owners of the vessels Imasha 2, Thiwanka 5, Stef Ania Duwa have been formally informed to appear or forward written submission to the Courts of Diago Gacia on the dates given.

## **3. Niroda putha**

- (i) The vessel is deregistered and the high seas operation license has been suspended with effect from 1<sup>st</sup> September 2014. It has been informed to the IOTC to remove the vessel from Authorized Fishing vessels list. (Annex iii a, iii b)
- (ii) The Owner called at the DFAR on 1<sup>st</sup> September 2014 for an inquiry and he was made aware of the International Laws and the Obligations of High Seas fishing and the consequence of been listed in IUU vessels list of IOTC. (Annex iva, iv-b)
- (iii) At the inquiry, He mentioned that the vessel departed for high seas fishing, but the skipper had engaged in this illegal activity in BIOT waters without his knowledge. Further, He said that the fishing operation licence and the vessel registration was carried on board but the skipper as not provided these to the BIOT authorities at the time of inspection. Copies annexed (Annex v).

- (iv) Mr. Mr. W.A.D.P. Prageeth has been informed to appear before the Magistrate of Court in Diego Gacia, or forward written submissions to the Court as appropriate on the date of 23<sup>rd</sup> September 2014 as informed by the BIOT authorities. (Annex vi-a, vi- b)
- (v) Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners to prevent from employing this skipper in their fishing vessels. (Annex – ii)
- (vi) The vessel is now being anchored at Beruwala harbour.(Annex vii)
- (vii)The contact details of the vessel owner, Mr. W.A.D.P. Prageeth are +94342279494 and +94077717695.

#### 4. Dulari

1. We confirm the following information as true and correct for the identification of the vessel.

	Present	Previous
Vessel Registration No	IMUL-A- 0713KLT	IMULA-0124- KLT
Vessel Name	Dulari	Sulara
Owner of the vessel	W.M.A.Ajantha Palin No. 01, Samapura Hettimulla Tel:	
Skipper	Ivan Priyantha Badde Liyanage Don, Idirilla, Galle Road, Maggona	

1. The relevant port authorities, Fisheries Officers and the Sri Lanka Navy have been informed to apprehend the vessel and the skipper as soon as the vessel Dulari (IMUL-A- 0713KLT) lands in any harbour in Sri Lanka. The Assistant Director of Kalutara District is instructed to anchor the vessel at the nearest fishing port and direct the Skipper and the owner of the vessel for an inquiry in the Head office immediately after the arrival of the vessel. (Annex viii-a, viii-b)
2. Vessel registration and the Suspension of fishing vessel “Dulari” will be informed to the relevant parties once the vessel reach Sri Lanka.
3. Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to employing this skipper in their fishing vessels. (Annex – ii)



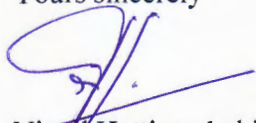
I would like to mention that some of our fishing vessels engage in illegal fishing in BIOT waters and this is a special concern to us too. Hence the following measures are being implemented with a view to prevent the re-occurrence of illegal fishing activities in BIOT territory waters.

1. Expedite the issuance of skipper licences for high seas operating skippers. Progress Annexed. (Annex- ix)
2. Initial steps taken to comply with the proposed scheme of "innocent passage" vessels passing through BIOT waters. (Annex-x-a. x-b)
3. High seas fishing regulation gazette and published on 1<sup>st</sup> September 2014, giving provisions to take legal actions against the vessel owners and the skipper as well for any violations.
4. The National Plan of Action against IUU fishing (NPOA-IUU) was adopted and being implemented since March 2013.
5. Implementation of the Vessel Monitoring System is delayed due to slow progress of the project proponent. However DFAR has already identified fifty high seas operating boats in the first phase of implementation

Summing up, we hereby reaffirm our commitment to cooperate with IOTC and the relevant coastal states with our determination and obligation to prevent, deter and eliminate illegal, unreported and unregulated activities in the Indian Ocean and take utmost efforts to control IUU activities involved by vessels of Sri Lanka with your assistance.

Your continuous cooperation in this regard is highly appreciated.

Thanking You  
Yours sincerely



Nimal Hettiarachchi  
Director General

**Nimal Hettiarachchi**  
Director General  
Department of Fisheries & Aquatic Resources  
Maligawatta, Colombo 10.





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 இலங்கை இலங்கை, மலிமாவட்டம், கொழும்பு 10  
 New Secretariat, Maligawatta, Colombo 10.

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**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

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 தேதி } 2014/08/28  
 Date

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"නිරෝධ පුනා / රුහන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

"නිරෝධ පුනා / රුහන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාව දියාගේ භාෂිතාවට (BIOT) අයත් මුහුදු සීමාවේ 12/07/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාවේ නියමුවා සහ හැනියන් 18/07/2014 දින නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

නවද මෙම යාත්‍රාව සාකච්ඡාකර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංඝනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

1. යාත්‍රාවේ IMUL-A-0341KLT සහ IMUL-A-0086KLT යනුවෙන් ලියාපදිංචි අංක දෙකක් සටහන් කිරීම.
2. යාත්‍රාවේ නිරෝධ පුනා සහ රුහන් පුනා යනුවෙන් නම් දෙකක් සටහන් කිරීම.
3. පරීක්ෂා කරන අවස්ථාවේ සාකච්ඡාකර මුහුදේ ධීවර කර්මාන්තයට අදාළ නියෝගුකුල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

උක්ක කරුණු සැලකිල්ලට ගනිමින් මෙම යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය 2014/09/01 දින සිට ක්‍රියාත්මක වන පරිදි අත්හිටුවූ බව මෙයින් දන්වා සිටිමි. මෙම යාත්‍රාව වහාම අත්අඩංගුවට ගෙන ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස කැපකර දිස්ත්‍රික් ධීවර සහකාර අධ්‍යක්ෂවරයා වෙත දැනුම් දී ඇත.

මේ සම්බන්ධයෙන් පරීක්ෂණයක් පැවැත්වීම සඳහා 2014/09/01 දින පෙ.ව.10.00 ට අදාළ යාත්‍රා නියමුවා සමඟ ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුවේ ප්‍රධාන කාර්යාලයට පැමිණෙන මෙන් කාරුණිකව දන්වා සිටිමි.

නිමල් හෙරිවිආරච්චි  
 අධ්‍යක්ෂ ජනරාල්

- පිටපත - (1) සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, කැපකර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලෑම සඳහා  
 (2) නාවික හමුදා මුලස්ථාන - යාත්‍රාව භාරයට ගැනීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට  
 (3) යාත්‍රා ලි.ප. ඒකකය/ධි.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.පු.මහා. වාර්තා කිරීම සඳහා

කු. පෙ. }  
 த. பெட்டி } 531  
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 தொலைபேசி } 446183  
 Telephone } (3 lines)



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 Office of Director General } 472187

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 தொலை நகல் } 449170  
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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
 புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
 New Secretariat, Maligawatta, Colombo 10.

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

ENGLISH TRANSLATION

දිනය }  
 திகதி } 28/08/2014  
 Date }

REGISTERED POST

Mr. W.A.D.P.Prageeth  
 83/01, St.Mary's Road  
 Kuda Payagala  
 Payagala

Suspension of Vessel Registration and Fishing Operation Licence of the Vessel  
"Norodha Putha/Rushan Putha" (IMUL-A-0543KLT)

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel "Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 12/07/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 18/07/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- Display two registration numbers (IMUL-A-0341KLT and IMUL-A-0086KLT) on the vessel.
- Display two names (Nirodha Putha and Rushan Putha) on the vessel.
- The essential documents for high seas fishing were not onboard.

Taking the above factors into consideration this Department suspended the Vessel Registration and the Fishing Operation Licence of the vessel "Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT) with effect from 01/09/2014 and informed to the Assistant Director, Kalutara to apprehend and anchor the vessel at the nearest port.

You are hereby informed to report to the Department Head Office in Colombo on 01<sup>st</sup> September 2014 at 10 a. m. with the skipper of the vessel for an inquiry.

Nimal Hettiarachchi  
 Director General

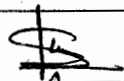



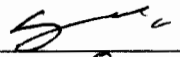
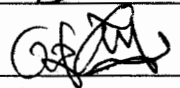

- Cc – 1. Assistant Director, District Fisheries Office, Kalutara – To apprehend and anchor the vessel  
 2. Commander, Naval Headquarters - Inform area commander to apprehend  
 3. Vessel Registry Unit of DFAR - For deregistration and report to IOTC

(iv)<sup>a</sup>

**Discussion on Bilateral Communication on Illegal Fishing by the Sri Lankan Vessels  
in British Indian Ocean Territory (BIOT) Waters**

**Attendant Sheet**

**2014/09/01**

Name of the Participants	Position	Address	Signature
① Nimal Hettiarachchi			
A.G.L.A. Sumath Kumara	Assistant Director	District office - Matara	
N. LAL FERNANDO	Pro/owner - IMUL-A-0341 KLT	NO-5/2/A, GALLE Rd, BERUWALA	
G.P.H. Rehman	Neerlooper IMUL-A-0341 WELIGAMA KLT	Weligama.	
M.G.N. Jayakodye	Asst. Director.	District Fisheries Office Kalutara	
W.A.D.P. Pragoth	Owner - IMUL-A-0543 KLT	St Marys Road Kula Payagaha 034-2279494, 0777176955	
U.A. Hettimachchi	F.I. H/O	DFAR / Colombo - 10	
K. Srujan Chandrakumara	FRMA / Mgt / DFAR	DFAR Colombo	
W.G.I. Lakshmi	DO	DFAR Colombo-10	

S.P. Premawarden

F.I

DFAR









Licence No: 14HS0331KLT

Department of Fisheries and Aquatic Resources  
Colombo, Sri Lanka.  
T.P./ Fax No: +94 112449170  
email: depfish@fisheries.gov.lk

## FISHING OPERATIONS LICENCE FOR HIGH SEAS FISHING

Licence for engaging in fishing operations in high seas is hereby granted to **Mr..warnakula Arachchige Don Prasanna** of **Kuda Payagala, Payagala** from **2014 01 01** to **2014 12 31** in terms of the provisions of UN Law of the Sea Convention 1982, UN Fish Stock Agreement 1995 and Resolutions of IOTC, and the Specific Conditions of this license. (For Specific Conditions Please see overleaf)

1. Registration number of the boat for which License is issued: **IMUL - A - 0543KLT**
2. Length of the fishing boat : 40'6"
3. Authorized Fishing Operations under the Licence:

Authorized fishing gear	Length of fishing nets & Mesh size (Maximum length should be 2.5 km)	No. of hooks, Length of the floating line & Length of the branch lines	Authorized species of fish	Area of fishing in high seas
GILL NET	2.5 Km 6"		Skip jack tuna Tuna Sharks	In the high seas of the Indian ocean out side the EEZs of another coastal state
LONG LINE		400 15m 24m	Sharks Tuna Skip Jack Tuna	

4. Home port landing : Beruwala

5. Fishing duration: .....

Taking , keep in possession, transporting and transshipping of Marine mammals, Turtles, Thresher Sharks, species of Sea birds are totally prohibited. No fishing operation should be conducted within the radius 01 km of the data buoys installed in high seas.

2014/01/10

Date

(This permit should be carried onboard in each and every fishing trip and is not transferable .)  
( PG)

M. G. N. JAYAKODY  
Assistant Director  
Director General / Licensing Officer  
District Office,  
Kalutara.  
Department of Fisheries & Aquatic Resources



තැ. පෙ. } 531  
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உமது இல. }  
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பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187  
තැක්ස් අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**


**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/   
திகதி }  
Date }

**ලියාපදිංචි තැපෑල**

ඩබ්. ඒ.ඩී.පී. ප්‍රගීන් මහතා  
83/01, ශාන්ත මාරියා පාර  
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පයාගල


"නිරෝධ පුනා / රුෂාන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

නිරෝධ පුනා / රුෂාන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාව දියාගේ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 12/07/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාව, නියමුවා සහ ගැනියන් 18/07/2014 දින එරට අධිකරණය හමුවේ පෙනී සිටීමේ කොන්දේසි මත නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

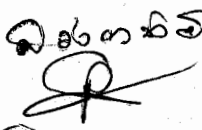
තවද මෙම යාත්‍රාව ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංගනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

1. යාත්‍රාවේ IMUL-A-0341KLT සහ IMUL-A-0086KLT යනුවෙන් ලියාපදිංචි අංක දෙකක් සටහන් කිරීම.
2. යාත්‍රාවේ නිරෝධ පුනා සහ රුෂාන් පුනා යනුවෙන් නම් දෙකක් සටහන් කිරීම.
3. පරීක්ෂා කරන අවස්ථාවේ ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයට අදාළ නීත්‍යානුකූල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

එබැවින් 2014/09/23 වන දින එරට අධිකරණය හමුවේ ඒ සඳහා කරුණු ඉදිරිපත් කරන ලෙස මෙයින් දන්වමි.

  
නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්

පිටපත - සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, කලුතර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලෑම සඳහා

  
(මුද්‍රණ)  
0342279494

(vi) b



කු. පෙ. } 531  
த. பெட்டி }  
P. O. Box }  
දුරකථනය } 446183  
தொலைபேசி } (3 lines)  
Telephone }

මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
எனது இல. } My No.  
මගේ අංකය }  
உமது இல. } Your No.

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் } 472187  
Office of Director General }

ෆැක්ස් අංකය } 449170  
தொலை நகல் } Fax No.

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

**ENGLISH TRANSLATION**

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/  
திகதி } Date }

**REGISTERED POST**

W.A.Prageeth  
83/01, St Mary,s Road  
Kuda payagala  
Payagala

**Suspension of Vessel Registration and Fishing Operation Licence of the Vessel  
“Norodha Putha/Rushan Putha” (IMUL-A-0543KLT)**

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel “Nirodha Putha/Rushan Putha” (IMUL-A-0543KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 12/07/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 18/07/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- (i) Display two registration numbers (IMUL-A-0341KLT and IMUL-A-0086KLT) on the vessel.
- (ii) Display two names (Nirodha Putha and Rushan Putha) on the vessel.
- (iii) The essential documents for high seas fishing were not onboard.

Therefore You are hereby informed to appear before the Magistrate of Court in Diego Gacia, or forward written submissions to the Court as appropriate on the date of 23<sup>rd</sup> September 2014 as informed by the BIOT authorities.

Nimal Hettiarachchi  
Director General

Cc – 1. Assistant Director, District Fisheries Office, Kalutara – To apprehend and anchor the vessel



කු. පෙ. } 531  
த. பெட்டி }  
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தொலைபேசி }  
Telephone } (3 lines)



මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
எனது இல. }  
My No. }  
මගේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187  
දුරකථන අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/11  
திகதி }  
Date }

**ලියාපදිංචි තැපෑල**

සහකාර අධ්‍යක්ෂ  
දිස්ත්‍රික් ධීවර කාර්යාලය  
කලුතර


"දුලාරි " ((IMUL-A-0713KLT) යාත්‍රාව අත්අඩංගුවට ගැනීම , ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

"දුලාරි " ((IMUL-A-0713KLT) යාත්‍රාව දියාගෝ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 07/09/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාවෙහි නියමුවා සහ ගැනියන් 10/09/2014 දින නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

තවද මෙම යාත්‍රාව ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංඝනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

- 1. යාත්‍රාවේ IMUL-A-0713KLT සහ 9-7810KLT යනුවෙන් අංක දෙකක් සටහන් කර තිබීම.
- 2. පරීක්ෂා කරන අවස්ථාවේ ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයට අදාළ නීත්‍යානුකූල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

මෙම යාත්‍රාව ශ්‍රී ලංකාවේ ධීවර වරායකට පැමිණි වහාම අත්අඩංගුවට ගෙන ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස දන්වා සිටිමි. තවද යාත්‍රාවේ නියමුවා සහ හිමිකරු මේ සම්බන්ධයෙන් පරීක්ෂණයක් පැවැත්වීම සඳහා ප්‍රධාන කාර්යාලයට යොමු කරන ලෙස මෙයින් දන්වා සිටිමි.

  
නිමල් ජනවර්ධන විජේසේන  
අධ්‍යක්ෂ ජනරාල්

- පිටපත - (1) ඩබ්. එම්. ඒ. පාලින් මහතා, නො.01, සාමදුර, හෙට්ටිමුල්ල, බේරුවල - යාත්‍රාව පැමිණි වහාම නියමුවා සමඟ ඉදිරිපත් වීම  
(2) නාවික හමුදා මූලස්ථානය යාත්‍රාව භාරයට ගැනීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට  
(3) යාත්‍රා ලි.ප. ඒකකය/ඩී.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.වු.කො. වාර්තා කිරීම සඳහා  
(4) තත්වපාලන අංශය/ ඩී.ප.දෙ - ඇල්ලීමේ සහතික නිකුත් නොකිරීම සඳහා



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தொலைபேசி } (3 lines)  
Telephone }



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பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187

තුනේ අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } /09/2014  
Date }

*ENGLISH TRANSLATION*

REGISTERED POST

Assistant Director  
District Fisheries Office  
Kalutara

**Apprehend and Suspension of Vessel Registration and Fishing Operation Licence of the Vessel "Dulari" (IMUL-A-0713KLT)**

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel "Dulari" (IMUL-A-0713KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 07/09/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 10/09/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- (i) Display two registration numbers IMUL-A-0713KLT and 9-7810KLT on the vessel.
- (ii) The essential documents for high seas fishing were not onboard.

You are hereby informed to apprehend the vessel and the crew at once the vessel lands in any port of Sri Lanka and anchor the vessel at the nearest fishing port. Further you are instructed to direct the the skipper and the vessel owner to the Head Office of DFAR for an inquiry.

Nimal Hettiarachchi  
Director General

Cc - Assistant Director, District Fisheries Office, Kalutara - For necessary action

- Cc - 1. Mr. W.M.A.Ajantha Palin, No. 01, Samapura, Hettimulla: To attend an inquiry with the skipper  
2. Commander, Naval Headquarters - Inform area commander to apprehend  
3. Vessel Registry Unit of DFAR - For deregistration and report to IOTC



**SKIPPER LICENCE PROGRESS AS AT 04-09-2014**

<b>DISTRICT</b>	<b>NO. OF ISSUED SKIPPER LICENCE</b>
Matara	365
Negombo	2
Kalutara	165
Colombo	0
Chilaw	180
Puttalm	6
Tangalle	22
Kalmunai	0
Galle	48
Trincomalee	10
<b>TOTAL</b>	<b>798</b>

**\*Skipper licences have issued to fishermen who have participated for interviews only.**

Handwritten notes in Sinhala and Tamil, including 'අමතර' and '24/9'.

කැ.පෙ. 531  
த.பெட்டி 531  
P. O. Box

දුරකථන 446183  
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අධ්‍යක්ෂ ජනරාල් කාර්යාලය 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் 472187  
Office of Director General



ෆැක්ස් අංකය 449170  
தொலை நகல் 449170  
Fax No.

මගේ අංකය 1/17/1- 42  
எனது இல. My No.

ඔබේ අංකය  
உமது இல. Your No.

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය  
திகதி  
Date

2014/09/05



සහකාර අධ්‍යක්ෂ  
දිස්ත්‍රික් කාර්යාලය

(අංක ෧෧)

දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපය හරහා ජාත්‍යන්තර මුහුදු කරා යෑම / රීම්

ශ්‍රී ලංකා ධිවර යාත්‍රා දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපය හරහා ජාත්‍යන්තර මුහුදු වලට අවතීර්ණයකින් තොරව පිවිසීමට හා නැවත පැමිණීමට අවශ්‍ය කටයුතු සලසා දීම සඳහා එම නිලධාරීන් සමග කරන ලද සාකච්ඡාවලදී පහත අවශ්‍යතා සපුරාලන යාත්‍රාවලට පමණක් 2014/10/01 දින සිට අවකාශ ලබාදීම සඳහා සලකා බලන බව දැනුම් දී ඇත.

ඒ අනුව මේ සමග එවා ඇති පෝරමය පුරවා දින 03කට ප්‍රථම මෙම දෙපාර්තමේන්තුවේ සෝදිසි මෙහෙයුම් අංශය වෙතට හෝ පෞද්ගලිකවම එවා ඇති පෝරමයේ සඳහන්ව ඇති පහත සඳහන් විද්‍යුත් ලිපිනයට හෝ ෆැක්ස් අංකයට යැවීමට කටයුතු කල යුතුවේ.

අදාල අවසරය ලබා ගැනීම සඳහා පූර්ව වාර්තාව දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපයට ඇතුලු වීමට දින 03කට පෙර (සෑම සිකුරාදා දිනකම 12.00 පැයට පෙර) මෙම දෙපාර්තමේන්තුවේ සෝදිසි මෙහෙයුම් අංශයට හෝ පැය 48 කට නොඅඩු කාලයක් ඇතුලත සාප්‍රචම දියාගෝ ගර්භිෂා බලධාරීන්ට දැන්විය යුතු බැවින්, ඉහත පරිදි කටයුතු කලයුතු බව අවධාරණය කරමි.

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව :- ෆැක්ස් අංකය - 0112431448  
:- විද්‍යුත් තැපෑල -: mcs@fisheries.gov.lk

බලධාරී - දියාගෝ ගර්භිෂා - ෆැක්ස් අංකය :- +870356301560  
:- විද්‍යුත් තැපෑල -: pacific.marine@swireships.com

සම්පූර්ණ කර එවිය/යැවිය යුතු අයදුම් පත්‍රයේ පිටපතක් මේ සමග අමුණා ඇත.

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Annex (x)-b

කු. පෙ. }  
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දුරකථනය }  
தொலைபேசி } 446183  
Telephone } (3 lines)



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எனது இல. } DFAR/FM/K/IUU/Local/2014  
My No. }  
ඔබේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය }  
பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
Office of Director General } 472187  
තැන්පි අංකය }  
தொலை நகல் } 449170  
Fax No. }

ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } /09/2014  
Date }

English Translation

Assistant Director  
District Fisheries Office  
(All Districts).....

**Transit through Innocent passage of Territory waters of Diego Garcia (BIOT).**

As result of the communications with the BIOT authorities, it is informed to this Department that they will make transit arrangements for the fishing vessels to go to the high seas without any inconvenience those who provide the information given in the transit form attached hereto subjected the conditions of the Innocent passage declared in the Convention of the Law of the Sea (UNCLOS).

Therefore it is required to send the completed transit form to the E-mail and fax numbers of the Monitoring Control and Surveillance (MCS) unit of this Department or the BIOT authorities given below.

The completed transit forms send to DFAR should submit , 03 days prior to entering in to the BIOT Territory waters (on Fridays before 12.00 a.m.), while those directly send the completed transit form to BIOT authorities will have to do so not les than 48 hours before entering in to the BIOT Territory waters.

Contact numbers of MCS Unit/DFAR :- Fax No : 0112431448  
E-mail : [mcs@fisheries.gov.lk](mailto:mcs@fisheries.gov.lk)

Contact numbers of BIOT authorities :- Fax No : +870356301560  
E-mail : [pacific.marine@swireships.com](mailto:pacific.marine@swireships.com)

Nimal Hettiarachchi  
Director General

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

10 November 2014

Dear Mr. Hettiarachchi

**Bilateral communication on illegal fishing by vessels Sulara 2 (IMUL-A-0341 KLT), Imasha 2 (IMUL-A-0352 KLT), Thiwanka 5 (IMUL-A-0086 MTR), Stef Ania Duwa (IMUL-A-0374 KLT), Niroda Putha (IMUL-A-0543 KLT), Dulari (IMUL-A-713KLT) and Seawish (IMUL-A-0608-KLT) in British Indian Ocean Territory (BIOT) waters.**

This refers to your letter of 18/09/2014 summarising details for the first 6 cases referenced above, to your email correspondence of 23/09/14 on the case of Dulari, and to BIOT-A's letter of 9 October on the case of Seawish.

The BIOT Administration continues to treat the management of its Marine Protected Area as a priority. Effective prosecution of individuals suspected to be engaged in illegal fishing remains central to this. Recent cases have underlined the value of our cooperation, in terms both of bringing cases to court and enforcing penalties imposed by the BIOT court. With concern, however, we note that the incidence of IUU fishing by Sri Lankan flagged vessels in BIOT waters remains high, as does that of failure by Sri Lankan nationals to pay fines imposed by the BIOT Court. Nevertheless, we welcome your declaration of commitment to cooperate with IOTC and other contracting parties in deterring and eliminating IUU, and look forward to developing further our mutually-supportive partnership.

Besides providing an update on the status of outstanding cases, your correspondence raises two broader issues. Your email of 23/09/14 asks which Authority should take legal action (in the case of Dulari), and your letter of 18/09/14 questions the guilt of the owner and/or master (in the case of Sulara 2). Please see below our response of these issues and, at appendix 1, a further update on the status of current cases.

The Administration acknowledges that there are a number of permutations with regards to who can bring prosecutions for offences allegedly committed on the High Seas. Where Sri Lankan flagged vessels are concerned, the BIOT Administration recognises that Sri Lanka has the right to institute criminal proceedings. However, where such vessels are alleged to have fished illegally within BIOT waters, we would ask that the Sri Lankan authorities continue to support measures taken by the BIOT Administration, and refrain from instituting separate legal proceedings, until the BIOT Court has handed down its judgement. In the case of Dulari, please note that the BIOT Administration will be commencing proceedings against the owner. The BIOT Administration approach will be the same in respect of all vessels of any flag State that break BIOT law; the Administration shall seek to enforce its laws and shall not as a rule ask the flag State to do so on our behalf.

In respect of who should be prosecuted for suspected illegal fishing, the BIOT prosecution policy is flexible. This allows that the charging decision be informed and formed by evidence, as to whom can be shown to be culpable in the circumstances of the offence. Prosecutions may therefore be brought against masters when their conduct renders that appropriate. Whilst the BIOT Administration is mindful of owners' responsibilities and liabilities, with regard to activities undertaken by those in their employ, this policy

ensures that prosecutions are fact sensitive. With reference to the conviction of the owner of vessel Sulara 2, I would inform you that there is no provision within the BIOT legislation for this decision to be reversed.

In relation to both of these matters, we recognise that Sri Lanka, as a flag State, is obliged under IOTC to take '*effective action in response to... IUU fishing activities... including, inter alia, prosecution and imposition of sanctions of adequate severity*'. Where satisfaction on this point, and/or a recommendation for IUU listing under IOTC, is concerned, the BIOT Administration would prefer to resolve these cases bilaterally in advance of the Compliance Committee meeting in April next year (i.e. no later than 6 February 2015, which is 70 days before the current dates set for the meeting). To achieve this, we would be grateful, as above, for the continued assistance of the Sri Lankan authorities in ensuring that criminal penalties of the BIOT Court are enforced. Thereafter, we will wish to understand whether further penalties will be applied by Sri Lanka under flag state legislation, before we can agree that penalties applied reflect adequate severity.

We also note, and look forward to the full application of, the additional measures referred to in your letter of 18/09/14. We would urge you to proceed with these at an accelerated pace, and to include within the scope of these measures all Sri Lankan flagged vessels authorised to fish beyond the Sri Lankan EEZ.

Thank you, once again, for your cooperation and assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

Dr C.C. Mees  
Head of UK-OT Delegation



## **Appendix 1: The current status of the 7 active cases of alleged IUU in BIOT waters by vessels flagged to Sri Lanka**

### **Sulara 2.**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. Evidence including details of the court outcome have already been forwarded to you. Owner has not paid fine.

**Next Actions:** Sri Lanka to provide details of actions taken.

As set out above, the BIOT Administration is unable to withdraw its case against the vessel owner, who has already been found guilty. We note, from paragraph 1.ii of your letter dated 18/09/14, that you are awaiting a response from your Attorney General on whether it is appropriate for the Sri Lanka authorities to file a case 'for the same offense' under FARA,35,2013, while the court decision of BIOT is valid. We await the details of any further actions taken by the Sri Lankan authorities, before we can decide whether sanctions of adequate severity have been applied, and whether recommendation need be made to IOTC to IUU list the vessel.

Please note that, under our bilateral arrangement, we have previously agreed that Sri Lanka will provide its response on actions taken within 30 days of notification by BIOT. Where this is not possible, the final deadline under IOTC 11/03 is that the flag state must respond 30 days before the Compliance Committee meeting each year. In the absence of a bilateral response from you by 70 days before this meeting, BIOT will submit details of the vessel for IUU listing. The same chronology applies to all other cases.

### **Imasha 2**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and for possession of prohibited fishing gear. Evidence, including details of the court outcome, has already been forwarded to you. Owner has not paid fine, due 6 October. The court will be concluding this matter in due course, now that mitigation has been supplied to the court by the owner. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome.

### **Thiwanka 5**

**Status:** BIOT court case adjourned until 3 November 2014 – Owner has requested a further adjournment. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.

### **Stef Ania Duwa**

**Status:** BIOT court case adjourned until 18 November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.

### **Niroda Putha**

**Status:** BIOT court case heard on 30 October 2014. Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. A fine is due to be paid by 29<sup>th</sup> November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to provide Sri Lanka with the final outcome of the court case and supporting documentation.

### **Dulari**

**Status:** Proceedings to be commenced. We note that the vessel is anchored in Beruwala Harbour (your email of 28/09/14) and that the skipper and the owner were informed to report to DFAR Head office Colombo for an enquiry on 30th September 2014.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the case.

### **Seawish**

**Status:** The Master admitted the offence and was issued a Fixed Penalty Notice and acknowledged that he and the owner of the fishing boat are liable for the amount of the fixed penalty which was due by 30 October 2014 and has not yet been received. Details were provided to DFAR on 9/10/14. Please confirm receipt of that letter.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome settlement of the FPN, which if not paid could result in a criminal prosecution being commenced.

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

27 January 2015

E-Mail: [nimalhetti@gmail.com](mailto:nimalhetti@gmail.com)

Dear Mr. Hettiarachchi

**Report on the investigation of the Sri Lankan vessel DULARI in British Indian Ocean Territory (BIOT) Waters**

The Sri Lankan flagged vessel DULARI (IMUL-A-713-KLT) was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same (as notified on 10 September 2014).

The Owner of the vessel, Mr W.M.A. Ajantha Palin, pleaded not guilty to “Fishing without a licence in BIOT waters” and to “Possession of prohibited fishing gear in BIOT waters”.

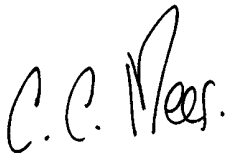
The owner of the vessel was found guilty of the following offences by the BIOT Magistrates’ Court and has been sentenced for the same offences as follows: (see attached Court Proceedings):

- Fishing without a licence in BIOT waters contrary to Sections 7 (1) & 7 (2) (i) of the Fisheries (Conservation and Management) Ordinance 2007.
- Possession of Prohibited fishing gear contrary to Section 6 (2) and 6 (3) (i) of the Fisheries (Conservation and Management) Ordinance 2007.

On 22<sup>nd</sup> January 2015 the vessel owner was fined £32,000 for the first offence and £2,000 for the second offence (plus £200 costs). The owner of the vessel has 30 days to pay the fines.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)). We look forward to your continued cooperation.

Yours Sincerely



Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

ENCL: Court Proceedings; Certificate of Conviction



**Magistrates Court  
Diego Garcia  
British Indian Ocean Territory**

**RECORD OF PROCEEDINGS 22<sup>nd</sup> January 2015**

Name: Mr W.M.A. Ajantha Palin, Dulari,

The court case was held in the Magistrates Court on the **twenty second day of January 2015** on the following charge:

**STATEMENT OF OFFENCE**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**PARTICULARS OF OFFENCE**

1. That you, Mr W.M.A. Ajantha Palin, being the Owner of fishing vessel 'Dulari' (IMUL-A-0713KLT) were on 7 September 2014, found in possession of prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

and

2. That you, Mr W.M.A. Ajantha Palin, being the Owner of fishing vessel 'Dulari' (IMUL-A-0713KLT) did on 7 September 2014, fish in the fishing waters of the British Indian Ocean Territory without a licence contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Mr W.M.A. Ajantha Palin pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters. Mr W.M.A. Ajantha Palin was found guilty on both charges and was sentenced as follows:

Pay a fine of **32,000 GBP** for Fishing without Licence

Pay a fine of **2,000 GBP** for being in possession of prohibited fishing gear

Pay Court costs of **200 GBP**  
Fishing Gear to be forfeited to the Crown for disposal.

Payment must be made within 30 days.

If payment has not been received by the 21<sup>st</sup> February 2015 these fines and costs will be passed to enforcement agents for them to collect.

Further Mr W.M.A. Ajantha Palin may be summoned to explain to the court why payment has not been made.

If you wish to appeal the sentence and or conviction you must do so within the next 30 days. The deadline for any such notification of an appeal is therefore also 21<sup>st</sup> February 2015.

If you require any further information regarding any of the above contact myself or [BIOTAdmin@fco.gsi.gov.uk](mailto:BIOTAdmin@fco.gsi.gov.uk) before the 21<sup>st</sup> February 2015



Mr Kerry Cunningham  
Clerk of the Magistrates Court  
British Indian Ocean Territory







**IN THE MAGISTRATES COURT  
DIEGO GARCIA  
BRITISH INDIAN OCEAN TERRITORY**

Case Number: 24/14

Court Code: 03/15

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**CERTIFICATE OF CONVICTION**

**This is to certify that on the 22<sup>nd</sup> Day January 2014 Mr W.M.A. Ajantha Palin was at the Magistrates Court in Diego Garcia Convicted following trial of the following offences:**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

That you, Mr W.M.A. Ajantha Palin, being the Owner of fishing vessel 'Dulari' (IMUL-A-0713KLT) were on 7 September 2014, found in possession of prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

Mr W.M.A. Ajantha Palin pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters.

Mr W.M.A. Ajantha Palin was found guilty on both charges and was sentenced as follows:

Fined of **32,000 GBP** for Fishing without Licence

Fined of **2,000 GBP** for being in possession of prohibited fishing gear

Ordered to pay **200 GBP** towards court costs.

Fishing Gear to be forfeited to the Crown for disposal.

Clerk of Court:



Date: 23/1/15

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK(OT)).

#### A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Jane
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	IMULA0524KLT IOTC 0014365
e	Photo	n/a
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr Seetharathna Chamaka Lakmal De Silva
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr Priyantha Hettiarachchi of Galpotha Karanaka, Goda, Beruwala Crew
i	Date of alleged IUU fishing activities	01/12/2014
j	Position of alleged IUU fishing activities	07° 40.47'S; 070° 49.56'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT waters and possession of prohibited fishing gear.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<p><b>Coastal State Actions:</b> The BIOT Principal Legal Adviser, who directs and has conduct of all prosecutions in BIOT has determined that there is sufficient evidence to try the owner of the FV Jane. The owner concerned has been summoned to answer those allegations of criminal conduct before the BIOT Court on 27/02/15.</p> <p><b>Flag State Actions:</b> The Sri Lanka Department of Fisheries and Aquatic Resources has provided ownership details of the FV Jane (IMUL-A-0524KLT-IOTC 0014365) on 03/12/14. No</p>

Item	Definition	Indicate
		further action has been notified to the BIOT Administration to date.
m	Outcome of Actions taken	<a href="#">Click here to enter text.</a>

## B. Details of IOTC Resolution Elements Contravened

*(Indicate with a “X” the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State’s laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Statement of Evidence

(Appendix 1)

<b>Supporting Documentation from the Compendium</b>
20141202_UKOT_FVJane_Ownership_details_to_Sri_Lanka
20141203_SL_Response_Ownership_FVJane
20141210_UKOT_FVJane_Vessel_Released

### D. Recommended Actions

<b>Recommended Actions</b>		<b>Indicate</b>
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Statement of Evidence

(Revised 06/13)  
Investigation Reference No: 32/14



### 1. BIOT POLICE

#### WITNESS STATEMENT

(Section 154 of the BIOT Criminal Procedure Code 1986)

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Statement of: Robert Samuel Clark

Rank/Status: Senior Fisheries Protection Officer

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Civilian

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This statement (consisting of 7 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:

Date: 3 December 2014

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I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 66 months field experience, which includes 38 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 21<sup>st</sup> October 2014.

#### **SITUATION**

**At 18:00**, on Monday 01<sup>st</sup> December 2014, whilst conducting British Indian Ocean Territory (BIOT) 464 on board the BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and South West of Centurion Bank, I identified a signature on radar which I believed to be a fishing vessels.

**At 18:02**, the radar signature was plotted, being identified inside the Centurion Bank, to the South Western edge, approximately 100nm West South West of Diego Garcia. The target details were;

**Position** 07° 37.1S 070° 48.9E

**Course** 256°.

**Range** 9.4nm

**Bearing** 056°

**Speed** variable between 1.6 to being but lifted to and 4.2kts

The general characteristics of conditions were; clear skies, with full sunlight. Calm seas and wind of 4 – 5kts, visibility being excellent.



**At 18:10**, I requested that the BPV increase to maximum speed, in order to close down and intercept the target. I believed that the vessel had either been or was about to engage in illegal fishing given its proximity to such a significant oceanic feature.

**At 18:15**, I requested that the Master of the BPV, Mr Sandes be called to the bridge to take command of the vessel.

**At 18:20**, I identified a Fishing Vessel (FV), with the use of binoculars. The vessel being a predominantly blue vessel of Sri Lankan design, of which I have seen many during my work in BIOT.

**At 18:39**, at approximately 4.2 nm distance from the target the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with me, one Fisheries Protection Officers (FPO) Mr Fernando and one crew, upon my instruction the FRC headed towards the vessel at high speed.

**At 18:40**, I arrived at the suspect vessel and identified her as JANE, IMUL-A-0524-KLT from the markings to her forward bows and wheelhouse.

**At 18:46**, on the 1<sup>st</sup> December 2014 me and FPO Mr Fernando boarded FV JANE at location 07° 40.469S 070°49.565 all questions after this point were communicated through FPO Fernando acting in his capacity as interpreter.

I noted upon arrival that all fishing buoys and poles were leant against the wheelhouse, in such a position to indicate that they were ready for use. It is common practice for vessels of this type, when in transit, to stow all fishing buoys and flag poles across the main beam of the vessel. It was also noted that her main fishing net was not in its usual position, stowed beneath the wheelhouse forward window. Instead it had been divided into two pieces, the first being located in the forward gunwales of the vessel, as if it had recently been recovered and the balance was noted to be beneath the wheelhouse window, as expected. None of the net segments were covered. The long line bin, which was noted to be on the starboard quarter of the vessel was covered in a thick black, plastic sheet and tied down.

I requested that the Master of the vessel make himself known. A Mr Priyantha came forward and could not remember his exact date of birth. It was noted that 4 other men were present on the vessel and they were requested to muster to the forward bow area.

Mr Priyantha immediately started saying that he had an injured crew member that he was rushing back to Sri Lanka to seek treatment for as the main beam had broken and landed on his head.

**At 18:47**, I asked Mr. Priyantha: why if you are rushing back to Sri Lanka for this crew member were you heading on a course of 256 (west) when we began tracking your vessel on RADAR? Mr. Priyantha did not have a response.

I then asked Mr. Priyantha to open his long line bin, he agreed to this.

Upon inspecting the long line bin it was noted that it contained wire trace, a gear prohibited in BIOT. The gear was wet with the line dripping with water droplets. The plastic cover was inspected and found to be free from perforations or holes and completely dry. A brown hessian sack was laid, partially across the top of the line and this too was dry to the touch.

I asked Mr. Priyantha; why is this line wet. He replied "rain water".

I then brushed the droplets with my hand and tasted it, it tasted of salt. Mr. Priyantha was asked to explain this. He did not offer a response.

**At 18:48**, I asked Mr. Priyantha, where have you been fishing? He responded, "Somali side 09°S and 64°E".

**At 18:49**, I requested that the fishing holds be opened for inspection. This instruction was followed.

**At 18:50**, I first inspected the after hold, and I noted that the ice around the top of this hold was disturbed and broken, as if it had been accessed and worked recently. I asked for the top two fish to be removed. Upon inspection they were both identified to be Oceanic White Tip, Sharks, a species known to inhabit deep water areas. At closer inspection it was noted that both had not been dressed in any way. Eyes were clear, gills filled with blood and the flesh soft to the touch. Blood could be seen to be flowing from mouth wounds, and the flesh was still firm to the touch, showing resistance when pressed, indicative of fish that had been caught, in my view, within the last 2 to 3 days.

**At 18:51**, I requested that a tuna species deeper in the hold be brought up. This was brought up and found to be dressed Head Off (HO), therefore, it was impossible to determine the age of this specimen.

**At 18:53**, I asked Mr. Priyantha, when was the last time you fished? He replied, "5 days Somali side."

I asked Mr. Priyantha the following questions:

Why if it has been 5 days since you last fished is all the ice in this hold loose and broken. He replied, "Because shark melts".

**At 18:55**, I inspected the forward fishing hold and asked for the bags to be removed from its top. Upon the removal of the bags it could be seen that the ice was solid, undisturbed and when prodded with my torch it did not dislodge. These are characteristics consistent with ice that has not been disturbed for some time.

**At 18:59** I asked Mr. Priyantha for permission to enter the wheelhouse and requested that he follow. Which he gave permission and then followed me into the wheelhouse.

I then asked Mr. Priyantha the following questions about his fishing trip:

What date did you leave Sri Lanka? He replied "fishing in North India".

Again, what date did you leave port in Sri Lanka? He replied "September".

What date in September? He replied "10<sup>th</sup>".

Where have you been fishing since 10<sup>th</sup> September? He replied "don't remember".

Do you have a fishing logbook where you record your catch? He replied "yes".

I was then handed fishing logbook LB5015 and Fishing Operations Licence Number 14HS0041KLT showing the owner of the vessel to be a Mr Seetharanthna Chamaka Lakmal De Silva of 201/A/1, 7<sup>th</sup> Lane, Moragalla, Beruwala and dated from 2014 – 01 – 01 to 2014 – 12 – 31 for his vessel.

In addition I was handed a Certified True Copy of the Certificate of Registration and what appeared to be a certificate of valuation and insurance. Showing the value of the vessel in total to be 17,747.42 Sri Lankan Rupees!

Upon inspection of the fishing logbook it was noted that only 3 logs had been completed and that two of them had been completely removed with no carbon copy remaining in the logbook. Two further white sheets had been partially completed; both showed the date 10-09-2014. As this date was not written in the normal style expected of a Sri Lankan document, which is normally date formatted by YYYY-MM-DD it was impossible for me to determine if these logs had been completed to represent October or September.

**At 19:05**, I began to inspect the navigation equipment on the vessel. Only two Waypoints were loaded.

Waypoint A read 09° 43.211S 65° 29.930S

Waypoint B read 06° 10.574S 74° 08.458S

I made a radio call on the VHF handheld radio to the BPV and requested that both positions be plotted to see if they fell inside BIOT waters.

**At 19:10**, the BPV replied that the Waypoint B was inside BIOT water to the Eastern side of the Great Chagos Bank (GCB), in Inner sector 3 and waypoint A being outside the BIOT FCMZ, and to the South West.

**At 19:12**, I exited the wheelhouse and asked Mr. Priyantha to remove black plastic sheeting from a lump of what I suspected to be fish curing on the deck. During my tenure in BIOT as the SFPO I have witnessed 25 vessels of this type, curing fish in this way and at its various stages of processing.

Upon inspection I found the items below the black plastic sheet to be fish coated in salt, the flesh being soft to the touch and wet with blood still on it. Placing fish meat in salt is a process at the beginning of drying fish. The salt is used for two purposes, first to draw all or most of the moisture from the flesh and the second to give permanent preserve. It takes between 24 and 48hrs to complete this part of the drying process and therefore it is my expert opinion that this fish meat had not been placed into this salt cure any earlier than 48hrs before inspection. The fish segments, which had been cut up were inspected and identified as a variety of shark pieces, species unidentifiable and Red Snapper, Red Snapper being a species that only inhabits shallow reef areas of water and is not known to inhabit the pelagic or open water zone. Therefore, it is my opinion that this fish meat could only have been captured on a shallow reef area of water, such as one of the many banks and reefs in BIOT. When I considered all evidence, wet meat, salt cure, reef species and salting and drying process I can only conclude that this fish meat was captured within 48 hours of inspection and as no other locations, where this fish inhabits, outside of BIOT are accessible within that timeframe, by a vessel of this type having a maximum speed of between 5 and 5.5kts, it is my opinion that the source of this fish meat was inside the BIOT FCMZ.

**At 19:15**, I asked Mr. Priyantha, where and when did you catch this fish? He replied “5 days ago Somali side”.

**At 19:17**, I climbed up onto the roof of the wheelhouse, a place known for storing dried and curing fish on these vessels. Upon inspection I found a black plastic sheet, similar to that covering the curing fish on deck, all tied down and secured with ropes. I asked the crew member that had followed me to open this sheet so it could be inspected.

Upon inspection I found “kippered” fish species which were dry cured. I brought a sample down and asked Mr. Priyantha to explain why this fish was already dry and cured a process that takes

approximately 2 days in good weather, as experienced in the recent days before interception, when the other fish was still fresh looking. Mr. Priyantha did not respond.

**At 19:20**, I concluded that I believed that Mr. Priyantha had been fishing in BIOT waters as all the evidence before me amounted to this. Mr. Priyantha replied “no”.

I then proceeded to caution Mr. Priyantha for the offences of Fishing without a license in BIOT, contrary to Regulation 7(1) of THE FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE 2007 (as amended) and Regulation 6(3)(i) of the same legislation for possession of prohibited fishing gear, namely wire trace.

Mr. Priyantha was asked if he understood the caution, he replied, “yes”.

Mr. Priyantha was not offered the opportunity to have his offences dealt with by means of Fixed Penalty Notice (FPN) as the system to issue such a notice is currently suspended due to a requirement for legislative amendments for the offence of possession of a prohibited fishing gear.

No further questioning was undertaken other than for processing the vessel ready for arrival at Diego Garcia.

Mr Priyantha was asked if his vessel had any infestations, such as spiders or cockroaches. He replied “yes spiders and cockroaches”.

Do you have any weapons, explosives or poisons on this boat, Mr. Priyantha replied “no”.

Fisheries Protection Officer (FPO), Mr Fernando then proceeded to take the names and addresses of all crew members.

Captain

Mr Priyantha Hettiarachchi of Galpotha Karanaka, Goda, Beruwala

Crew

Mr M A Nandana Sisira Kumara of Vedagoda, Beruwala

Mr S Chinthaka of Vedagoda Beruwala

Mr K K Dalim Silva of Egodawatha Beruwala

Mr W M Rathnapala of 298/1B Dakhnupiti Paha

Two crew members came forward to say they needed medical attention.

Mr K K Dalim Silva complains of an injured leg and was wearing a small bandage to his right lower leg.

Mr W M Rathnapala is the crew member who claims to have been hit on the head by the main beam. However, when asked to show me his wound he lifted his right leg and showed me a bandaged foot. No injuries to the head could be identified.

**At 19:40**, I and FPO Mr. Fernando disembarked the FV after recovering her radio microphone and giving her a VHF hand held radio and instruction on its use. Mr. Priyantha was instructed to follow the BPV to Diego Garcia where the investigation would continue.

**At 18:41** on 2<sup>nd</sup> December 2014, I was present onboard The Pacific Marlin where I handed Miss Sally Pont, ROPO 8 of the BIOT Police the following items in evidence.

1. Fishing Logbook
2. Fishing License
3. Certificate of ownership for FV Jane
4. Certificate of insurance for FV Jane

I witnessed ROPO 8 attach a BIOT Police Exhibit Label to the Fishing logbook and marked it as the following:

Exhibit Number	Description
RSC/01	Blue Log Book from Fishing Vessel Jane

I signed the rear of the exhibit label for continuity of the exhibits. ROPO 8 signed accordingly.

Between 10:30 and 11:00hrs on the 3<sup>rd</sup> December I conducted a search of FV Jane, in the presence of Crime Scene Investigator (CSI), Miss Prescott (ROPO 4). The following items were subsequently handed to ROPO 4 who seized them as evidence. I witnessed ROPO 4 attach a BIOT Police Exhibit Label to the document and marked it as the following:

Time	Exhibit Number	Description
1030	RSC/02	2 <sup>nd</sup> Blue Log Book from Fishing Vessel Jane.
1039	RSC/03	14 Various Lottery Tickets.
1044	RSC/04	Lottery ticket dated 01/11/14.
1057	RSC/05	Harpoon Spear Head on Wire Trace.

I signed the rear of the exhibit label for continuity of the exhibits. ROPO 4 signed accordingly.

Between 12:55 and 16:30hrs, I was present in my capacity as a subject matter expert (SME) when the following catch was off loaded from the Jane by its crew under the direction of the BIOT Police CSI ROPO 4. I identify the catch as:

### **CATCH**

- 4 Oceanic White Tip Sharks between 131 and 186cm
- 37 Sandbar Sharks between 135 and 198cm
- 12 Bull Sharks between 137 and 310cm
- 4 Scalloped Hammer Head Sharks between 147 and 120cm
- 3 Tiger sharks between 159 and 201cm
- 34 Reef Silver Tip Sharks between 38 and 152cm
- 3 Black Tip Sharks between 176 and 214cm
- 6 Spinner Sharks of between 127 and 201cm
- 5 pairs of Giant Manta wings – dressed
- 26 dressed Head Off (HO) and halved shark trunks (species unidentified)
- 1 dressed HO Yellowfin Tuna
- Assortment of dried and salted fish

Total estimated weight of catch: 4200.00 kg



## **FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £1,900.00

Fishing vessel: Estimated value £9,000.00

At 2030, I was shown the 3 documents by ROPO 4, who asked me to confirm the documents as the documents I had previously handed to ROPO 8, which I did. I witnessed ROPO 4 attach a BIOT Police Exhibit Label to the documents and marked them as the follows:

Exhibit Number	Description
RSC/06	Fishing Operations Licence for high seas fishing; Licence No:14HS0041KLT (2 pages).
RSC/07	Certificate of Registration; Name of Boat IMUL-A-0524 KLT (3 pages).
RSC/08	Certificate of Insurance for FV Jane (1 page).

I signed the rear of the exhibit label for continuity of the exhibits. ROPO 4 signed accordingly.

This concludes my Statement of Evidence.

**BIOT POLICE  
WITNESS STATEMENT**

**Section 1**

Full Name: Robert Samuel Clark

Service No: N/A

Unit/Home address or contact details:

Home telephone No: N/A

Other telephone No: 370 - 0936

Mobile Phone/Pager No: N/A

E-mail Address: SFPO@mrag.co.uk

Date and place of birth: 06 February 1969, Littleborough

M/F: M

Maiden name: N/A

Height: 165 cm

Ethnic Code: (IC No:) 1

Statement taken by: ROPO 4 Miss S N A Prescott

Unit: BIOT Police, Diego Garcia

Place, Date and Time: BIOT Police Station, 3 Dec 14 2035

**ETHNIC CODE – LEGEND  
(IC)**

- 0 – Not known
- 1 – White (skinned) European
- 2 – Dark (skinned) European
- 3 - African/Caribbean
- 4 – Asian
- 5 – Oriental
- 6 – Arabian or Egyptian
- 7 – Other including Polynesian

**Section 2**

**Dates to be avoided of the witness named on this statement – (ie, leave, course, etc)**

2<sup>nd</sup> February – 2<sup>nd</sup> May 2015 on leave

**Section 3**

**Witness Consent**

- (i) (Victims only). The information recorded above will be disclosed to the Victim Support so that they can offer help and support unless you ask them not to. Do you wish to decline their services? **N/A**
- (ii) I consent to the statement being disclosed for the purpose of civil proceedings e.g. child care proceedings? **YES**
- (iii) I consent to the statement being disclosed for the purpose of administrative proceedings e.g. Board of Inquiry. **YES**

Signature of witness .....

**Service Police Actions**

- (i) Is the witness also the victim in this case? **NO**
- (ii) Has the witness any concerns about being intimidated? **NO**
- (iii) Is this a racist incident? **NO**
- (iv) Is the witness vulnerable? **NO**
- (v) Has the witness been given the details of the Policeman/woman in the case? **YES**

## **COLLECTION OF EVIDENCE**

Several photographs were taken during the boarding including the fish believed to have been caught in BIOT and the wire trace. Furthermore, the reported route of the FV was compared with its actual position.

<b>Exhibit No.</b>	<b>Description of Exhibit</b>
Photo TF025-01	Photo of dogtooth tuna
Photo TF025-02	Photo of first kawakawa
Photo TF025-03	Photo of second kawakawa
Photo TF025-04	Photo of wahoo head, including clear unglazed eyes (indicator of freshness)
Photo TF025-05	Wire trace
Photo TF025-06	Photo of dogtooth tuna gills showing red colour, indicative of freshness.
Photo TF025-07	Photo of dogtooth tuna eye showing clear unglazed eyes (indicator of freshness)
Photo TF025-08	Photo of kawakawa eye showing clear unglazed eyes (indicator of freshness)
Photo TF025-09	Photo of red snapper
Photo TF025-10	Photo of fishing vessel. Note inconsistent vessel id on the bow and bridge bulkhead.
Photo TF025-11	Map of BIOT showing shortest route for FV between the two reported waypoints and the FV's position when detected, some 65nm distant.

## **CATCH**

The Captain stated he had approximately 3,000kg of catch onboard consisting of tuna (nei), shark and wahoo. I consider beyond reasonable doubt that he had caught at least some of this catch in BIOT. This includes:

- 1 wahoo of approximately 8kg;
- 1 dogtooth tuna of approximately 10kg;
- 2 x kawakawa of approximately 2kg each; and
- 1 red snapper of approximately 500g.

This catch was disposed of under observation by the FV crew on my demand following the return of the FV's crew, GPS and radio handset.

This concludes my Statement of Evidence.

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10  
E-Mail: [nimalhetti@gmail.com](mailto:nimalhetti@gmail.com)

02 December 2014

Dear Mr. Hettiarachchi

**Report on the investigation of the Sri Lankan vessel “Jane” in British Indian Ocean Territory (BIOT) Waters**


The Sri Lankan flagged vessel Jane (IMUL-A-0524-KLT IOTC No. IOTC0014365) is being criminally investigated on suspicion of being involved in illegal fishing and possession of illegal fishing gear. In order to complete the investigation the BIOT Administration needs to be clear as to the accurate details of the registered owner before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of this vessel are preliminary, no finding has been made by the Administration of any such activity.

According to the best information available to the Administration the owner’s name and address are as follows;

Source	Owner Name / Address
IOTC Record of Authorised Vessels	SMCL DE SILVA 340, KOTTASA GEDARA ROAD, MIRISSA SRI LANKA

Please can you confirm the ownership details for the vessel? We would be grateful for a formal signed response with a DFAR letterhead, which can be scanned and sent by email as soon as possible, preferably before 9<sup>th</sup> December 2014. Thank you for your cooperation.

Yours sincerely



John Pearce  
Principal Consultant  
On behalf of Dr C.C. Mees  
Head of UK-OT Delegation

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த.பெட்டி }  
P. O. Box }  
දුරකථනය } 446183  
தொலைபேசி } (3 lines)  
Telephone }



මගේ අංකය }  
எனது இல. } DFAR/FM/K/BIOT/IUU  
My No. }  
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Your No. }

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தொலை நகல் } 449170  
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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

Mr. John Pearce  
Principal Consultant  
UK-OT Delegation  
18, Queen Street  
London, W 1J 5PN  
United Kingdom

Dear Mr. Pearce

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 03/12/2014  
திகதி }  
Date }

**Confirmation of ownership details of the Vessels "Jane" (IMUL-A-0524KLT- IOTC 0014365).**


This is in reference to your letter dated 2<sup>nd</sup> December 2014 requesting confirmation of the ownership details of the Vessels "Jane" (IMUL-A-0524KLT- IOTC 0014365).

I would like to inform you that the following information is true and correct with regard to the ownership of the above two vessels.

Vessel identity	Name of the owner	Address	National ID No.
"Jane" (IMUL-A-0524KLT)	SMCL De Silva	340, Kottasa Gedara Road, Mirissa, Sri Lanka	810722797v

Source: Vessel Registry/DFAR

Thank you  
Yours sincerely

  
Kalyani Hewapathirana  
Deputy Director/ Fishery Biology  
For Director General  
Department of Fisheries And Aquatic Resources Sri Lanka

Cc: Dr.C.C.Mees/ Head UK Delegation to IOTC – For information



Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

10 December 2014

E-Mail: [nimalhetti@gmail.com](mailto:nimalhetti@gmail.com)

Dear Mr. Hettiarachchi

**Report on the investigation of the Sri Lankan vessel FV JANE in British Indian Ocean Territory (BIOT) Waters**

The Sri Lankan flagged vessel Jane (IMUL-A-0524-KLT IOTC No. IOTC0014365) was detained on suspicion of being involved in fishing illegally, and for being in possession of illegal fishing gear in the BIOT MPA on 1 December 2014.


The vessel Jane (IMUL-A-0524-KLT IOTC No. IOTC0014365) has been released pending a decision on further action. The Master was instructed to leave BIOT waters directly and to return the FV to port. The vessel is now on its way back to Sri Lanka and should arrive in the next few days. In respect of our bilateral cooperation to combat illegal fishing we would kindly request the assistance of DFAR, and request notification of any actions taken by DFAR in conducting a regulatory investigation into the activities of the vessel. Previous actions carried out by DFAR in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) have included the following:

- Recall the vessel to port immediately;
- Notify the relevant port authorities to detain the vessel on arrival;
- Suspension of the licence of the vessel and other relevant flag State actions;
- Notify the owner of the requirement to pay the fine to the BIOT Authorities as per the Fixed Penalty Notice (appended); and,
- Pending payment of the fine and completion of flag State actions we would request that the vessel is detained in port.

The BIOT Administration will inform the owner and master of the vessel of further action at a later date.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)). We look forward to your continued cooperation.

Yours Sincerely



Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK (OT))

#### A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Kavidya Duwa
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IMUL-A-0155-KLT (IOTC No. 12322).
e	Photo	Attached as Appendix 3
f	Call Sign (previous call sign, if any)	N/A
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Hewarathnasinghage Ranga Harshapriya. Silva of 53, Temple Road, Berwula, Sri Lanka
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr. Kumara
i	Date of alleged IUU fishing activities	6 <sup>th</sup> November 2014
j	Position of alleged IUU fishing activities	06° 36.3S 071° 40.4E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence and fishing with prohibited gear
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> Vessel was released on 19th November 2014 and tried in absentia in court in BIOT. On 22nd January 2015. It was found guilty on both charges and fined £10,000 for fishing without a licence and £2,000 for fishing with prohibited gear (wire trace). It was also ordered that £200 costs be paid and the fishing gear held in Diego Garcia be seized by the crown. Given 30 days to pay.

Item	Definition	Indicate
		<b>Flag State Actions:</b> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• Owner summoned for an inquiry on 19th January to the head office and statements recorded.</li> <li>• Owner made aware on the high seas fishing conditions and the consequence of been listed in IUU fishing and informed to respect the decision of the courts of BIOT.</li> <li>• Informed of the proceedings under the provisions of Fisheries Act No.35 of 2013.</li> </ul>
m	Outcome of Actions taken	Fine not paid, gear forfeited and Sri Lanka / IOTC notified

## B. Details of IOTC Resolution Elements Contravened

*(Indicate with a "X" the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Statement of Evidence (Appendix 1)  
Record of Court Proceedings (Appendix 2)  
Photographs (Appendix 3)

<b>Supporting Documents in Compendium</b>
20141117_UKOT_Kavidya_Duwa_ownership_details_to_Sri_Lanka
20141120_SL_Confirmation_Ownership_Kavidya_Duwa
20141204_UKOT_Kavidya_Duwa_Vessel_Released_Pending_Investigation
20150129_DFARemail (email only, no supporting evidence)

### D. Recommended Actions

<b>Recommended Actions</b>	<b>Indicate</b>
a Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

**BIOT POLICE****WITNESS STATEMENT**

(CJ Act 1967, S.9; MC Act 1980, SS.5A (3a) and 5B; MC Rules 1981, r70)

Statement of: <b>Robert Samuel Clark</b>	
Age if under 18: <b>'Over 18'</b>	Occupation: <b>Senior Fisheries Protection Officer BIOT</b>
<p>This statement (consisting of x pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.</p>	
Signature:	Dated the: <b>Monday 12<sup>th</sup> November 2014</b>

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 65 months field experience, which includes 37 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 21<sup>st</sup> October 2014

**SITUATION**

At 22:20, on Thursday 6<sup>th</sup> November 2014, whilst conducting BIOT 461 Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and on the Great Chagos Bank, I identified two signatures on radar which he believed to be fishing vessels. No navigation lights could be seen in the general area of the target vessels.

At 22:21, the first radar signature was plotted; inside the Great Chagos Bank, on the South Western edge, approximately 65nm North West of Diego Garcia. The target details were;

**Position** 06° 36.3S 071° 40.4E**Course** 48°.**Range** 7.2nm**Bearing** 116°**Speed** variable between 6.0 and 6.4kts

The general characteristics of conditions were; part cloudy, with full moonlight in cloud breaks, moderate seas, 15.0 – 18.0kts wind variable with intermittent squalls and thunder storms.

Both vessels were placed under surveillance and shadowed.



Due to shallow water areas the BPV had to change to a safe course, which resulted in the two vessels achieving an approximate distance from the BPV of 9nmls.

At 00:10 I requested that the BPV increase to maximum speed, in order to close down and intercept the two vessels and intercept. I believed that the two vessels had either been or were about to engage in illegal fishing as neither one was burning navigation lights and both were in an area of water popular with illegal fishermen.

At 03:20 the Master of the BPV, Mr Holden was called to the bridge to take command of the vessel.

At 03:28 the two targets separated from their course with the slightly slower target continuing to head in a North Easterly direction and the other breaking to the North West.

At 03:48, at approximately 1.8 nm distance from the target heading North Easterly the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched me, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew. Upon my instruction the FRC headed to the vessel.

At 03:55 the FRC and occupants were caught in turbulent weather and seas and became swamped and disorientated in the conditions and began to fall behind the BPV who continued to chase the target vessel in question. I lost visual contact with the BPV and therefore a radio call, over VHF, to the Master of the BPV, Mr Holden was made, requesting that all deck and external lights to be ignited.

At 04:01 visual contact with the BPV was made and I gave the instruction, again by VHF radio, for the BPV to continue to chase the FV with the spotlight trained on it and the horn sounding. This instruction was followed and the BPV went ahead of the FRC to intercept the FV.

At 04:30 I received a VHF radio message from the BPV Master, Mr Holden that the suspect vessel had eventually stopped and her markings identified as Kavidya Duwa.

At 04:39 I arrived at the suspect vessel and identified her as Kavidya Duwa, IMUL-A-0155-KLT.

At 04:40 through FPO Mr Wijeweera, acting as interpreter, I requested the name of the other vessel that Kavidya Duwa had been sailing with. A member of the crew responded "Otto".

At 04:41 I requested that FPO Mr Wijeweera instruct the Kavidya Duwa to follow the BPV and requested the radio microphone and fishing licence be handed over. A crew member of the FV duly handed over the radio microphone and fishing licence, number 13 HS0028KLT bearing the owners name of Mr Hewarathnasinghage Ranga Harshapriya Silva of 53 Temple Road, Beruwala and dated 2013 – 01 – 01 to 2014 – 01 – 01 were handed to me. A VHF hand held radio, set to Channel 8 was passed back and the crew member instructed in its use.

At 04:58 the FRC and occupants were recovered to the BPV and chase made for the second vessel.

At 05:02 the Kavidya Duwa stopped following the BPV and began to drift astern of her. The BPV continued to chase the second target and maintained a radar lock on the Kavidya Duwa until she dropped 11nmls behind and the radar lock was lost.

The BPV went ahead and intercepted the other fishing vessel, Otto II (2).

At 11:35 the BPV arrived back at the location of FV Kavidya Duwa at position 06° 15.85S 071° 53.50E.

At 11:40 the FRC with me, FPO Wijeweera and one crew member launched from the BPV to conduct the initial boarding.

At 11:43 on the 7<sup>th</sup> November 2014 me and FPO Mr Wijeweera again boarded the Kavidya Duwa and all questions after this point were communicated through FPO Wijeweera acting in his capacity as interpreter.

I requested that the Master of the vessel make himself known. A Mr Kumara came forward DOB 1984 – July – 02. It was noted that 5 other men were present on the vessel and they were requested to muster to the forward bow area.

Upon first general inspection of the long line bins, it was noted by me that the vessel was carrying wire trace, a fishing gear which is prohibited in BIOT waters.

At 11:49 I began questioning Mr Kumara about his fishing voyage.

Where have you been fishing? Mr Kumar responded, "Mhala Bank 12° 20S and 62° 22E"

At 11:50 I asked Mr Kumara, why didn't he stop his vessel when he was being chased? Mr Kumara replied, "Don't know who we are".

How long have you been with the other boat and why were you together? Mr Kumara replied, "With him for only 1 day, has problem with alternator and met him at 10°S 70°E.

At 11:51 I radioed the BPV for a distance and time calculation from point of first sighting.

At 11:53 the Master of the BPV responded that the location 10°S 70°E was outside the BIOT EEZ, some 240nmls South West of the position of first sighting and that at 6.4kts, the Kavidya Duwa's fastest speed recorded in chase, this journey would take him 37.5hrs.

At 11:53 I asked Mr Kumara, how did you make that journey in 1 day Master? Mr Kumara replied "6 day running trouble".

At 11:54 I asked Mr Kumara, what date did you leave port in Sri Lanka? Mr Kumara replied, "29 September".

I then asked Mr Kumara, do you have your port exit documentation? Mr Kumara replied, "No".

At 11:55 I detained the FV Kavidya Duwa and cautioned the master for possession of prohibited fishing gear, namely wire trace and due to poor sea conditions instructed the master to follow the BPV to Diego Garcia where the investigation would continue.

At 11:56 I requested that Mr Kumara hand me the vessels Fishing Logbook and all crew identity cards.

At 11:58 Mr Kumara handed me a Fishing Logbook serial number LB0775 with calendar dates 2010 and 2011 in the front cover and one national identity card, number 841843371V belonging to himself and stated that no other members of the crew had identity documents.

At 12:00 the boarding team disembarked the vessel and from alongside asked the following questions.

Do you have any explosives or weapons on board? Mr Kumara replied "no".

Do you have any infestations of cockroaches, spiders or other? Mr Kumara replied "no"

Do you have any medical problems with any of the crew? Mr Kumara replied "no"

Mr Kumara was then instructed again to follow the BPV to Diego Garcia where the investigation would continue.

At 08:09 on Saturday 8<sup>th</sup> November 2014 FV Kavidya Duwa and FV Otto 2 were escorted past buoys 1 and 2 at Diego Garcia by the BPV Pacific Marlin without an escort. The escort had not arrived at the outer buoys for 08:00hrs as requested and due to squalls gusting between 20.0 and 28.5kts the BPV could not hold position and wait.

At 08:30 the BPV was met by the escort just outside the Small Boat Basis (SBB), and I and FPO Mr Wijeweera disembarked the BPV and moved to the two fishing vessels instructing them to follow the PAC24 craft into the SBB.

At 09:00 the two fishing vessels were brought alongside Finger Pier No3 and met by the Senior Customs and Immigration Officer, Mr Lowry.

At 14:45 on the 9<sup>th</sup> November 2014 I and FPO Mr Wijeweera, acting as interpreter, attended Finger Pier No3 and resumed the investigation of FV Kavidya Duwa. The holds were requested to be opened at this time.

At 14:50 I asked Mr Kumara the following question.

Do you have any fish in the forward hold? Mr Kumar replied, "no"

At 14:51 I requested that Mr Kumara have the fruit and vegetables on top of the ice in the after/stern hold taken out. He complied with this instruction.

At 14:57 I asked Mr Kumara. "Before I go inside this hold, will I find any fish caught in this area? Mr Kumara replied, "no".

I then asked Mr Kumara. "To clarify, when was the last time he caught fish". He replied, "can't remember".

I again asked "what date did you leave port"? Mr Kumar replied, "29 September".

At 14:59 I entered the after/stern hold of the fishing vessel.

At 15:00 I observed loose ice in the stern centre portion of the hold. This ice was easily moved and disturbed, white and clean in colour and loose in consistency. This is consistent with ice that has been disturbed recently.

I examined the ice in the other parts of the hold and noted that it was discoloured, having a brown sheen, melted together and forming a solid sheet across the top of the ice layer. This being consistent with ice that has not been disturbed for some time, and therefore it was identified that the loose and clean section of ice should be the target area of investigation.

At 15:02 I exited the hold and instructed Mr Kumara to have a member of his crew bring out any fish from the suspect area of ice.

Two sharks, identified as Silver Tip Reef Sharks, known to inhabit shallow water and reef areas were placed upon the FV's deck.

At 15:04 I asked Mr Kumara, "where did you catch these sharks"? Mr Kumara replied, "10°S 62°E Mhala Bank, 10 days ago".

I inspected the sharks and found the eyes to be clear and firm to the touch, with a slight delay in the spring back to position. The sharks gills were noted to be full of blood and fresh looking and blood was noted to be running from a mouth wound. The flesh was soft to the touch but sprung back to position, after pressure was applied, instantly. These characteristics allowing me to assess that the fish could not have been in the hold any longer than 4 or 5 days. As Mr Kumara had not been able to fish since interception on 6<sup>th</sup> November at 22:20, this meant that the sharks had been caught within 3 days of that interception.

The Mhala bank is approximately 550nmls to the South West of the Great Chagos Bank and it was calculated that at his fastest observed speed, of 6.4kts, Mr Kumara would have had to catch the fish, at that location approximately 4 days before interception. This is assuming that his vessel was capable of maintaining this top speed for the duration of the voyage. Coupled with the disturbed and loose ice, I assert that the fish in the rear quarter of the after/stern hold must have been caught in an area within BIOT. The probable area of catch being the Great Chagos Bank or Pitt Bank, both of which would fall within the timeline of capture and characteristics!

However, Mr Kumara had stated at 15:04, on the same day, that he had caught the sharks 10 days prior to inspection and therefore well outside the estimated age of catch.

At 15:09 I told Mr Kumara of my findings and that it was beyond any doubt, in my mind, that these fish were caught in BIOT waters. Mr Kumara was offered the opportunity to have the two offences of Fishing Without a licence in BIOT and possession of prohibited fishing gear,

namely wire trace, dealt with by Fixed Penalty Notice (FPN). I explained to Mr Kumara that the fishing allegation would attract a FPN of £10,000.00 if he agreed, and his catch would be confiscated in that process. He was also advised that the prohibited fishing gear, charge would attract a penalty yet to be determined, again he would have to surrender his fishing gear.

At 15:10 Mr Kumara stated that he had not been fishing and contested the allegation.

I stated to Mr Kumara that if he contested the allegation, he may have his case dealt with by the BIOT Court.

At 15:10 on the 9<sup>th</sup> November, Mr Kumara stated that he wished to have his case heard by the BIOT Court.

At 15:12 I cautioned Mr Kumara for the offences of Fishing without a licence in BIOT, contrary to Regulation 7(1) of THE FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE 2007 (as amended) and Regulation 6(3)(i) of the same legislation for possession of prohibited fishing gear, namely wire trace.

AT 15:15 I disembarked the vessel.

### **COLLECTION OF EVIDENCE**

At 00:00, I hand ROPO xx the following items seized by me. ROPO xx marked them as the following exhibits;

<b>Exhibit No.</b>	<b>Description of Exhibit</b>
	Fishing licence for FV Kavidya Duwa, Licence Number 13 HS 0028KLT
	1 x National ID card
	Fishing Logbook, serial number LB0075

I have signed all the exhibit labels as the person originally identifying the articles.

Between 09:35hrs and 10:55hrs on the 12<sup>th</sup> November 2014, I was present in my capacity as a subject matter expert (SME) when the following catch was off loaded from the Kavidya Duwa by its crew under the direction of the BIOT Police Crime Scene Investigator (CSI), Miss Pont (ROPO 04). I identify the catch as;

### **CATCH**

- 13 Tiger sharks of between 0.7m and 3.20m
- 48 White Tip Reef Sharks of between 0.65m and 1.51m
- 50 Silver Tip Reef Sharks of between 0.65m and 1.35m
- 1 Scalloped Hammer Head Sharks of 1.6m
- 12 Bull Sharks of between 1.41m and 2.4m
- 1 Black Tip Reef Sharks of between 1.11m



- 14 Grey Reef Shark of between 0.70m and 1.15m
- 5 Long Finn Mako sharks of between 1.4m and 1.6m
- 1 dressed sharks (head off) of 1.5m
- 6 Sand Sharks of between 0.9m and 1.3m
- 3 Silky Sharks of between 0.75m and 1.0m
- Approximately 200kgs of dried and salted fillets.

Total estimated weight of catch: 3,100.00 kg

### **FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £2,500.00

Fishing vessel: Estimated value £13,000.00

This concludes my Statement of Evidence.

## Appendix 2: Record of Court Proceedings.



**Magistrates Court  
Diego Garcia  
British Indian Ocean Territory**

**RECORD OF PROCEEDINGS 22<sup>nd</sup> January 2015**

Name: Mr Hewarathnasinghage Ranga Harshapriya Silva, Owner of Kavidya Duwa,

The court case was held in the Magistrates Court on the **twenty second day of January 2015** on the following charges:

**STATEMENT OF OFFENCE**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**PARTICULARS OF OFFENCE**

1. That you, Mr Hewarathnasinghage Ranga Harshapriya Silva, being the Owner of fishing vessel 'Kavidya Duwa' (IMUL-A-0155KLT- IOTC 012322) did on 6 November 2014, fish in the fishing waters of the British Indian Ocean Territory without a licence contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

and

2. That you, Mr Hewarathnasinghage Ranga Harshapriya Silva, being the Owner of the fishing vessel 'Kavidya Duwa' (IMUL-A-0155KLT- IOTC 012322), was on 6 November 2014, found in possession of prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Mr Hewarathnasinghage Ranga Harshapriya Silva pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters. Mr Hewarathnasinghage Ranga Harshapriya Silva was found guilty on both charges and was sentenced as follows:

Pay a fine of **10,000 GBP** for Fishing without Licence  
Pay a fine of **2,000 GBP** for being in possession of prohibited fishing gear  
Pay Court costs of **200 GBP**  
Fishing Gear to be forfeited to the Crown for disposal.

Payment must be made within 30 days.

If payment has not been received by the 21st February 2015 these fines and costs will be passed to enforcement agents for them to collect.

Further Mr Hewarathnasinghage Ranga Harshapriya Silva may be summoned to explain to the court why payment has not been made.

If you wish to appeal the sentence and or conviction you must do so within the next 30 days. The deadline for any such notification of an appeal is therefore also 21st February 2015.

If you require any further information regarding any of the above contact myself or [BIOTAdmin@fco.gsi.gov.uk](mailto:BIOTAdmin@fco.gsi.gov.uk) before the 21st February 2015



Mr Kerry Cunningham  
Clerk of the Magistrates Court  
British Indian Ocean Territory





**IN THE MAGISTRATES COURT  
DIEGO GARCIA  
BRITISH INDIAN OCEAN TERRITORY**

Case Number: 30/14

Court Code: 02/15

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**CERTIFICATE OF CONVICTION**

**This is to certify that on the 22<sup>nd</sup> day of January 2014 at the Magistrates Court in Diego Garcia Hewarathnasinghage Ranga Harshapriya Silva was convicted following trial of the following offences:**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

That you, Mr Hewarathnasinghage Ranga Harshapriya Silva, being the Owner of fishing vessel 'Kavidya Duwa' (IMUL-A-0155KLT- IOTC 012322) did on 6 November 2014, fish in the fishing waters of the British Indian Ocean Territory without a licence contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

Mr Hewarathnasinghage Ranga Harshapriya Silva, being the Owner of the fishing vessel 'Kavidya Duwa' (IMUL-A-0155KLT- IOTC 012322), was on 6 November 2014, found in possession of prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

and was sentenced as follows:

Pay a fine of **10,000 GBP** for Fishing without Licence

Pay a fine of **2,000 GBP** for being in possession of prohibited fishing gear

Pay Court costs of **200 GBP**

Fishing Gear to be forfeited to the Crown for disposal.



### Appendix 3: Photographs



Figure 1: Kavidya Duwa bow



Figure 2: Kavidya Duwa starboard





**Figure 3: Kavidya Duwa stern**



**Figure 4: Kavidya Duwa catch**

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10  
E-Mail: [nimalhetti@hmail.com](mailto:nimalhetti@hmail.com)

17 November 2014

Dear Mr. Hettiarachchi

## Report on the investigation into the Sri Lankan vessel Kavidya Duwa in British Indian Ocean Territory (BIOT) Waters


The Sri Lankan flagged vessel Kavidya Duwa (IMUL-A-0155-KLT, IOTC No. IOTC012322) is being criminally investigated on suspicion of being involved in illegal fishing and possession of illegal fishing gear. In order to complete the investigation the BIOT Administration needs to be clear as to the accurate details of the registered owner before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of this vessel are preliminary, no finding has been made by the Administration of any such activity.

According to the best information available to the Administration the owner's name and address are as follows;

Source	Owner Name / Address
IOTC Record of Authorised Vessels	HRH Silva 53 Temple Road (No town specified, operational port specified as Beruwala) SRI LANKA

Please can you therefore confirm the ownership details for the vessel and confirm the correct arrest? We would be grateful for a formal signed response with a DFAR letterhead, which can be scanned and sent by email as soon as possible, preferably before 24/11/2014. Thank you for your cooperation.

Yours sincerely



John Pearce  
Principal Consultant  
On behalf of Dr C.C. Mees  
Head of UK-OT Delegation

තැ. පො. } 531  
த. பெட்டி }  
P. O. Box }  
දුරකථන } 446183  
தொலைபேசி } (3 lines)  
Telephone }



මගේ අංකය } DFAR/FM/K/BIOT/IUU  
எனது இல. }  
My No. }  
මගේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187  
දුරකථන අංකය } 449170  
தொலை நகல் }  
Fax No. }

ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

Mr. John Pearce  
Principal Consultant  
UK-OT Delegation  
18, Queen Street  
London, W 1J 5PN  
United Kingdom

Dear Mr. Pearce

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 20/11/2014  
திகதி }  
Date }

**Confirmation of ownership details of the Vessels “Kavidya” (IMUL-A-0155KLT- IOTC 012322) and “Otto 2” (IMUL-A-0523KLT- IOTC 014364)**


This is in reference to your letter dated 17<sup>th</sup> November 2014 requesting confirmation of the ownership details of the Vessels “Kavidya” (IMUL-A-0155KLT- IOTC 012322) and “Otto 2” (IMUL-A-0523KLT- IOTC 014364).

I would like to inform you that the following information is true and correct with regard to the ownership of the above two vessels.

Vessel identity	Name of the owner	Address	National ID No.
<b>Kavidya</b> <b>IMUL-A-0155KLT</b>	H.R.H. Silva	53, Temple Road, Beruwala Sri Lanka	753500146v
<b>Otto 2</b> <b>IMUL-A-0523KLT</b>	W.S. De Silva	2/A/01/A, Talavila Watta, Moragalla, Aluthgama, Sri Lanka	811890880v

Source: Vessel Registry/DFAR

Thank you  
Yours sincerely

  
Kalyani Hewapathirana  
Deputy Director/ Fishery Biology  
For Director General  
Department of Fisheries And Aquatic Resources Sri Lanka

Cc: Dr.C.C.Mees/ Head UK Delegation to IOTC – For information

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

04 December 2014

E-Mail: [nimalhetti@hmail.com](mailto:nimalhetti@hmail.com)

Dear Mr. Hettiarachchi

## **Report on the investigation of the Sri Lankan vessel Kavidya in British Indian Ocean Territory (BIOT) Waters**

The Sri Lankan flagged vessel Kavidya (IMUL-A-0155KLT, IOTC No. 012322) is being criminally investigated for fishing and for possession of illegal fishing gear in the BIOT MPA on 6<sup>th</sup> November 2013.

The Kavidya (IMUL-A-0155KLT) was released on the 19<sup>th</sup> November 2014 pending a decision on further action. The Master was instructed to leave BIOT waters directly and to return the FV to port.


In respect of our bilateral cooperation to combat illegal fishing we would kindly request the assistance of DFAR in investigating the vessel. We would kindly request notification of any actions taken by DFAR in investigating the activities of the vessel. Previous actions carried out by DFAR in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) have included the following:

- Recall the vessel to port immediately;
- Notify the relevant port authorities to detain the vessel on arrival;
- Suspension of the licence of the vessel and other relevant flag State actions;
- Notify the owner of the requirement to pay the fine to the BIOT Authorities as per the Fixed Penalty Notice (appended); and,
- Pending payment of the fine and completion of flag State actions we would request that the vessel is detained in port.

The BIOT Administration will inform the owner and master of the vessel of further action at a later date.

If you have any questions or require assistance please do not hesitate to contact Dr Chris Mees ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or myself ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)). We look forward to your continued cooperation.

Yours Sincerely



Mr John Pearce  
Principal Consultant

**From:** Kalyani Hewapathirana [mailto:hewakal2012@gmail.com]  
**Sent:** 29 January 2015 04:50  
**To:** Chris C Mees  
**Subject:** Re: Notification of Court Findings DULARI (MragRef:IO0785)

Dear Dr Mees

All the vessels reported on IUU fishing in 2014 in BIOT waters (Total 11 vessels ) were apprehended and anchored at Beruwala harbour immediately after returned to Sri Lanka. Only the vessel Seawish was released and granted fishing only within the EEZ of Sri Lanka after payment of the fine and completion of gear marking. The owners of the vessel vessels Kavindya Duwa , Otto 2, Walter and Jane were summoned for an inquiry on 19th January to the head office and recorded their statements. They have been made aware on the high seas fishing conditions and the consequence of been listed in IUU fishing and informed to respect the decision of the courts of BIOT. In failing to do so They have been informed the proceedings under the provisions of Fisheries Act No.35 of 2013.

We received the above mail and already informed the vessel owners to pay the fine. At the same time our legal officer working on the legal proceedings to act against the vessel owners those have not paid the fine imposed by BIOT courts in consultation of the Attorney Generals Department. For the proceedings we would be thankful if you could send the Court decision of the vessels Nirodha putha and Imasha 2 as early as possible.

Further we are looking forward to receive the court decision of BIOT for the real owner of the vessel Stef Ania Duwa to inform him to do the payment and if fail to do so take the actions as per the other vessels those not paid he fine according to the instructions of the AGs Department.

regards  
Kalyani  
Deputy Director /DFAR



Mr Rondolph Payet  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

27<sup>th</sup> February 2015

cc. Mr Herminio Tembe, Chair of the Compliance Committee; Mr Hosea Gonza Mbilinyi Vice Chair

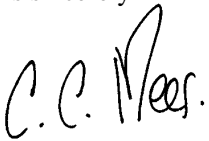
Dear Rondolph,

**Resolution 11/03. On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area – Sri Lankan flagged vessel, Kavidya Duwa IMUL-A-0155-KLT (IOTC No. 12322).**

An IOTC IUU reporting form in respect of the above referenced vessel was submitted to the IOTC Secretariat on 6 February 2015 prior to the 70 day deadline. In conformity with Paragraph 8 of Resolution 11/03 please find attached correspondence with the Sri Lankan Authorities that provides additional information relevant to the establishment of the IUU vessel list in respect of the vessel Kavidya Duwa. As detailed in the attachment, the owner has not paid his fine due to the BIOT court no later than 21<sup>st</sup> February 2015.

We would be grateful if you could circulate this additional information to the Compliance Committee with other details to be circulated with the draft and provisional IUU lists. Our recommendation in Section D of the 11/03 IUU Reporting form remains as (c). Thank you.

Yours sincerely



Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

Enclosed: Bilateral Correspondence with Sri Lanka, dated 24 February 2015

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10  
E-Mail: [nimalhetti@gmail.com](mailto:nimalhetti@gmail.com)

24 February 2015

Dear Mr. Hettiarachchi

**Bilateral Communication on the investigation of the Sri Lankan vessel Kavidya Duwa in British Indian Ocean Territory (BIOT) Waters**

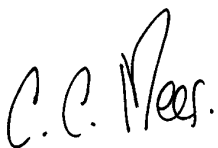
As previously notified to you on 27 January 2015 the owner of the Sri Lankan flagged vessel Kavidya Duwa (IMUL-A-0155-KLT, IOTC No. 012322 was issued fines for fishing illegally and for possession of illegal fishing gear in the BIOT MPA.

The BIOT Administration can confirm that the fine has **not** been paid by the due date of 21 February 2015.

We note that an inquiry was held by DFAR on 19 January 2015 (notified to BIOT Administration on 29<sup>th</sup> January 2015). As agreed under our bilateral arrangement, please provide to the BIOT Authority within 30 days (i.e. 27 March 2015) details of the actions taken in respect of the vessel, owner or master at that meeting and subsequently, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). Please could you indicate if additional time is needed in this case, noting the deadline for reporting to IOTC is 15 days before the meeting? As you are aware an IOTC IUU reporting form in respect of this vessel was submitted to the IOTC Secretariat on 6 February 2015 prior to the 70 day deadline. Our recommendation in Section D will remain as (c) until we have reviewed and are satisfied that the flag State actions indicated in your feedback are of adequate severity as required in Resolution 11/03 paragraph 10b.

If you have any questions or require assistance please do not hesitate to contact myself ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk)) or John Pearce ([j.pearce@mrags.co.uk](mailto:j.pearce@mrags.co.uk)). We look forward to your continued cooperation.

Yours Sincerely



Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

09 April 2015

E-Mail: [nimalhetti@gmail.com](mailto:nimalhetti@gmail.com)

Dear Mr. Hettiarachchi

**Update on the investigation of the Sri Lankan vessel OTTO II and KAVIDYA DUWA in British Indian Ocean Territory (BIOT) Waters**

The owners of these vessels were found guilty of IUU on 22<sup>nd</sup> January 2015 and fined. In respect of the sentence imposed, representations from the owners were received separately by the BIOT Court and considered, on 24<sup>th</sup> February for the Otto II and 31 March for Kavidya Duwa. The BIOT Court found no grounds to re-open either of the cases. The earlier judgement therefore remains.

To date no fines have been paid.

A direction from the court was made at each hearing that the Sri Lankan authorities be advised separately of certain welfare issues raised by each of the owners in their mitigation. This has been done.

As you are aware an IOTC IUU reporting form in respect of these vessels was submitted to the IOTC Secretariat on 6 February 2015 prior to the 70 day deadline, currently our recommendation in Section D remains as (c). However we acknowledge receipt of your email on the 8<sup>th</sup> April, outlining the actions taken by DFAR against these vessels and thank Sri Lanka for its continued cooperation with combatting IUU. We will assess if these measures can be considered as adequately severe as required in Resolution 11/03 paragraph 10b.

We acknowledge receipt of the e-mail dated the 8<sup>th</sup> April 2015, sent by the authorities, this has been forwarded to the prosecution and the court for due consideration.

If you have any questions or require assistance please do not hesitate to contact myself ([j.clark@mrag.co.uk](mailto:j.clark@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)).

Yours Sincerely



James Moir Clark  
Senior Consultant  
On behalf of  
Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

Attached 20150227\_OttoII\_Letter\_to\_Mr\_De\_Silva

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK (OT)).

#### A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Imasha 2
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	<b>IMUL- A-0352-KLT</b> <b>IOTC No. IOTC0015411</b>
e	Photo	Attached
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr Gammanan Arachchige Pristan Tiran of St, Visenthi Road, Maggona
h	Operator (previous operator/s, if any) and Master/Fishing Master	<a href="#">Click here to enter text.</a>
i	Date of alleged IUU fishing activities	18/04/2014
j	Position of alleged IUU fishing activities	04° 41.1S 072° 09.8E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence and fishing with prohibited gear.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> Vessel was released on 23 <sup>rd</sup> April 2014 and tried in absentia in court in BIOT. On 16 <sup>th</sup> September 2014 it was found guilty on both charges and fined £13,000 for fishing without a licence and £1000 for fishing with prohibited gear (wire trace). Given 20 days to pay.  Fine has not been paid.

		<p><b>Flag State Actions:</b></p> <p>Deregistered by flag State.  Suspension of high seas operation licence.  Prohibition of use of the vessel for fishing by the owner.  Deregistered from IOTC authorised fishing vessel list.  Owner called to the DFAR and conducted an inquiry.  The owner made aware on the international laws and the obligations of high seas fishing and the consequence of been listed in IUU vessels list of IOTC. Further he has been informed to take actions to pay the fine imposed by the Courts of BIOT courts at earliest.</p>
m	Outcome of Actions taken	<a href="#">Click here to enter text.</a>

## B. Details of IOTC Resolution Elements Contravened

*(Indicate with a “X” the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>



### C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs)

Boarding Report (Appendix 1)  
Statement of Evidence (Appendix 2)  
Court Proceedings (Appendix 3)  
Identification Photographs (x3) (Appendix 4)

### D. Recommended Actions

	Recommended Actions	Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Inspection Report

### BOARDING REPORT

**DATE:** 19<sup>th</sup> April 2014

**VESSEL:** IMASHA 2

**CALL SIGN:** N/A

**IMO N°:** NA

**IMUL N°:** IMUL- A- 0352-KLT

**MASTER:** Mr N Manoge

**SFPO:** Robert Clark

**BOARDING PURPOSE:** Drifting East of Nelson Island at edge of Great Chagos Bank

#### 1. Introduction

**20:15**, on Friday 18<sup>th</sup> April 2014, whilst conducting a VIP Visit BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 1, the officer on watch (OOW) Mr Sab requested that the SFPO attend the bridge to examine a potential target vessel as a light had been spotted on the horizon. The SFPO immediately identified the light as a potential target, with the use of binoculars. To confirm this, the radar sets were tuned to identify any potential vessel in the general vicinity of the light. The SFPO identified the signature as a suspected fishing vessel (FV). The SFPO then requested that the suspect vessel be placed under remote observation to assess its behaviour.

**20:20**, the radar signature was plotted; 7nm East of Nelson Island and on the Northern edge of the area known as the Great Chagos Bank, approximately 100nm North of Diego Garcia. The target was making a speed of between 0.9 and 1.2kts and course of 356°. This was identified as behaviour indicative of a small FV hanging on its fishing gear and therefore the SFPO asked the BPV to head towards the suspected illegal, unlicensed and unregulated (IUU) vessel to intercept, which she did on a course of 135° in order that the BPV would arrive to the North of the FV and downwind of any gear that may be deployed in the water. The suspected FV data being;

**Position** 05° 41.1S 072° 09.8E

**Course** 356°.

**Range** 7.5nm

**Bearing** 186°

**Speed** variable between 0.9 and 1.2kts

The general characteristics of conditions were; clear skies, with no moonlight, calm seas, 2.0 – 4.0kts wind with complete darkness.

**21:06**, at approximately 3.0 nm distance from the target the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with SFPO Clark, one Fisheries Protection Officers (FPO) one crew, two Royal Marines Commandoes and Regional Overseas Police Officer (ROPO) number 1, Mr Caddle on board. Upon the SFPO's instruction the FRC headed to the vessel.

#### 2. Boarding Details

**21:10** At high speed SFPO Clark arrived in the general location of the suspect vessel, however, due to conditions of complete darkness it could not be identified visually and therefore the BPV was contacted by radio telephone to give assistance with its location. At approximately 200m to interception a red light was ignited on the vessel which identified its

exact position to the FRC clearly. SFPO Clark requested that the FRC circled the vessel for observations and it was noted that the name of the vessel, written in signalise, to the Starboard bow and translated by FPO Indika, was IMASHA 2.

It was also noted that the vessel had what appeared to be a gill net hanging from its forward portside bow, all that could be seen was a green rope and yellow buoys on the surface of the water. However, in SFPO Clarks experienced these were recognised as the general characteristics of a Sri Lankan Gill Nets.

**21:15**, SFPO Clark together with FPO, Mr Indika and two Royal Marines Commandoes brought the FRC alongside vessel IMASHA 2 and boarded the vessel; all communication between SFPO Clark and the Captain and crew of the IMASHA 2, was undertaken through the FPO Indika in his capacity as translator.

Upon boarding the vessel a group of 4 men came from inside the wheelhouse and stood on the forward deck. They were asked to move to the forward area of the vessel, which they did.

SFPO Clark asked the Captain of the vessel to identify himself.

The Captain of the IMASHA 2 was identified as Mr N Manoge, DOB 23<sup>rd</sup> December 1978, of Beruwala, Sri Lanka.

SFPO Clark noted upon boarding the vessel that no fishing net was located in the normal position on her forward deck. This was consistent with the fishing gear seen deployed from her forward port side bow.

**21:18** SFPO Clark asked the Captain "how long is the fishing gear that you have deployed", he replied "2 miles". SFPO Clark then enquired with the Captain "how long will it take you to recover this gear", he replied "4 hours".

**21:20** SFPO Clark instructed the Captain of IMASHA 2 to have his crew recover his fishing gear, he agreed to this instruction and was questioned.

Do you know where you are? He replied "Yes your water"

Upon examining the long line bin on the forward deck SFPO Clark found prohibited fishing gear, namely, wire trace.

**21:23** Mr N Manoge, the Captain of the FV was cautioned and his vessel detained for fishing without a licence inside the BIOT FMCZ, and possession of prohibited fishing gear, no further questions were asked in relation to the alleged offences and only administration questions were presented to the Captain.

**21:30** SFPO Clark examined the Wheelhouse of the vessel and found the Garmin GPS, showing position 05° 41.1S 072° 09.8E and this was recorded as the position of detention and alleged offence.

**21:32** SFPO Clark requested the Captain to hand him the vessels fishing licence, this was produced and ceased into evidence with the following details.

**Licence Number** – 14HSO326KLT

**Registration number of holding vessel** – IMUL – A – 0352 KLT

**Date of Issue:** 10<sup>th</sup> January 2014

**Name and address of owner:** Mr Gammanan Arachchige Pristan Tiran of St, Visenthi Road, Maggona

**Home port:** Beruwala

**Issuing authority:** Department of Fisheries and Aquatic Resources, Colombo, Sri Lanka

**21:33** SFPO Clark asked the Captain, is Mr Tiran the owner of this vessel. He replied "yes".

**21:34** SFPO Clark, Mr Indika and the two Royal Marines Commandoes disembarked the vessel after removing the HF radio handset and passed the Captain a VHF hand held radio telephone set to channel 8, he was instructed on how to use the VHF radio and requested to continue hauling in his gear, which he agreed to do.

**00:25** on the 19<sup>th</sup> April 2014 SFPO Clark and Mr Indika returned to the FV in order to view the progression of the gear being hauled in, inspect catch and administer the detained vessel. On the starboard side of the fishing deck SFPO Clark observed approximately 10 silver tip reef sharks, 1 red snapper and 2 other unidentified reef fish that had been placed on the deck, as instructed, by the fishing crew as being catch from this hauled net.

**00:30** SFPO Clark continued with the administration of the detention by asking the Captain the following questions.

Do you have any weapons on board this vessel? He replied, no.

Do you have any explosives on board this vessel? He replied, no.

Do you have any poisons on board this vessel? He replied, no.

Are there any medical problems? He replied, no

What are the names and addresses of your crew?

Mr N Manoge (Captain)

Warathala, Beruwala

Mr Nimesh Priyadarshana

Same as Captain (Captains 17 year old son)

Mr Arona Nishantha

Nirmalawattha, Maggana

Mr Thuskiantha Sajith

Same as Captain

Do you have any infestation on the vessel such as spiders, cockroaches? He replied, "cockroaches."

Do you have any spiders? He replied, no.

**00:35** SFPO Clark instructed the Captain of the vessel to continue hauling until the FRC returned as I had to go back to the BPV to conduct administration in regard to this detention.

**02:20** The Captain of the FV Radioed the BPV to confirm that he had completed hauling in his fishing gear and he was instructed to follow the BPV to Diego Garcia

### **3. Recovery**

**19:20** on Saturday 19<sup>th</sup> April 2014 FV IMASHA 2 was escorted past buoys 1 and 2 at Diego Garcia by SFPO Clark in FRC1 and two Royal Marine craft.

**Robert Samuel Clark**

BIOT Senior Fisheries Protection Officer

**20<sup>th</sup> April 2014**

## Appendix 2: Statement of Evidence



### 1. BIOT POLICE

#### WITNESS STATEMENT

(CJ Act 1967, S.9; MC Act 1980, SS.5A (3a) and 5B; MC Rules 1981, r70)

Statement of: <b>Robert Samuel Clark</b>	
Age if under 18: <b>'Over 18'</b>	Occupation: <b>Senior Fisheries Protection Officer BIOT</b>
<p>This statement (consisting of <b>4</b> pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.</p>	
Signature:	Dated the: <b>Tuesday 22<sup>nd</sup> April 2014</b>

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 58 months field experience, which includes 30 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 28<sup>th</sup> January 2014.

#### SITUATION

At 20:15, on Friday 18<sup>th</sup> April 2014, whilst conducting a VIP Visit BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 1, the officer on watch (OOW) Mr Sab requested that I attend the bridge to examine a potential target vessel as a light had been spotted on the horizon. I immediately identified the light as a potential target, with the use of binoculars. To confirm this the radar sets were tuned to identify any potential vessel in the general vicinity of the light. I identified the signature as a suspected fishing vessel (FV). I requested that the suspect vessel be placed under remote observation to assess its behaviour.

At 20:20, the radar signature was plotted; the vessel target was located at position 05° 41.1S 072° 09.8E, 7nm East of Nelson Island and on the Northern edge of the area known as the Great Chagos Bank, approximately 100nm North of Diego Garcia. The BPV's bearing and range to the target was 186° and 7.5nm; the target was making a speed of between 0.9 and 1.2kts and course of 356°. This is behaviour indicative of a small FV hanging on its fishing gear and therefore I asked the BPV to head towards the suspected illegal, unlicensed and unregulated (IUU) vessel to intercept, which she did on a course of 135° in order that the BPV would arrive to the North of the FV and downwind of any gear that may be deployed in the water.

At 21:06, at approximately 3.0 nm distance from the target the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with me, one Fisheries Protection Officers (FPO) one



crew, two Royal Marines Commandoes and Regional Overseas Police Officer (ROPO) number 1, Mr Caddle on board. Upon my instruction the FRC headed to the vessel.

At 21:10 At high speed I arrived in the general location of the suspect vessel, however, due to conditions of complete darkness it could not be identified visually and therefore the BPV was contacted by radio telephone to give assistance with its location. At approximately 200m to interception a red light was ignited on the vessel which identified its exact position to the FRC clearly. I requested that the FRC circled the vessel for observations and it was noted that the name of the vessel, written in signalise, to the Starboard bow and translated by FPO Indika, was IMASHA 2.

It was also noted that the vessel had what appeared to be a gill net hanging from its forward portside bow, all that could be seen was a green rope and yellow buoys on the surface of the water. However, in my experienced these are the general characteristics of Sri Lankan Gill Nets.

At 21:15, I together with FPO, Mr Indika and two Royal Marines Commandoes brought the FRC alongside vessel IMASHA 2 and we boarded the vessel; all communication between myself and the Captain and crew of the IMASHA 2, was undertaken through the FPO Indika in his capacity as translator.

Upon boarding the vessel a group of 4 men came from inside the wheelhouse and stood on the forward deck. They were asked to move to the forward area of the vessel, which they did.

I asked the Captain of the vessel to identify himself to me.

The Captain of the IMASHA 2 was identified as Mr N Manoge, DOB 23<sup>rd</sup> December 1978, of Beruwala, Sri Lanka.

I noted upon boarding the vessel that no fishing net was located in the normal position on her forward deck. This was consistent with the fishing gear seen deployed from her forward port side bow.

At 21:18 I asked the Captain "how long is the fishing gear that you have deployed", he replied "2 miles". Then I enquired with the Captain "how long will it take you to recover this gear", he replied "4 hours".

At 21:20 I instructed the Captain of IMASHA 2 to have his crew recover his fishing gear, he agreed to this instruction.

Do you know where you are? He replied "Yes your water"

Upon examining the long line bin on the forward deck I found prohibited fishing gear, namely, wire trace.

At 21:23 Mr N Manoge, the Captain of the FV was cautioned and his vessel detained for fishing without a licence inside the BIOT FMCZ, and possession of prohibited fishing gear, no further questions were asked in relation to the alleged offences and only administration questions were presented to the Captain.

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**Licence Number** – 14HSO326KLT

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**Date of Issue:** 10<sup>th</sup> January 2014

**Name and address of owner:** Mr Gammanan Arachchige Pristan Tiran of St, Visenthi Road, Maggona

**Home port:** Beruwala

**Issuing authority:** Department of Fisheries and Aquatic Resources, Colombo, Sri Lanka

At 21:33 I asked the Captain, is Mr Tiran the owner of this vessel. He replied “yes”.

At 21:34 I Mr Indika and the two Royal Marines Commandoes disembarked the vessel after removing the HF radio handset and passed the Captain a VHF hand held radio telephone set to channel 8, he was instructed on how to use the VHF radio and requested to follow the FRC to the location of the BPV, he agreed to this instruction.

At 00:25 on the 19<sup>th</sup> April 2014 myself and Mr Indika returned to the FV in order to view the progression of the gear being hauled in, inspect catch and administer the detained vessel. On the starboard side of the fishing deck I observed approximately 10 silver tip reef sharks, 1 red snapper and 2 other unidentified reef fish that had been placed on the deck, as instructed, by the fishing crew as being catch from this hauled net.

At 00:30 I continued with the administration of the detention by asking the Captain the following questions.

Do you have any weapons on board this vessel? He replied, no.

Do you have any explosives on board this vessel? He replied, no.

Do you have any poisons on board this vessel? He replied, no.

Are there any medical problems? He replied, no

What are the names and addresses of your crew?

Mr N Manoge (Captain)

Warathala, Beruwala

Mr Nimesh Priyadarshana

Same as Captain (Captains 17 year old son)

Mr Arona Nishantha

Nirmalawattha, Maggana

Mr Thuskiantha Sajith

Same as Captain

Do you have any infestation on the vessel such as spiders, cockroaches? He replied, “cockroaches.”

Do you have any spiders? He replied, no.

At 00:35 I instructed the Captain of the vessel to continue hauling until the FRC returned as I had to go back to the BPV to conduct administration in regard to this detention.

At 02:20 The Captain of the FV Radioed the BPV to inform me that he had completed hauling in his fishing gear and he was instructed to follow the BPV to Diego Garcia

At 19:20 on Saturday 19<sup>th</sup> April 2014 FV IMASHA 2 was escorted past buoys 1 and 2 at Diego Garcia by myself in FRC1 and two Royal Marine craft.

At 09:18, on Sunday 20<sup>th</sup> April FV IMASHA 2 was handed over to ROPO 08 – Mr Traynor of the BIOT Police assumed control of the situation following a brief from me.

### **COLLECTION OF EVIDENCE**

At 08:45, I hand ROPO 04 the following items seized by me. ROPO 04 marked them as the following exhibits;

<b>Exhibit No.</b>	<b>Description of Exhibit</b>
RSC/1	1 x Fishing Operations Licence for High Seas Fishing No14HS0326KLT

I have signed all the exhibit labels as the person originally identifying the articles.

Between 13:30hrs and 15:20hrs on the 21<sup>st</sup> April 2014, I was present in my capacity as a subject matter expert (SME) when the following catch was off loaded from the IMASHA 2 by its crew under the direction of the BIOT Police Crime Scene Investigator (CSI), Miss Hyatt (ROPO 04). I identify the catch as;

### **CATCH**

- 82 Assorted Reef fish
- Approximately 200kgs of dressed and salted Manta
- Approximately 300kgs of dressed and salted shark meat
- 28 Silver Tip Reef sharks of between 51 and 85cm
- 45 Assorted reef sharks in advanced stages of decomposition of between 61 and 100cm

Total estimated weight of catch: 1,200.00 kg

### **FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £3,000.00

Fishing vessel: Estimated value £25,000.00

This concludes my Statement of Evidence.

## Appendix 3: Court Proceedings



**Magistrates Court  
Diego Garcia  
British Indian Ocean Territory**

**RECORD OF PROCEEDINGS 16<sup>th</sup> September 2014**

Name: Mr Gammana Aracccige Prinsatn Tiran

Employee: **Owner of Imasha 2**

The Court Case was held in the Magistrates Court on the **sixteenth day of September 2014** on the following charge:

**STATEMENT OF OFFENCE**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**PARTICULARS OF OFFENCE**

Without lawful authority or reasonable excuse, that the fishing vessel 'Imasha 2', did between the 20<sup>th</sup> day of March 2014 and 19<sup>th</sup> day of April 2014 fish within the waters of the British Indian Ocean Territory without a licence contrary to Section 7(1) and Section 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Without lawful authority or reasonable excuse, that on the fishing vessel 'Imasha 2', on the 18<sup>th</sup> April 2014, was found prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory, contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.


Mr Gammana Aracccige Prinsatn Tiran pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters. Mr Fernando was found guilty to both charges and was sentenced to:

Pay a fine of **13,000 GBP** for Fishing without Licence

Pay a fine of **1,000 GBP** for being in possession of prohibited fishing gear  
Fishing Gear to the be sized by the Crown

Payment is to be made within 20 days. If payment has not been received by the 6<sup>th</sup>  
October 2014 Mr. Tiran will be summoned to re-appear in court for non-payment of fine.

If you wish to appeal the sentence you can do so by contacting myself or  
BIOTAdmin@fco.gsi.gov.uk before the 6<sup>th</sup> of October 2014

  
Mr Kerry Cunningham  
Clerk of the Magistrates Court  
British Indian Ocean Territory



**Appendix 4 Photographs – IMASHA No. 2**







### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK (OT)).

#### A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Niroda Putha
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	IMULA0543KLT
e	Photo	Attached.
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	<b>WADP PRAGEETH</b> 83/1, ST MARIYA ROAD, KUDA PAYAGALA, PAYAGALA, SRI LANKA
h	Operator (previous operator/s, if any) and Master/Fishing Master	Master confirmed as <b>Mr Ravindra Priyashantha</b> 12/20W Ganayaramba, Beruwala, DOB 9 <sup>th</sup> August 1981
i	Date of alleged IUU fishing activities	11 <sup>th</sup> July 2014
j	Position of alleged IUU fishing activities	06° 13.28S 073° 12.81E, Approximately 82nm North - North East of Diego Garcia
k	Summary of alleged IUU activities (see section B for more detail)	Arrested for fishing illegally in BIOT and possession of prohibited fishing gear.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> Issued with fine of £10,000 for illegal fishing and £2,500 for possession of illegal fishing gear.

Item	Definition	Indicate
		<p>Gear and catch seized by the Crown for disposal.</p> <p><b>Flag State Actions:</b></p> <p>Vessel deregistered.  High seas operation licence suspended as of 01/09/2014.  IOTC requested to remove vessel from the Authorised Fishing Vessels list.  Owner called into DFAR and made aware of responsibilities and consequence of IUU listing.</p>
m	Outcome of Actions taken	<p>Payment is to be made within 30 days. If payment has not been received by the 29<sup>th</sup> November 2014 Mr W.A.D.P Prageeth will be summoned to re-appear in court for non-payment of fine.</p>

## B. Details of IOTC Resolution Elements Contravened

*(Indicate with a "X" the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings, and photographs)

Statement of Evidence (Appendix 1)  
Court Proceedings (Appendix 2)  
Identification Photographs (x4) (Appendix 3)

Supplementary Communications in Compendium
20140828_Bilateral_5_vessel_IUU_28Aug14
20140918_SL IUU response
20141110_BIOTA_IUUResponse_DFAR

### D. Recommended Actions

Recommended Actions	Indicate
a Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Statement of Evidence



### 1. BIOT POLICE

#### WITNESS STATEMENT

(CJ Act 1967, S.9; MC Act 1980, SS.5A (3a) and 5B; MC Rules 1981, r70)

Statement of: <b>Robert Samuel Clark</b>	
Age if under 18: <b>'Over 18'</b>	Occupation: <b>Senior Fisheries Protection Officer BIOT</b>
This statement (consisting of <b>6</b> pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.	
Signature:	Dated the: <b>Monday 14<sup>th</sup> July 2014</b>

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 61 months field experience, which includes 33 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 28<sup>th</sup> January 2014.

#### **SITUATION**

At 21:45, on Friday 11<sup>th</sup> July 2014, whilst conducting a routine Fisheries Patrol BIOT447. The BIOT Patrol Vessel (BPV), 'Pacific Marlin' was conducting a routine transit of Inner Sector 2, while on the bridge I observed a signature on RADAR. I immediately identified the signature as a potential target. I placed the suspect vessel under observation to assess its behaviour.

At 21:50, the radar signature was plotted; the vessel target was located at position 06° 13.28S 073° 12.81E, approximately 82nm North - North East of Diego Garcia and in inner Sector 2. The BPV's bearing and range to the target was 87° True and 6nm; the target was making a speed of between 0.7 and 1.3kts and course of 353°. This is behaviour indicative of a small Fishing Vessel (FV) hanging on its fishing gear and therefore I decided to undertake an interception of this potential Illegal, Unregulated or Unlicensed (IUU), vessel.

At 23:12hrs, at approximately 3.7nm distance from the first target the BPV stopped and the Fast Reaction Craft (FRC) was launched with me, one Fisheries Protection Officer (FPO), Mr Heshan. Upon my instruction the FRC headed in the general direction of the vessel.

Due to conditions of full cloud cover, and the target vessel not having any navigation lights lighted. The BPV assisted by guiding the boarding team on FRC 1 to the location of the target vessel.

At 23:25 I encountered a vessel that was making approximately 5.1kts and this vessel was identified to be the one which had been observed by RADAR. It was easily identified as the same vessel as the BPV had maintained RADAR lock on its movement and confirmed the same by VHF Radio. FPO Heshan was requested by me to shout to the person navigating the vessel and request that it stopped. The wheelhouse door remained closed and the vessel continued to make way. This instruction was repeated 3 times but the vessel did not stop.

At 23:30 I instructed the FRC to cross the forward voyage path of the vessel in order that I could show the person navigating our blue light. Upon crossing the path of the vessel it reduced speed and gradually stopped.

At 23:38 I instructed the FRC to make two circles of the vessel in order that I could train a spotlight upon it and examine the passengers and decks. It was noted at this time to be a Sri Lankan style day boat and bearing the livery markings to the forward port and starboard bows written in Sinhalese but translated by FPO Heshan to say, Rushan Putha of Beruwala.

At 23:40 the FRC drew closer to the now identified Fishing Vessel (FV), so that I could examine, with the aid of a spotlight, the forward starboard line bin where I would normally expect to find long line fishing equipment for any FV in innocent transit. It was noted that no hooks or line were located in the line bin. I also noted at this time that no marker flags, save only two weighted marker poles without flags were upon the decks of the FV.

At 23:41 I requested FPO Heshan to request that the Master of the FV come forward and give his name and date of birth. A Mr Ravindra Priyashantha, DOB: 09<sup>th</sup> August 1981 came forward. Four other men also came onto deck from inside the wheelhouse.

All following dialog between myself and Mr Priyashantha were translated through FPO, Mr Heshan.

At 23:43 I asked the Master of the FV, "where is your fishing net and line", he replied: "don't have, all lost".

At 23:45 I again asked the Master "explain to me where you lost your fishing gear", he replied: "far away in sea".

At 23:46 I made a VHF radio call to the BPV and requested that it proceed to the area of first sighting this FV and make a search with her large spotlight, for any fishing gear that I suspected may have been cut from this vessel and left drifting.

At 00:04 on the 12<sup>th</sup> July 2014 I received a VHF radio call from the BPV to confirm that she had sighted yellow buoys floating in the water, consistent with the type and colour of buoy I know to be used on Sri Lankan Gill Net.

At 00:05 I cautioned Mr Priyashantha for fishing without a licence in BIOT waters, contrary to Regulation 7(1) of The Fisheries (Conservation and Management) Ordinance 2007 (as amended), which will hereafter be referred to as, The Legislation.

At 00:08 I requested that Mr Priyashantha follow the FRC to the location where the gear had been located. Mr Priyashantha refused this instruction with a simple "no".

At 00:09 I made a further request to Mr Priyashantha that he follow the FRC, he again replied "no, please sir, no".

At 00:09 I advised Mr Priyashantha that I was giving him a reasonable instruction to proceed to a location within BIOT Territory, and that if he continued to refuse this may amount to



obstruction of a Fisheries Protection Officer as stated at Regulation 16 of The Legislation. He replied "no sir".

At 00:10 I cautioned Mr Priyashantha for obstruction of a Fisheries Protection Officer in that he refused a reasonable instruction to follow me to a location within the BIOT Territory.

At 00:11 I asked Mr Priyashantha for his fishing licence, he replied "don't have". I then instructed Mr Priyashantha to remain at his location and I proceeded in the FRC to the area where gear had been located by the BPV.

At 00:35 I located the fishing gear at location 06°10.87S 073°13.24E and identified it as Gill Net of a style used by Sri Lankan FV's in that it was topped with yellow buoys and green in colour. Consistent with nets of this style that I had seen on previous detentions within my service as a SFPO, in BIOT.

At 00:36 I instructed the FRC to return to the FV's position which it did.

At 00:40 I requested Mr Priyashantha, with the assistance of his crew, to begin hauling in the fishing gear that had been found. He replied "no, not my".

At 00:42 I explained to Mr Priyashantha that I was making a reasonable instruction, in that I believed the fishing gear belonged to his vessel and to continue his refusal to recover the gear may amount to a further offence under The Legislation; he replied "no, sorry sir, not my".

At 00:45 I again asked Mr Priyashantha to adhere to my instruction and that this was the final time I would request this, he replied; "no".

At 00:46 Mr Priyashantha was cautioned for refused adhere to the reasonable instruction of a Fisheries Protection Officer, in that he refused to recover fishing gear which was reasonably suspected to belong to his vessel, contrary to Regulation 16 of The Legislation.

At 00:55 and due to conditions of darkness the fishing gear was lost and could not be found. A search was commenced utilising only the FRC as the BPV could not head into the suspected area of discarded gear due to fear of becoming fouled in her propellers.

At 03:15 and after finding the fishing gear a line was eventually secured to the BPV.

At 03:20 the securing line broke free and the gear was again lost.

At 03:45 a second securing line was attached to the gear and held fast.

At 03:55 I returned to the FV and instructed Mr Priyashantha to remain at his location and not to tamper with the gear.

At 07:15 first light, the BPV began hauling in the fishing gear and I observed that the gear had become parted approximately 3m from the start of the Gill Net. I inspected the recovered net and found that the top line had been parted in a clean cut, consistent with the use of a sharp edge or knife. The bottom rope showed signs of becoming parted under pressure and was stretched and frayed consistent with this. I would therefore assert that the top rope had been cut and the bottom rope snapped under the pressure and weight of the BPV.

At 07:20 I instructed the BPV to commence searching for the lost gear along the suspected drift path and current. Mr Priyashantha was instructed by FPO, Mr Heshan over VHF radio to follow the BPV which he did.

At 09:25 the fishing gear was located at position 06°08.69S 073°08.87E and the crew of the BPV began operations for the recovery of the same.

At 09:37 the crew of the BPV began hauling in the gear and I examined the Gill Net being recovered and found it to be a consistent match in colour and design, in all aspects, to the severed section recovered at 07:15 the same morning. I therefore had no doubt that this was the relevant gear.

At 09:50 we recovered one Blue Marlin of approximately 3.1m onto the deck of the BPV which was caught in the fishing net.

At 11:20 the Gill Net had been completely hauled in and attached to it we found Long Line with snooks of approximately 4m length, terminated with Wire Trace, a fishing gear which is prohibited, for both possession and use, under The Legislation, at Regulation 6, and commercial barbed J Hooks. This configuration is consistent with fishing gear used by Sri Lankan fishermen.

At 11:50 a marker pole with two flags was landed onto the BPV, again this was consistent with marker flags known to be used by Sri Lankan fishermen.

At 12:40 a marker pole with two flags was landed onto the BPV, again this was consistent with marker flags known to be used by Sri Lankan fishermen.

At 13:07 a Blue Marlin of approximately 64cm was landed deceased, on the deck of the BPV, having been caught on the Long Line configuration.

At 13:39 a marker pole with two black flags was landed onto the BPV, again this was consistent with marker flags known to be used by Sri Lankan fishermen.

At 13:46 a Blue Marlin of approximately 52cm was landed deceased, on the deck of the BPV, having been caught on the Long Line configuration.

At 14:08 a Blue Marlin of approximately 3.82m was landed deceased, on the deck of the BPV, having been caught on the Long Line configuration.

At 14:20 a marker pole with two black flags was landed onto the BPV, again this was consistent with marker flags known to be used by Sri Lankan fishermen.

At 14:31 a Blue Marlin of approximately 1.2m was landed deceased, on the deck of the BPV, having been caught on the Long Line configuration.

At 14:58 a Barracuda of approximately 60cm was landed deceased, on the deck of the BPV, having been caught on the Long Line configuration.

At 14:59 a marker pole with two black flags was landed onto the BPV, again this was consistent with marker flags known to be used by Sri Lankan fishermen.

At 15:25 the Long Line became parted and a search was commenced for the balance of gear remaining in the water.

At 15:39 the crew of the BPV recommenced hauling the Long Line gear.

At 16:05 a marker pole with two black flags was landed onto the BPV, again this was consistent with marker flags known to be used by Sri Lankan fishermen.

At 16:20 the fishing gear hauling was completed.

At 16:40 I completed my count of the Wire Trace secured hooks which totalled 342 individual sets.

At 16:50 I returned to the FV and vessel Master Mr Rayindra Priyashantha DOB: 09th August 1981 was formally cautioned and his vessel detained for the following suspected offences;

1. Fishing without a licence in BIOT waters contrary to Regulation 7 (1)
2. Possession of Prohibited Fishing gear in BIOT waters contrary to Regulation 6 (1) (a)
3. Use of Prohibited Fishing gear in BIOT waters contrary to Regulation 6 (1) (b)
4. 3 counts of Obstruction of a Fisheries Protection Officer in line with Regulation 16

AT 17:00 I continued the administration and detention of the FV and asked the following questions;

Who is the owner of this vessel? Mr Priyashantha, he replied "Nishantha Pranandu".  
Is that Mr or Mrs? He replied; "Mr".

I then requested FPO, Mr Heshan to collect the names, addresses and dates of birth for all 5 men on the vessel and the following details were given;

Captain

Mr Ravindra Priyashantha of 12/20W Ganayaramba, Beruwala, DOB 09<sup>th</sup> August 1981

Crew

Mr Dinesh Ruwan of 12/20W Ganayaramba, Beruwala, DOB 05<sup>th</sup> August 1982

Mr Kares Franandido of Beruwala, Pannaraisattha DOB 09<sup>th</sup> July 1989

Mr Indika Sadarlwan of 70/2A Rastiyan Road, Payagala DOB 07<sup>th</sup> November 1983

Mr Karunadasa of Passara, Beruwala DOB 07<sup>th</sup> October 1949

I continued with the administration of the detention by asking Mr Priyashantha the following questions;

Do you have any weapons on board this vessel? He replied, "no".

Do you have any explosives on board this vessel? He replied, "no".

Do you have any poisons on board this vessel? He replied, "no".

Are there any medical problems? He replied, "no".

Do you have any infestation on the vessel such as spiders, cockroaches? He replied, "none."

Do you have any spiders? He replied, "no".

How much fish do you have on your vessel? He replied, "15 tunas"

At 17:10 I instructed Mr Priyashantha to follow the BPV to Diego Garcia, he complied with this instruction.

At 13:00 on Sunday 13<sup>th</sup> July 2014 the FV was escorted past buoys 1 and 2 at Diego Garcia by one Royal Marine craft of which I was deployed in the craft.

At 14:14, Mr Priyashantha and his crew were handed over to ROPO 07 Mr Kearns, of the BIOT Police and he assumed control of the situation following a brief from me.

### **COLLECTION OF EVIDENCE**

No evidence was collected

Exhibit No.	Description of Exhibit

Between 14:05hrs and 14:20hrs on Monday the 14<sup>th</sup> July 2014, I was present in my capacity as a subject matter expert (SME) when the following catch was off loaded from the FV Niroda Putha by its crew under the direction of the BIOT Police Crime Scene Investigator (CSI), Mr Boxall (ROPO 02). I identify the catch as;

**CATCH**

- 10 Skip Jack Tuna's all measuring 52cm Forked Length
- 1 Blue Marlin trunk, dressed and cleaned of approximately 8kgs

Total estimated weight of catch: 28kg

**FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £3,000.00

Fishing vessel: Estimated value £12,000.00

On Sunday 14<sup>th</sup> July 2014 I searched the Indian Ocean Tuna Commission (IOTC), Positive List using the following details as reference.

Registration Number: IMULA0543KLT (As shown on the Starboard side of the FV's wheelhouse) and IMULA0086KLT (as shown on the upper roof section of the wheelhouse).

My findings were that the vessel with the above IMULA0543KLT number has been assigned IOTC reference number IOTC014386 and is registered to the following owner; WADP PRAGEETH of 83/1, ST MARIYA ROAD, KUDA PAYAGALA, PAYAGALA, SRI LANKA

The second IMUL number IMULA0086KLT was not listed in the IOTC Positive list.

The information held of the IOTC Positive List is therefore inconsistent with the details of ownership provided by the FV Captain and it is therefore my expert opinion that this vessel should be held in detention until a positive identification of the vessel owner can be made.

This concludes my Statement of Evidence.

## Appendix 2. Court Proceedings



Office of the Commissioner's Representative  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: +246 370 3506  
Fax: +246 370 3943  
Internet: Kerry.cunningham.uk@fe.navy.mil

30 October 2014

For Attention Of:

Mr W.A.D.P Prageeth

Please find enclosed the Record of Proceedings from the BIOT Magistrates court held Thursday 30<sup>th</sup> October 2014 and a letter containing the FCO's bank details.

You were found guilty of the following charges:

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

You have been fined **10,000 GBP** for the charge of Fishing without a Licence and **2,500 GBP** for the charge of being in possession of prohibited fishing gear. The fishing gear recovered from fishing vessel Niroda Putha has been seized by the Crown for disposal. The Magistrate decided that you would have 30 days to pay the fine. Therefore, your deadline to pay is 29<sup>th</sup> November 2014.


You are to pay the fine into the FCO bank account detailed in the enclosure.

You have the right to appeal the decision by the Magistrate by submitting a letter of appeal to me. This will then be passed on to the Commissioner for consideration.

If you require any more information please liaise directly with me but I cannot offer you any legal advice.

Please acknowledge receipt of this letter by emailing me at the address below.

Regards,

  
Mr Kerry Cunningham  
Clerk of the Court  
HQBF BIOT  
Diego Garcia



**Appendix 3 Photographs – Thiwanka No. 5**



*Figure 1 Port side photograph – Thiwanka No. 5*



*Figure 2 Starboard side photograph - Thiwanka No. 5*





*Figure 3 Stern photograph – Thiwanka No. 5*

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

28 August 2014

Dear Mr. Hettiarachchi

**Bilateral communication on illegal fishing by the Sri Lankan vessels Sulara 2 (IMUL-A-0341 KLT) Imasha 2 (IMUL-A-0352 KLT), Thiwanka 5 (IMUL-A-0086 MTR) Stef Ania Duwa (IMUL-A-0374 KLT) and Niroda Putha (IMUL-A-0543 KLT) in British Indian Ocean Territory (BIOT) Waters**

Firstly we thank-you for your flexibility and continued cooperation in jointly addressing the above referenced cases in order to combat IUU as it occurs in BIOT waters.

This letter is in response to your bilateral communications dated 31/7/14 (Imasha 2; Thiwanka 5 and Stef Ania Duwa) and 20/08/14 (Sulara 2) and to our email exchanges on the vessel Niroda Putha on 17/07/14. Each of these cases is at a different stage, and as they have been handled differently than has been the case in the past under our bilateral arrangement, we are writing to inform you of the current status of each case and the expectations of the BIOT Authority.

**Sulara 2.**

I confirm that the owner, Mr Lal Fernando, has not paid the fine imposed by the court on Diego Garcia which was due by 25<sup>th</sup> June 2014. As indicated in your letter of 20/08/14, in due course please provide details of the legal action taken under the provisions of the Fisheries and Aquatic Resources Act No 35, 2013, Sri Lanka against the owner. Please also indicate the action against the vessel operator once the vessel is apprehended.

Thank you for the explanation of why the vessel remains at sea. In future for other vessels we will inform you earlier so that they may be recalled to port and detained pending finalisation of the investigations.

**Imasha 2, Thiwanka 5, Stef Ania Duwa.**

Thank you for providing details of the actions already taken in respect of these vessels (your communication of 31/7/14). We request that you immediately recall these vessels to port and detain them pending conclusion of the investigations.

For your information the Court on Diego Garcia will hear these cases as follows:

Imasha 2:	Date released: 22nd April 2014	Court date: 10th September 2014
Thiwanka 5:	Date released: 3rd July 2014	Court date: 18th September 2014
Stef Ania Duwa:	Date released: 3rd July 2014	Court date: 17th September 2014

We will inform you of the outcomes once the court has reached a verdict in each case, indicating the settlement of any penalty due by the owners as appropriate. We will submit to you the usual IOTC Resolution 11/03 IUU reporting form for each case.

**Niroda Putha**

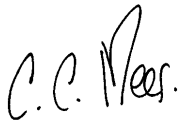
This vessel was detained for alleged illegal fishing on Saturday 12th July 2014 inside the BIOT MPA. Details of the ownership of the vessel have been confirmed by your office. The vessel was released on 18th July 2014 and the Court date has been set for 23rd September 2014.

We request that you immediately recall this vessel to port and detain it pending conclusion of the investigation.

We will inform you of the outcome once the court has reached a verdict indicating the settlement of any penalty due by the owner as appropriate. We will submit to you the usual IOTC Resolution 11/03 IUU reporting form for this case.

Your continued cooperation in these cases is highly appreciated, thank you.

Yours sincerely



Dr C.C. Mees  
Head of UK-OT Delegation

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பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
Office of Director General } 472187



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தொலை நகல் } 449170  
Fax No. }

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எனது இல. } DFAR/FM/K/IOTC  
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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

Dr.C.C.Mees  
Head UK Delegation to IOTC  
18, Queen Street  
London, W 1J 5PN  
United Kingdom

Dear Dr. Mees

නව මහලක්ෂී කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } 18/09/2014  
Date }

**Bi-lateral communication on illegal fishing by Sri Lankan vessels “Sulara 02” (IMUL-A-0341 KLT), Imasha 2 (IMUL-A-0332 KLT) , Thiwanka 5 (IMUL-A-0086 MTR), Stef Ania Duwa (IMUL-A-0374 KLT), Nirodha putha (IMUL-A-0543 KLT) and Dulari (IMUL-A-713KLT) in the British Indian Ocean Territory waters.**

This refer to your letters dated 28<sup>th</sup> August 2014 and the 10<sup>th</sup> September 2014 on the above.

At the outset, We extend our sincere thanks to the BIOT authority for the patience and the understanding of our situation in handling the recently reported cases of illegal fishing activities of Sri Lankan vessels in BIOT waters. I would like to report the present status of our investigations on the above vessels.

### 1. Sulara 2

- (i) The vessel was apprehended on 29/08/2014 and now anchored at Weligama harbour at Matara. (Annex - i)
- (ii) As you are aware this Department has been in developing bilateral cooperation with you for last couple of years in order to eliminate IUU fishing involved by Sri Lankan flagged vessels in the BIOT waters. Accordingly after we have been informed of the illegal fishing activity of the vessel Sulara 2 in BIOT waters, We tried every effort to urge the vessel owner to pay the fine and settle this case with the BIOT authorities in a satisfactory manner. However, considering the written submission sent by the vessel owner to the BIOT Magistrate with a copy to this Department, it is understood that Mr. Lal Fernando the vessel owner, is not in a position to pay the fine and he has submitted an appeal, explaining his inability to pay such a big amount of fine due to his economic constraints.

However in response to your inquiry on the future actions in this regard by the Sri Lankan authorities, We would like to mention that, We have already sought legal advise from the Attorney General Department for the proceedings of this case.



At the same time we further inquired the possibility of filing a case for the same offence under the Fisheries and Aquatic Resources Act No.35, 2013(FARA,35, 2013) of Sri Lanka, while the court decision of BIOT is still valid. We are still awaiting a reply from Attorney General in this regard.

However the vessel owner Mr. Lal Fernando was called to the DFAR, Head office on 1<sup>st</sup> September 2014 for the second time and further, inquiries were made regarding this matter. His final request is to punish the skipper, not him who committed the offence. The inquiry panel paid great concern on this matter. Therefore in the event of your withdrawal of the case against the vessel owner in the courts of BIOT, DFAR will draw attention to take legal actions against the skipper of the vessel under the High Seas regulations made under section 61(t) of FARA, No.35, 2013.

- (iii) Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed at the harbours and fisheries offices, warning vessel owners not to deploy this skipper in their fishing vessels. (Annex – ii)

## **2. Imasha 2, Thiwanka 5, Stef Ania Duwa.**

- (i) The three vessels are now anchored at Beruwala harbour.
- (ii) Harbour managers have been informed to avoid to deploy the accused skippers in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to deploy employing these skippers in their fishing vessels. (Annex –ii)
- (iii) The owners of the vessels Imasha 2, Thiwanka 5, Stef Ania Duwa have been formally informed to appear or forward written submission to the Courts of Diago Gacia on the dates given.

## **3. Niroda putha**

- (i) The vessel is deregistered and the high seas operation license has been suspended with effect from 1<sup>st</sup> September 2014. It has been informed to the IOTC to remove the vessel from Authorized Fishing vessels list. (Annex iii a, iii b)
- (ii) The Owner called at the DFAR on 1<sup>st</sup> September 2014 for an inquiry and he was made aware of the International Laws and the Obligations of High Seas fishing and the consequence of been listed in IUU vessels list of IOTC. (Annex iva, iv-b)
- (iii) At the inquiry, He mentioned that the vessel departed for high seas fishing, but the skipper had engaged in this illegal activity in BIOT waters without his knowledge. Further, He said that the fishing operation licence and the vessel registration was carried on board but the skipper as not provided these to the BIOT authorities at the time of inspection. Copies annexed (Annex v).

- (iv) Mr. Mr. W.A.D.P. Prageeth has been informed to appear before the Magistrate of Court in Diego Gacia, or forward written submissions to the Court as appropriate on the date of 23<sup>rd</sup> September 2014 as informed by the BIOT authorities. (Annex vi-a, vi- b)
- (v) Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners to prevent from employing this skipper in their fishing vessels. (Annex – ii)
- (vi) The vessel is now being anchored at Beruwala harbour.(Annex vii)
- (vii)The contact details of the vessel owner, Mr. W.A.D.P. Prageeth are +94342279494 and +94077717695.

#### 4. Dulari

1. We confirm the following information as true and correct for the identification of the vessel.

	Present	Previous
Vessel Registration No	IMUL-A- 0713KLT	IMULA-0124- KLT
Vessel Name	Dulari	Sulara
Owner of the vessel	W.M.A.Ajantha Palin No. 01, Samapura Hettimulla Tel:	
Skipper	Ivan Priyantha Badde Liyanage Don, Idirilla, Galle Road, Maggona	

1. The relevant port authorities, Fisheries Officers and the Sri Lanka Navy have been informed to apprehend the vessel and the skipper as soon as the vessel Dulari (IMUL-A- 0713KLT) lands in any harbour in Sri Lanka. The Assistant Director of Kalutara District is instructed to anchor the vessel at the nearest fishing port and direct the Skipper and the owner of the vessel for an inquiry in the Head office immediately after the arrival of the vessel. (Annex viii-a, viii-b)
2. Vessel registration and the Suspension of fishing vessel “Dulari” will be informed to the relevant parties once the vessel reach Sri Lanka.
3. Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to employing this skipper in their fishing vessels. (Annex – ii)



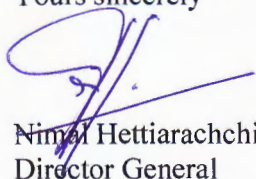
I would like to mention that some of our fishing vessels engage in illegal fishing in BIOT waters and this is a special concern to us too. Hence the following measures are being implemented with a view to prevent the re-occurrence of illegal fishing activities in BIOT territory waters.

1. Expedite the issuance of skipper licences for high seas operating skippers. Progress Annexed. (Annex- ix)
2. Initial steps taken to comply with the proposed scheme of "innocent passage" vessels passing through BIOT waters. (Annex-x-a. x-b)
3. High seas fishing regulation gazette and published on 1<sup>st</sup> September 2014, giving provisions to take legal actions against the vessel owners and the skipper as well for any violations.
4. The National Plan of Action against IUU fishing (NPOA-IUU) was adopted and being implemented since March 2013.
5. Implementation of the Vessel Monitoring System is delayed due to slow progress of the project proponent. However DFAR has already identified fifty high seas operating boats in the first phase of implementation

Summing up, we hereby reaffirm our commitment to cooperate with IOTC and the relevant coastal states with our determination and obligation to prevent, deter and eliminate illegal, unreported and unregulated activities in the Indian Ocean and take utmost efforts to control IUU activities involved by vessels of Sri Lanka with your assistance.

Your continuous cooperation in this regard is highly appreciated.

Thanking You  
Yours sincerely



Nimal Hettiarachchi  
Director General

**Nimal Hettiarachchi**  
Director General  
Department of Fisheries & Aquatic Resources  
Maligawatta, Colombo 10.





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Telephone } 446183  
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My No. } DFAR/FM/K/IOTC/JUL/2014  
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புதிய ලேකமர், மலிகாவத்த, கொழும்பு 10  
New Secretariat, Maligawatta, Colombo 10.

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

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திகதி  
Date } 2014/08/28

**ලියාපදිංචි කැපාල**

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"නිරෝධ පුනා / රුහන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

"නිරෝධ පුනා / රුහන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාව දියාගේ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 12/07/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්හදාගැනීමට ගෙන නැගූ පවරන ලද බවත් මෙම යාත්‍රාවෙහි නියමුවා සහ ගානියන් 18/07/2014 දින නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

නවද මෙම යාත්‍රාව සාකච්ඡාකර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංඝනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

1. යාත්‍රාවේ IMUL-A-0341KLT සහ IMUL-A-0086KLT යනුවෙන් ලියාපදිංචි අංක දෙකක් සටහන් කිරීම.
2. යාත්‍රාවේ නිරෝධ පුනා සහ රුහන් පුනා යනුවෙන් නම් දෙකක් සටහන් කිරීම.
3. පරීක්ෂා කරන අවස්ථාවේ සාකච්ඡාකර මුහුදේ ධීවර කර්මාන්තයට අදාළ නියෝගුකුල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

උක්ත කරුණු සැලකිල්ලට ගනිමින් මෙම යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය 2014/09/01 දින සිට ක්‍රියාත්මක වන පරිදි අත්හිටුවූ බව මෙයින් දන්වා සිටිමි. මෙම යාත්‍රාව වහාම අත්හදාගැනීමට ගෙන ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස කලකර දිස්ත්‍රික් ධීවර සහකාර අධ්‍යක්ෂවරයා වෙත දැනුම් දී ඇත.

මේ සම්බන්ධයෙන් පරීක්ෂණයක් පැවැත්වීම සඳහා 2014/09/01 දින පෙ.ව.10.00 ට අදාළ යාත්‍රා නියමුවා සමඟ ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුවේ ප්‍රධාන කාර්යාලයට පැමිණෙන මෙන් කාරුණිකව දන්වා සිටිමි.

නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්

පිටපත - (1) සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, කලුතර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලැම සඳහා  
(2) නාවික හමුදා මුලස්ථාන - යාත්‍රාව භාරයට ගැනීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට  
(3) යාත්‍රා ලි.ප. ඒකකය/ධි.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.පු.මහා. වාර්තා කිරීම සඳහා

කු. පෙ. }  
 த. பெட்டி } 531  
 P. O. Box }  
 දුරකථනය }  
 தொலைபேசி } 446183  
 Telephone } (3 lines)



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 பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
 Office of Director General } 472187

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 தொலை நகல் } 449170  
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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
 புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
 New Secretariat, Maligawatta, Colombo 10.

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

ENGLISH TRANSLATION

දිනය }  
 திகதி } 28/08/2014  
 Date }

REGISTERED POST

Mr. W.A.D.P.Prageeth  
 83/01, St.Mary's Road  
 Kuda Payagala  
 Payagala

Suspension of Vessel Registration and Fishing Operation Licence of the Vessel  
"Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT)

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel "Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 12/07/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 18/07/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- Display two registration numbers (IMUL-A-0341KLT and IMUL-A-0086KLT) on the vessel.
- Display two names (Nirodha Putha and Rushan Putha) on the vessel.
- The essential documents for high seas fishing were not onboard.

Taking the above factors into consideration this Department suspended the Vessel Registration and the Fishing Operation Licence of the vessel "Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT) with effect from 01/09/2014 and informed to the Assistant Director, Kalutara to apprehend and anchor the vessel at the nearest port.

You are hereby informed to report to the Department Head Office in Colombo on 01<sup>st</sup> September 2014 at 10 a. m. with the skipper of the vessel for an inquiry.

Nimal Hettiarachchi  
 Director General

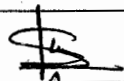




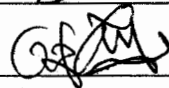

- Cc – 1. Assistant Director, District Fisheries Office, Kalutara – To apprehend and anchor the vessel  
 2. Commander, Naval Headquarters - Inform area commander to apprehend  
 3. Vessel Registry Unit of DFAR - For deregistration and report to IOTC

(iv)<sup>a</sup>

**Discussion on Bilateral Communication on Illegal Fishing by the Sri Lankan Vessels  
in British Indian Ocean Territory (BIOT) Waters**

**Attendant Sheet**

**2014/09/01**

Name of the Participants	Position	Address	Signature
① Nimal Hettiarachchi			
A.G.L.A. Sumath Kumara	Assistant Director	District office - Matara	
N. LAL FERNANDO	Pro/owner - IMUL-A-0341 KLT	NO-5/2/A, GALLE Rd, BERUWALA	
G.P.H. Rehman	Neerlooper IMUL-A-0341 WELIGAMA KLT	Weligama.	
M.G.N. Jayakodye	Asst. Director.	District Fisheries Office Kalutara	
W.A.D.P. Pragoth	Owner - IMUL-A-0543 KLT	St Marys Road Kula Payagaha 034-2279494, 0777176955	
U.A. Hettimachchi	F.I. H/O	DFAR / Colombo - 10	
K. Srujan Chandrakumara	FRMA / Mgt / DFAR	DFAR Colombo	
W.G.I. Lakshmi	DO	DFAR Colombo-10	

S.P. Premawarden

F.I

DFAR











Licence No: 14HS0331KLT

Department of Fisheries and Aquatic Resources  
Colombo, Sri Lanka.  
T.P./ Fax No: +94 112449170  
email: depfish@fisheries.gov.lk

### FISHING OPERATIONS LICENCE FOR HIGH SEAS FISHING

Licence for engaging in fishing operations in high seas is hereby granted to **Mr..warnakula Arachchige Don Prasanna** of **Kuda Payagala, Payagala** from **2014 01 01** to **2014 12 31** in terms of the provisions of UN Law of the Sea Convention 1982, UN Fish Stock Agreement 1995 and Resolutions of IOTC, and the Specific Conditions of this license. (For Specific Conditions Please see overleaf)

1. Registration number of the boat for which License is issued: **IMUL - A - 0543KLT**
2. Length of the fishing boat : 40'6"
3. Authorized Fishing Operations under the Licence:

Authorized fishing gear	Length of fishing nets & Mesh size (Maximum length should be 2.5 km)	No. of hooks, Length of the floating line & Length of the branch lines	Authorized species of fish	Area of fishing in high seas
GILL NET	2.5 Km 6"		Skip jack tuna Tuna Sharks	In the high seas of the Indian ocean out side the EEZs of another coastal state
LONG LINE		400 15m 24m	Sharks Tuna Skip Jack Tuna	

4. Home port landing : Beruwala

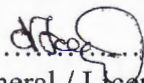
5. Fishing duration: .....

Taking , keep in possession, transporting and transshipping of Marine mammals, Turtles, Thresher Sharks, species of Sea birds are totally prohibited. No fishing operation should be conducted within the radius 01 km of the data buoys installed in high seas.

2014/01/10

Date

(This permit should be carried onboard in each and every fishing trip and is not transferable .)  
( PG)

  
**M. G. N. JAYAKODY**  
 Assistant Director  
 Director General / Licensing Officer  
 District Office,  
 Kalutara.

තැ. පෙ. } 531  
த. பெட்டி. }  
P. O. Box }  
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தொலைபேசி }  
Telephone } (3 lines)



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பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187  
තැක්ස් අංකය } 449170  
தொலை நகல் }  
Fax No. }

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**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/27  
திகதி }  
Date }

**ලියාපදිංචි තැපෑල**

ඩබ්. ඒ.ඩී.පී. ප්‍රගීන් මහතා  
83/01, ශාන්ත මාරියා පාර  
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පයාගල


"නිරෝධ පුතා / රුෂාන් පුතා " ((IMUL-A-0543KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

නිරෝධ පුතා / රුෂාන් පුතා " ((IMUL-A-0543KLT) යාත්‍රාව දියාගේ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 12/07/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාව, නියමුවා සහ ගැනියන් 18/07/2014 දින එරට අධිකරණය හමුවේ පෙනී සිටීමේ කොන්දේසි මත නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

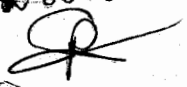
තවද මෙම යාත්‍රාව ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංගනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

1. යාත්‍රාවේ IMUL-A-0341KLT සහ IMUL-A-0086KLT යනුවෙන් ලියාපදිංචි අංක දෙකක් සටහන් කිරීම.
2. යාත්‍රාවේ නිරෝධ පුතා සහ රුෂාන් පුතා යනුවෙන් නම් දෙකක් සටහන් කිරීම.
3. පරීක්ෂා කරන අවස්ථාවේ ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයට අදාළ නීත්‍යානුකූල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

එබැවින් 2014/09/23 වන දින එරට අධිකරණය හමුවේ ඒ සඳහා කරුණු ඉදිරිපත් කරන ලෙස මෙයින් දන්වමි.

  
නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්

පිටපත - සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, කලුතර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලෑම සඳහා

බණ්ඩාර  
  
(ඉසක්ක) )  
0342279494

(vi) b



කු. පෙ. } 531  
த. பெட்டி }  
P. O. Box }  
දුරකථනය } 446183  
தொலைபேசி } (3 lines)  
Telephone }

මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
எனது இல. } My No.  
මගේ අංකය }  
உமது இல. } Your No.

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் } 472187  
Office of Director General }

ෆැක්ස් අංකය } 449170  
தொலை நகல் } Fax No.

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

**ENGLISH TRANSLATION**

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/  
திகதி } Date }

**REGISTERED POST**

W.A.Prageeth  
83/01, St Mary,s Road  
Kuda payagala  
Payagala

**Suspension of Vessel Registration and Fishing Operation Licence of the Vessel  
“Norodha Putha/Rushan Putha” (IMUL-A-0543KLT)**

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel “Nirodha Putha/Rushan Putha” (IMUL-A-0543KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 12/07/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 18/07/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- (i) Display two registration numbers (IMUL-A-0341KLT and IMUL-A-0086KLT) on the vessel.
- (ii) Display two names (Nirodha Putha and Rushan Putha) on the vessel.
- (iii) The essential documents for high seas fishing were not onboard.

Therefore You are hereby informed to appear before the Magistrate of Court in Diego Gacia, or forward written submissions to the Court as appropriate on the date of 23<sup>rd</sup> September 2014 as informed by the BIOT authorities.

Nimal Hettiarachchi  
Director General

Cc – 1. Assistant Director, District Fisheries Office, Kalutara – To apprehend and anchor the vessel





කු. පෙ. } 531  
த. பெட்டி }  
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தொலைபேசி }  
Telephone } (3 lines)



මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
எனது இல. }  
My No. }  
මගේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187

ෆැක්ස් අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/11  
திகதி }  
Date }

**ලියාපදිංචි තැපෑල**

සහකාර අධ්‍යක්ෂ  
දිස්ත්‍රික් ධීවර කාර්යාලය  
කලුතර

"දුලාරි " ((IMUL-A-0713KLT) යාත්‍රාව අත්අඩංගුවට ගැනීම , ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

"දුලාරි " ((IMUL-A-0713KLT) යාත්‍රාව දියාගෝ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 07/09/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාවෙහි නියමුවා සහ ගැනියන් 10/09/2014 දින නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

තවද මෙම යාත්‍රාව ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංඝනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

1. යාත්‍රාවේ IMUL-A-0713KLT සහ 9-7810KLT යනුවෙන් අංක දෙකක් සටහන් කර තිබීම.
2. පරීක්ෂා කරන අවස්ථාවේ ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයට අදාළ නීත්‍යානුකූල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

මෙම යාත්‍රාව ශ්‍රී ලංකාවේ ධීවර වරායකට පැමිණි වහාම අත්අඩංගුවට ගෙන ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස දන්වා සිටිමි. තවද යාත්‍රාවේ නියමුවා සහ හිමිකරු මේ සම්බන්ධයෙන් පරීක්ෂණයක් පැවැත්වීම සඳහා ප්‍රධාන කාර්යාලයට යොමු කරන ලෙස මෙයින් දන්වා සිටිමි.

  
නිමල් ජනවර්ධන විජේසේන  
අධ්‍යක්ෂ ජනරාල්

- පිටපත - (1) ඩබ්. එම්.ඒ. පාලින් මහතා, නො.01, සාමදුර, හෙට්ටිමුල්ල, බේරුවල - යාත්‍රාව පැමිණි වහාම නියමුවා සමඟ ඉදිරිපත් වීම  
(2) නාවික හමුදා මූලස්ථානය යාත්‍රාව භාරයට ගැනීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට  
(3) යාත්‍රා ලි.ප. ඒකකය/ඩී.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.වු.කො. වාර්තා කිරීම සඳහා  
(4) තත්වපාලන අංශය/ ඩී.ප.දෙ - ඇල්ලීමේ සහතික නිකුත් නොකිරීම සඳහා

තු. පෙ. } 531  
த. பெட்டி }  
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தொலைபேசி } (3 lines)  
Telephone }



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உமது இல. }  
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பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187

තුනස් අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail : depfish@diamond.Lanka.net

Web : www.fisheriesdept.org

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } /09/2014  
Date }

*ENGLISH TRANSLATION*

REGISTERED POST

Assistant Director  
District Fisheries Office  
Kalutara

**Apprehend and Suspension of Vessel Registration and Fishing Operation Licence of the Vessel "Dulari" (IMUL-A-0713KLT)**

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel "Dulari" (IMUL-A-0713KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 07/09/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 10/09/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- (i) Display two registration numbers IMUL-A-0713KLT and 9-7810KLT on the vessel.
- (ii) The essential documents for high seas fishing were not onboard.

You are hereby informed to apprehend the vessel and the crew at once the vessel lands in any port of Sri Lanka and anchor the vessel at the nearest fishing port. Further you are instructed to direct the the skipper and the vessel owner to the Head Office of DFAR for an inquiry.

Nimal Hettiarachchi  
Director General

Cc - Assistant Director, District Fisheries Office, Kalutara - For necessary action

- Cc - 1. Mr. W.M.A.Ajantha Palin, No. 01, Samapura, Hettimulla: To attend an inquiry with the skipper  
2. Commander, Naval Headquarters - Inform area commander to apprehend  
3. Vessel Registry Unit of DFAR - For deregistration and report to IOTC



**SKIPPER LICENCE PROGRESS AS AT 04-09-2014**

<b>DISTRICT</b>	<b>NO. OF ISSUED SKIPPER LICENCE</b>
Matara	365
Negombo	2
Kalutara	165
Colombo	0
Chilaw	180
Puttalm	6
Tangalle	22
Kalmunai	0
Galle	48
Trincomalee	10
<b>TOTAL</b>	<b>798</b>

**\*Skipper licences have issued to fishermen who have participated for interviews only.**

Handwritten notes in Sinhala and Tamil, including 'අමතර' and '24/9'.

කැ.පෙ. 531  
த.பெட்டி 531  
P. O. Box

දුරකථන 446183  
தொலைபேசி 446183  
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අධ්‍යක්ෂ ජනරාල් කාර්යාලය 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் 472187  
Office of Director General



ෆැක්ස් අංකය 449170  
தொலை நகல் 449170  
Fax No.

මගේ අංකය 1/17/1- 42  
எனது இல. My No.

ඔබේ අංකය  
உமது இல. Your No.

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය  
திகதி  
Date

2014/09/05



සහකාර අධ්‍යක්ෂ  
දිස්ත්‍රික් කාර්යාලය

(අංක ෧෧)

දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපය හරහා ජාත්‍යන්තර මුහුද කරා යෑම / රීම්

ශ්‍රී ලංකා ධිවර යාත්‍රා දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපය හරහා ජාත්‍යන්තර මුහුද වලට අවතීර්ණයකින් තොරව පිවිසීමට හා නැවත පැමිණීමට අවශ්‍ය කටයුතු සලසා දීම සඳහා එම නිලධාරීන් සමග කරන ලද සාකච්ඡාවලදී පහත අවශ්‍යතා සපුරාලන යාත්‍රාවලට පමණක් 2014/10/01 දින සිට අවකාශ ලබාදීම සඳහා සලකා බලන බව දැනුම් දී ඇත.

ඒ අනුව මේ සමග එවා ඇති පෝරමය පුරවා දින 03කට ප්‍රථම මෙම දෙපාර්තමේන්තුවේ සෝදිසි මෙහෙයුම් අංශය වෙතට හෝ පෞද්ගලිකවම එවා ඇති පෝරමයේ සඳහන්ව ඇති පහත සඳහන් විද්‍යුත් ලිපිනයට හෝ ෆැක්ස් අංකයට යැවීමට කටයුතු කල යුතුවේ.

අදාල අවසරය ලබා ගැනීම සඳහා පූර්ව වාර්තාව දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපයට ඇතුලු වීමට දින 03කට පෙර (සෑම සිකුරාදා දිනකම 12.00 පැයට පෙර) මෙම දෙපාර්තමේන්තුවේ සෝදිසි මෙහෙයුම් අංශයට හෝ පැය 48 කට නොඅඩු කාලයක් ඇතුලත සාප්‍රචම දියාගෝ ගර්භිෂා බලධාරීන්ට දැන්විය යුතු බැවින්, ඉහත පරිදි කටයුතු කලයුතු බව අවධාරණය කරමි.

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව :- ෆැක්ස් අංකය - 0112431448  
:- විද්‍යුත් තැපෑල -: mcs@fisheries.gov.lk

බලධාරී - දියාගෝ ගර්භිෂා - ෆැක්ස් අංකය :- +870356301560  
:- විද්‍යුත් තැපෑල -: pacific.marine@swireships.com

සම්පූර්ණ කර එවිය/යැවිය යුතු අයදුම් පත්‍රයේ පිටපතක් මේ සමග අමුණා ඇත.

Handwritten signature

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Annex (x)-b

කු. පෙ. }  
த. பெட்டி } 531  
P. O. Box }  
දුරකථනය }  
தொலைபேசி } 446183  
Telephone } (3 lines)



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எனது இல. } DFAR/FM/K/IUU/Local/2014  
My No. }  
ඔබේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය }  
பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
Office of Director General } 472187

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தொலை நகல் } 449170  
Fax No. }

ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } /09/2014  
Date }

*English Translation*

Assistant Director  
District Fisheries Office  
(All Districts).....

**Transit through Innocent passage of Territory waters of Diego Garcia (BIOT).**

As result of the communications with the BIOT authorities, it is informed to this Department that they will make transit arrangements for the fishing vessels to go to the high seas without any inconvenience those who provide the information given in the transit form attached hereto subjected the conditions of the Innocent passage declared in the Convention of the Law of the Sea (UNCLOS).

Therefore it is required to send the completed transit form to the E-mail and fax numbers of the Monitoring Control and Surveillance (MCS) unit of this Department or the BIOT authorities given below.

The completed transit forms send to DFAR should submit , 03 days prior to entering in to the BIOT Territory waters (on Fridays before 12.00 a.m.), while those directly send the completed transit form to BIOT authorities will have to do so not less than 48 hours before entering in to the BIOT Territory waters.

Contact numbers of MCS Unit/DFAR :- Fax No : 0112431448  
E-mail : [mcs@fisheries.gov.lk](mailto:mcs@fisheries.gov.lk)

Contact numbers of BIOT authorities :- Fax No : +870356301560  
E-mail : [pacific.marine@swireships.com](mailto:pacific.marine@swireships.com)

Nimal Hettiarachchi  
Director General

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

10 November 2014

Dear Mr. Hettiarachchi

**Bilateral communication on illegal fishing by vessels Sulara 2 (IMUL-A-0341 KLT), Imasha 2 (IMUL-A-0352 KLT), Thiwanka 5 (IMUL-A-0086 MTR), Stef Ania Duwa (IMUL-A-0374 KLT), Niroda Putha (IMUL-A-0543 KLT), Dulari (IMUL-A-713KLT) and Seawish (IMUL-A-0608-KLT) in British Indian Ocean Territory (BIOT) waters.**

This refers to your letter of 18/09/2014 summarising details for the first 6 cases referenced above, to your email correspondence of 23/09/14 on the case of Dulari, and to BIOT-A's letter of 9 October on the case of Seawish.

The BIOT Administration continues to treat the management of its Marine Protected Area as a priority. Effective prosecution of individuals suspected to be engaged in illegal fishing remains central to this. Recent cases have underlined the value of our cooperation, in terms both of bringing cases to court and enforcing penalties imposed by the BIOT court. With concern, however, we note that the incidence of IUU fishing by Sri Lankan flagged vessels in BIOT waters remains high, as does that of failure by Sri Lankan nationals to pay fines imposed by the BIOT Court. Nevertheless, we welcome your declaration of commitment to cooperate with IOTC and other contracting parties in deterring and eliminating IUU, and look forward to developing further our mutually-supportive partnership.

Besides providing an update on the status of outstanding cases, your correspondence raises two broader issues. Your email of 23/09/14 asks which Authority should take legal action (in the case of Dulari), and your letter of 18/09/14 questions the guilt of the owner and/or master (in the case of Sulara 2). Please see below our response of these issues and, at appendix 1, a further update on the status of current cases.

The Administration acknowledges that there are a number of permutations with regards to who can bring prosecutions for offences allegedly committed on the High Seas. Where Sri Lankan flagged vessels are concerned, the BIOT Administration recognises that Sri Lanka has the right to institute criminal proceedings. However, where such vessels are alleged to have fished illegally within BIOT waters, we would ask that the Sri Lankan authorities continue to support measures taken by the BIOT Administration, and refrain from instituting separate legal proceedings, until the BIOT Court has handed down its judgement. In the case of Dulari, please note that the BIOT Administration will be commencing proceedings against the owner. The BIOT Administration approach will be the same in respect of all vessels of any flag State that break BIOT law; the Administration shall seek to enforce its laws and shall not as a rule ask the flag State to do so on our behalf.

In respect of who should be prosecuted for suspected illegal fishing, the BIOT prosecution policy is flexible. This allows that the charging decision be informed and formed by evidence, as to whom can be shown to be culpable in the circumstances of the offence. Prosecutions may therefore be brought against masters when their conduct renders that appropriate. Whilst the BIOT Administration is mindful of owners' responsibilities and liabilities, with regard to activities undertaken by those in their employ, this policy

ensures that prosecutions are fact sensitive. With reference to the conviction of the owner of vessel Sulara 2, I would inform you that there is no provision within the BIOT legislation for this decision to be reversed.

In relation to both of these matters, we recognise that Sri Lanka, as a flag State, is obliged under IOTC to take '*effective action in response to... IUU fishing activities... including, inter alia, prosecution and imposition of sanctions of adequate severity*'. Where satisfaction on this point, and/or a recommendation for IUU listing under IOTC, is concerned, the BIOT Administration would prefer to resolve these cases bilaterally in advance of the Compliance Committee meeting in April next year (i.e. no later than 6 February 2015, which is 70 days before the current dates set for the meeting). To achieve this, we would be grateful, as above, for the continued assistance of the Sri Lankan authorities in ensuring that criminal penalties of the BIOT Court are enforced. Thereafter, we will wish to understand whether further penalties will be applied by Sri Lanka under flag state legislation, before we can agree that penalties applied reflect adequate severity.

We also note, and look forward to the full application of, the additional measures referred to in your letter of 18/09/14. We would urge you to proceed with these at an accelerated pace, and to include within the scope of these measures all Sri Lankan flagged vessels authorised to fish beyond the Sri Lankan EEZ.

Thank you, once again, for your cooperation and assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

Dr C.C. Mees  
Head of UK-OT Delegation



## **Appendix 1: The current status of the 7 active cases of alleged IUU in BIOT waters by vessels flagged to Sri Lanka**

### **Sulara 2.**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. Evidence including details of the court outcome have already been forwarded to you. Owner has not paid fine.

**Next Actions:** Sri Lanka to provide details of actions taken.

As set out above, the BIOT Administration is unable to withdraw its case against the vessel owner, who has already been found guilty. We note, from paragraph 1.ii of your letter dated 18/09/14, that you are awaiting a response from your Attorney General on whether it is appropriate for the Sri Lanka authorities to file a case 'for the same offense' under FARA,35,2013, while the court decision of BIOT is valid. We await the details of any further actions taken by the Sri Lankan authorities, before we can decide whether sanctions of adequate severity have been applied, and whether recommendation need be made to IOTC to IUU list the vessel.

Please note that, under our bilateral arrangement, we have previously agreed that Sri Lanka will provide its response on actions taken within 30 days of notification by BIOT. Where this is not possible, the final deadline under IOTC 11/03 is that the flag state must respond 30 days before the Compliance Committee meeting each year. In the absence of a bilateral response from you by 70 days before this meeting, BIOT will submit details of the vessel for IUU listing. The same chronology applies to all other cases.

### **Imasha 2**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and for possession of prohibited fishing gear. Evidence, including details of the court outcome, has already been forwarded to you. Owner has not paid fine, due 6 October. The court will be concluding this matter in due course, now that mitigation has been supplied to the court by the owner. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome.

### **Thiwanka 5**

**Status:** BIOT court case adjourned until 3 November 2014 – Owner has requested a further adjournment. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.

### **Stef Ania Duwa**

**Status:** BIOT court case adjourned until 18 November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.

### **Niroda Putha**

**Status:** BIOT court case heard on 30 October 2014. Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. A fine is due to be paid by 29<sup>th</sup> November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to provide Sri Lanka with the final outcome of the court case and supporting documentation.

### **Dulari**

**Status:** Proceedings to be commenced. We note that the vessel is anchored in Beruwala Harbour (your email of 28/09/14) and that the skipper and the owner were informed to report to DFAR Head office Colombo for an enquiry on 30th September 2014.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the case.

### **Seawish**

**Status:** The Master admitted the offence and was issued a Fixed Penalty Notice and acknowledged that he and the owner of the fishing boat are liable for the amount of the fixed penalty which was due by 30 October 2014 and has not yet been received. Details were provided to DFAR on 9/10/14. Please confirm receipt of that letter.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome settlement of the FPN, which if not paid could result in a criminal prosecution being commenced.

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK (OT))

#### A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Otto II
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IMUL-A-0523KLT (IOTC No. 014364)
e	Photo	Attached as Appendix 3
f	Call Sign (previous call sign, if any)	N/A
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Weththamury Suranga De Silva of 2/A/01/A, Thalavila Watta, Moragalla, Aluthgama
h	Operator (previous operator/s, if any) and Master/Fishing Master	WAP Fernando
i	Date of alleged IUU fishing activities	6 <sup>th</sup> November 2014
j	Position of alleged IUU fishing activities	06° 36.7S 071° 46.7E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence and fishing with prohibited gear
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> Vessel was released on 19 <sup>th</sup> November 2014 and tried in absentia in court in BIOT. On 22 <sup>nd</sup> January 2015. It was found guilty on both charges and fined £10,000 for fishing without a licence and £2,000 for fishing with prohibited gear (wire trace). It was also ordered that £250 costs be paid and the fishing gear held in Diego

		<p>Garcia be seized by the crown. Given 30 days to pay.</p> <p><b>Flag state Actions</b></p> <ul style="list-style-type: none"> <li>• Detained in Beruwala harbour on return to Sri Lanka.</li> <li>• Owner summoned for an inquiry on 19th January to the head office and statements recorded.</li> <li>• Owner made aware on the high seas fishing conditions and the consequence of been listed in IUU fishing and informed to respect the decision of the courts of BIOT.</li> <li>• Informed of the proceedings under the provisions of Fisheries Act No.35 of 2013.</li> </ul>
m	Outcome of Actions taken	Fine not paid, gear forfeited and Sri Lanka / IOTC notified

## B. Details of IOTC Resolution Elements Contravened

(Indicate with a “X” the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

## C. Associated Documents

Statement of Evidence (Appendix 1)

Record of Court Proceedings (Appendix 2)

Photographs (Appendix 3)

Supporting Documents in Compendium
20141117_UKOT_Otto_II_ownership_details_to_Sri_Lanka
20141120_SL_Confirmation_Ownership_Otto_II
20141204_UKOT_Otto_II_Vessel_Released_Pending_Investigation
20150129_DFARemail (without supporting evidence)

## D. Recommended Actions

Recommended Actions	Indicate
a Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>



**BIOT POLICE****WITNESS STATEMENT**

(CJ Act 1967, S.9; MC Act 1980, SS.5A (3a) and 5B; MC Rules 1981, r70)

Statement of: <b>Robert Samuel Clark</b>	
Age if under 18: <b>'Over 18'</b>	Occupation: <b>Senior Fisheries Protection Officer BIOT</b>
<p>This statement (consisting of <b>6</b> pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.</p>	
Signature:	Dated the: <b>Wednesday 12<sup>th</sup> November 2014</b>

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 65 months field experience, which includes 37 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 21<sup>st</sup> October 2014.

**SITUATION**

At 22:20, on Thursday 6<sup>th</sup> November 2014, whilst conducting BIOT 461 Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6 and on the Great Chagos Bank, I identified two signatures on radar which I believed to be fishing vessels. No navigation lights could be seen in the general area of the target vessels.

At 22:21, the second radar signature was plotted; inside the Great Chagos Bank, on the South Western edge, approximately 68nm North West of Diego Garcia. The target details were;

**Position** 06° 36.7S 071° 46.7E**Course** 52°.**Range** 6.6nm**Bearing** 115°**Speed** variable between 5.7 and 7.1kts

The general characteristics of conditions were; part cloudy, with full moonlight in cloud breaks, moderate seas, 15.0 – 18.0kts wind variable with intermittent squalls and thunder storms.

Both vessels were placed under surveillance and shadowed.

Due to shallow water areas the BPV had to change to a safe course, which resulted in the two vessels achieving an approximate distance from the BPV of 9nmls.

At 00:10 I requested that the BPV increase to maximum speed, in order to close down and intercept the two vessels. I believed that the two vessels had either been or were about to engage in illegal fishing as neither one was burning navigation lights and both were in an area of water popular with illegal fishermen.

At 03:20 the Master of the BPV, Mr Holden was called to the bridge to take command of the vessel.

At 03:28 the two targets separated from their course with the slightly faster target began heading North West while the other maintained a North Easterly course.

At 03:40 the target heading North Westerly was noted to be 12nm away from the BPV and falling out of radar range. Its last position was marked on the radar screen. This situation arose as I chose to intercept and board the slower vessel heading North East first.

At 05:05 once I had concluded the interception of the first vessel, the chase for the second vessel was resumed and the BPV headed towards its last plotted location.

At 05:35 the second vessel was again acquired on radar and noted to be heading North West and in the general direction of the Three Brothers, Island group and an area of the Great Chagos Bank where many shallow areas are charted. The vessel was now making 7kts and the gains being made to reach her location were reduced.

At 07:38 and at a distance of approximately 5.6nmls from the second vessel the Fast Reaction Craft (FRC) 1 was launched with me, one Fisheries Protection Officers (FPO) Mr Wijeweera and one crew, Upon my instruction the FRC headed to the vessel. At this time the BPV had a visual contact and the weather had cleared sufficiently to make a long range interception, safely.

At 08:02 I and crew on the FRC intercepted the second vessel, now identified from her markings as, Otto II (2), IMUL-A-0523-KLT

At 08:05 I and FPO Mr Wijeweera boarded Otto II and asked that the Master identify himself. A Mr WAP Fernando came forward. All questions after this point were communicated through FPO Wijeweera acting in his capacity as interpreter.

I recognised this Master and said to Mr Fernando, "I have seen you before, what was the name of the vessel". Mr Fernando replied, "Chandra Kala".

At 08:07 I asked Mr Fernando, "when we came into contact with your vessel at 22:20 the night before, why did you run"? Mr Fernando replied, "Did not see".

I then requested to see Mr Fernando's fishing licence.

At 08:08 Mr Fernando handed me fishing licence No 13 HS 0120KLT showing the owners name to be Weththamury Suranga Silva of 2/A/01/A Kalawilbwatta, Moragalle, Beruwala. Dated 2013-01-01 to 2014-01-01.

At 08:09 I asked Mr Fernando, "is Mr Silva still the owner"? He replied, "don't know, only know name Taranga".

At 08:10 I asked Mr Fernando, "before I go any further, have you been fishing in BIOT waters"? He replied, "No"

I continued to question Mr Fernando.

How much fish do you have in this boat? Mr Fernando replied, "40 pieces of shark and tuna".

At 08:12 I asked Mr Fernando if he could open all his fishing holds and long line bins for inspection.

At 08:16 I observed prohibited fishing gear, namely wire trace in the starboard long line bin and the forward line holding area to the port side.

At 08:17 I asked Mr Fernando to bring the two fish that could be seen in the bottom of the centre of the after/stern fishing hold, onto the fishing deck. Both were dressed Head Off (HO), and appeared to be Long Finned Mako Sharks.

At 08:18 I asked Mr Fernando, "where have you been fishing"? He replied, "10°S 67°E".

I then called the BPV over the VHF radio and relayed the position, asking for a distance from the location of first sighting.

At 08:19 I asked Mr Fernando to bring out his fishing logbook.

At 08:20 Mr Fernando handed me, fishing logbook serial number LB4934 and it was inspected but found to be illegible.

At 08:20 the BPV called me and relayed that the position given was 360nmls away from the original location of sighting and to the South West outside the BIOT EEZ. The BPV also relayed that at Otto II's best recorded speed of 7kts, it would take 51hrs to make this journey.

At 08:21 I asked Mr Fernando, "when did you leave that location"? He replied, "6 days ago".

At 08:21 I asked Mr Fernando, "have you fished since you left that location"? Mr Fernando replied, "No fishing".

At 08:22 I sought to clarify with Mr Fernando and asked, "so there are no fish in this hold that have been caught less than 6 days ago and why did it take you so long to make this journey"? He replied, "no, no fish since 6 days and my GPS Not working so travelling with other boat". Mr Fernando continued to say "Other man at wheel since 10pm last night".

I then asked, "so where are you going now"? Mr Fernando replied, "Home, Beruwala".

At 08:23 I asked Mr Fernando "Beruwala is North East of here, if you are heading there why are you sailing North West on a 280° course"? Mr Fernando replied, "GPS not working other boat sailing".

I continued to question, "if your GPS is not working and you are traveling with the other boat to get home, why did you sail away from the other boat"? Mr Fernando replied, "Other crew man driving and he lost the other vessel in the rain".

At 08:24 I asked Mr Fernando, "do you have a radio"? He replied "yes".

I then asked, "what frequency is the other boat radio set to"? He replied "6210.7".

At 08:29 I asked Mr Fernando, "if you lost the other boat and you have its radio frequency, why didn't you make radio contact to get back on course". He replied "have been calling since 5am and 6:30am but no answer".

At 08:30 I asked Mr Fernando, "you must have seen our BPV in the dark with the lights on, why didn't you come to us when you noticed us, if you were lost"? Mr Fernando replied, "did not see Marlin".

At 08:31 I advised Mr Fernando that his vessel was being detained for the possession of wire trace, a prohibited fishing gear and he was cautioned.

At 08:32 I instructed Mr Fernando to follow the BPV to Diego Garcia where I would continue his questioning in relation to fishing activity and I requested that Mr Fernando hand over ID cards for any crew on board.

At 08:36 I asked Mr Fernando "what date did you depart port in Sri Lanka", he replied, "10 October".

At 08:38 Mr Fernando handed me 4 National ID cards and 2 Fisherman ID cards.

At 08:45 I again instructed Mr Fernando to follow the BPV to Diego Garcia.

Before disembarking I asked Mr Fernando the following administrative questions.

Do you have any weapons or explosives on your vessel? He replied, "No".

Do you have any infestations of cockroaches, spiders or other? He replied "cockroaches and spiders".

Do you have any medical problems with you or your crew? He replied, "No".

At 08:48 I and FPO Wijeweera disembarked the vessel after recovering Mr Fernando's radio handset and handing him a VHF radio set to channel 8. Mr Fernando was asked if he knew how to operate the VHF radio and he stated "yes".

At 08:09 on Saturday 8<sup>th</sup> November 2014 FV Otto 2 was escorted past buoys 1 and 2 at Diego Garcia by the BPV without an escort. The escort had not arrived at the outer buoys for 08:00hrs as requested and due to squalls gusting between 20.0 and 28.5kts the BPV could not hold position and wait.

At 08:30 the BPV was met by the escort just outside the Small Boat Basis (SBB), and I and FPO Mr Wijeweera disembarked the BPV and moved to the fishing vessel instructing it to follow the PAC24 craft into the SBB.

At 09:00 the fishing vessel was brought alongside Finger Pier No3 and met by the Senior Customs and Immigration Officer, Mr Lowry.

At 16:20 on the 8<sup>th</sup> November 2014 I and FPO Mr Wijeweera, acting as interpreter, attended Finger Pier No3 and resumed the investigation of FV Otto II (2). The holds were requested to be opened at this time.

At 16:30 I asked Mr Fernando the following questions.

When and where did you last fish? Mr Fernando replied "7 days ago 67E 09S"

Before entering the hold I again asked Mr Fernando, "When did you last fish"? He replied, "About 7 days prior to stopping him on 7<sup>th</sup> November".

At 16:32 I asked Mr Fernando, at what position did you last fish? He replied; 67E 09S.

After referring to my notebook and the responses from the day before given by Mr Fernando, I asked Mr Fernando "why has this changed from your response yesterday when you said 10°S 67°E"? He replied "all over that area"?

At 16:33 I entered the stern hold of FV Otto 2 and observed that the ice in the port and starboard quarters of the hold had surface ice on them which was discoloured, glazed and solid to the touch, and noted that this was consistent with ice that has not been disturbed for some time and in my opinion consistent with Mr Fernando's assertion that he had not fished for 7 days.

At 16:33 I removed a wall of bagged ice that had been built across the opening of the after quarter of this hold. Upon pushing these bags out of the way I found a layer of blue wooden boards that had been placed across the top of the ice below, as if to create a separation. I lifted these boards and found ice with fish inside it. The ice was white and loose to the touch, being easily pushed to one side, consistent with ice that was freshly disturbed or laid within the last 48 hours.

At 16:34 I removed one fish from the ice and requested that the crew lifted it to the fishing deck and exited the hold. Upon inspection the I identified this fish as a Tiger Shark, of not more than 75cm Curved Length which was not dressed or cleaned. The fish was limp,

consistent with being more than 24 hours old but had clear eyes, blood filled gills and was bleeding from a mouth wound. These characteristic factors were recognised by me as being consistent with a fish that had been caught not more than 3 days earlier.

I then asked Mr Fernando to direct one of his crew to enter the hold.

At 16:34 I asked the crew of the FV to remove a second fish from this portion of the hold.

At 16:36 the crew lifted a Silver Tip Reef Shark onto the vessel deck. Again, this specimen had clear eyes, blood filled gills and blood running from a wound. I applied pressure to the eyes and both held firm, again characteristics of a fish that had been caught within the previous 3 days.

At 16:36 I asked the crew to remove a third specimen. This time a juvenile Tiger Shark of not more than 145cm Curved Length was produced. Again, this fish had clear eyes, blood filled gills and was bleeding freely, consistent with being caught not more than 3 days earlier.

At 16:37 I stated to Mr Fernando that these fish were recently caught, within the last 3 days, in shallow water areas of the ocean and that the only area, given the speed of his vessel of 6 to 7kts, he could of captured these fish was on one of the shallow banks of the British Indian Ocean Territory. Mr Fernando replied: "No".

At 16:40 I asked Mr Fernando to explain why the ice in all holds was solid and undisturbed, consistent with no recent activity but the hold where these freshly caught fish were found was disturbed, the ice loose and easy to move. Mr Fernando replied, "Put new ice every day".

I then asked Mr Fernando to clarify that all areas of the holds were holding the ice cold but this section alone was requiring new ice every day. He replied "yes".

Mr Fernando then proceeded to operate his bilge pump, leading from the fish holds, to show how water was being pumped out from the melted ice.

At 16:45 I stated to Mr Fernando that the characteristics of these fish, bleeding freely, clear eyes that returned to position immediately once pressed and blood filled gills were consistent with freshly caught fish and asked "how can you explain that Mr Fernando"? He replied, "because keep fresh".

As Mr Fernando had not stated that he had travelled to any other shallow water or reef locations, where these fish could have been caught, I was left with no doubt whatsoever that the fish found in Mr Fernando's fishing hold were from the BIOT area.

At 16:46 I cautioned Mr Fernando for the offences of Fishing without a licence in BIOT, contrary to Regulation 7(1) of THE FISHERIES (CONSERVATION AND MANAGEMENT) ORDINANCE 2007 (as amended) and Regulation 6(3)(i) of the same legislation for possession of prohibited fishing gear, namely wire trace.

At 16:49 I disembarked the vessel.



## **COLLECTION OF EVIDENCE**

At 00:00, I hand ROPO xx the following items seized by me. ROPO xx marked them as the following exhibits;

<b>Exhibit No.</b>	<b>Description of Exhibit</b>
	Fishing licence for FV Otto 2, Licence Number 13 HS 0120KLT
	4 x National ID cards and 2 x Fisherman ID cards for crew of FV Walter
	Fishing Logbook, serial number LB4934

I have signed all the exhibit labels as the person originally identifying the articles.

Between 13:45hrs and 14:30hrs on the 10<sup>th</sup> November 2014, I was present in my capacity as a subject matter expert (SME) when the following catch was off loaded from the OTTO 2 by its crew under the direction of the BIOT Police Crime Scene Investigator (CSI), Miss Pont (ROPO 04). I identify the catch as;

## **CATCH**

- 15 Tiger sharks of between 0.7m and 2.00m
- 18 White Tip Reef Sharks of between 0.67m and 1.42m
- 44 Silver Tip Reef Sharks of between 0.45m and 1.2m
- 1 Scalloped Hammer Head Sharks of 1.6m
- 5 Bull Sharks of between 1.41m and 2.0m
- 1 Oceanic White Tip Sharks of 1.22m
- 12 Black Tip Reef Sharks of between 0.91m and 1.20m
- 1 Grey Reef Shark of 0.75m
- 3 dressed sharks of between 1.22 and 2.0m

Total estimated weight of catch: 2,200.00 kg

## **FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £4,000.00

Fishing vessel: Estimated value £18,000.00

This concludes my Statement of Evidence.

**Appendix 2: Record of Court Proceedings.**



**Magistrates Court  
Diego Garcia  
British Indian Ocean Territory**

**RECORD OF PROCEEDINGS 22<sup>nd</sup> January 2015**

Name: Mr W.S De Silva, Owner of Otto II,

The court case was held in the Magistrates Court on the **twenty second day of January 2015** on the following charge:

**STATEMENT OF OFFENCE**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**PARTICULARS OF OFFENCE**

1. That you, Mr W.S De Silva, being the Owner of fishing vessel 'Otto II' (IMUL-A-0523KLT-IOTC 014364), did on 6 November 2014, fish in the fishing waters of the British Indian Ocean Territory without a licence contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

and

2. That you, Mr W.S De Silva, being the Owner of the fishing vessel 'Otto II' (IMUL-A-0523KLT-IOTC 014364), was on 6 November 2014, found in possession of prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Mr W.S De Silva pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters.

Mr W.S De Silva was found guilty on both charges and was sentenced as follows:

Pay a fine of **10,000 GBP** for Fishing without Licence

Pay a fine of **2,000 GBP** for being in possession of prohibited fishing gear

Pay Court costs of **250 GBP**

Fishing Gear to be forfeited to the Crown for disposal.

Payment must be made within 30 days.

If payment has not been received by the 21st February 2015 these fines and costs will be passed to enforcement agents for them to collect.

Further Mr W.S De Silva may be summoned to explain to the court why payment has not been made.

If you wish to appeal the sentence and or conviction you must do so within the next 30 days. The deadline for any such notification of an appeal is therefore also 21st February 2015.

If you require any further information regarding any of the above contact myself or [BIOTAdmin@fco.gsi.gov.uk](mailto:BIOTAdmin@fco.gsi.gov.uk) before the 21st February 2015



Mr Kerry Cunningham  
Clerk of the Magistrates Court  
British Indian Ocean Territory





**IN THE MAGISTRATES COURT  
DIEGO GARCIA  
BRITISH INDIAN OCEAN TERRITORY**

Case Number: 29/14

Court Code: 01/15

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**CERTIFICATE OF CONVICTION**

**This is to certify that on the 22<sup>nd</sup> day of January 2014 W.S De Silva was at the Magistrates Court in Diego Garcia convicted following trial of the following offences:**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

That you, Mr W.S De Silva, being the Owner of fishing vessel 'Otto II' (IMUL-A-0523KLT-IOTC 014364), did on 6 November 2014, fish in the fishing waters of the British Indian Ocean Territory without a licence contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

Mr W.S De Silva, being the Owner of the fishing vessel 'Otto II' (IMUL-A-0523KLT-IOTC 014364), was on 6 November 2014, found in possession of prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007

And was sentenced as follows:

Fined **10,000 GBP** for Fishing without Licence

Fined **2,000 GBP** for being in possession of prohibited fishing gear

Ordered to pay Court costs of **250 GBP**

Fishing Gear to be forfeited to the Crown for disposal.





### Magistrates Court British Indian Ocean Territory

The banking details required for the electronic payment of fines and other sums ordered to be paid are as follows:

Bank Name:	Royal Bank of Scotland
Sort Code:	16-00-38
Account Number:	00717735
Account Name:	BIOT Revenue Account
BIC/SWIFT:	RBOSGB2L
IBAN:	GB43RBOS16003800717735

Written advice of credit to be sent by Royal Bank of Scotland to:

The Royal Bank of Scotland PLC, London Drummonds Branch, 49 Charing Cross,  
London, SW1A 2DX

Please do not hesitate to contact myself if any problems occur, alternatively you can also e-mail [BIOTAdmin@fco.gsi.gov.uk](mailto:BIOTAdmin@fco.gsi.gov.uk) with any questions.

Yours Sincerely,

Mr Kerry Cunningham  
Kerry.cunningham.UK@fe.navy.mil  
Clerk of the Magistrates Court  
British Indian Ocean Territory





### Appendix 3: Photographs



Figure 1: Otto II starboard side



Figure 2: Otto II port side



**Figure 3: Otto II wire trace**



**Figure 4: Otto II catch**

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10  
E-Mail: [nimalhetti@gmail.com](mailto:nimalhetti@gmail.com)

17 November 2014

Dear Mr. Hettiarachchi

## Report on the investigation of the Sri Lankan vessel Otto 2 in British Indian Ocean Territory (BIOT) Waters

The Sri Lankan flagged vessel Otto 2 (IMULA0523KLT, IOTC No. IOTC014364) is being criminally investigated on suspicion of being involved in illegal fishing and possession of illegal fishing gear. In order to complete the investigation the BIOT Administration needs to be clear as to the accurate details of the registered owner before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of this vessel are preliminary, no finding has been made by the Administration of any such activity.

According to the best information available to the Administration the owner's name and address are as follows;

Source	Owner Name / Address
IOTC Record of Authorised Vessels	W S De Silva 2/A/01/A, THALAVILA WATTA, MORAGALLA, ALUTHGAMA SRI LANKA

Please can you therefore confirm the ownership details for the vessel? We would be grateful for a formal signed response with a DFAR letterhead, which can be scanned and sent by email as soon as possible, preferably before 24/11/2014. Thank you for your cooperation.

Yours sincerely



John Pearce  
Principal Consultant  
On behalf of Dr C.C. Mees  
Head of UK-OT Delegation



තැ. පො. } 531  
த. பெட்டி }  
P. O. Box }  
දුරකථන } 446183  
தொலைபேசி } (3 lines)  
Telephone }



මගේ අංකය } DFAR/FM/K/BIOT/IUU  
எனது இல. }  
My No. }  
මගේ අංකය }  
உமது இல. }  
Your No. }

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

Mr. John Pearce  
Principal Consultant  
UK-OT Delegation  
18, Queen Street  
London, W 1J 5PN  
United Kingdom

Dear Mr. Pearce

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 20/11/2014  
திகதி }  
Date }

**Confirmation of ownership details of the Vessels “Kavidya” (IMUL-A-0155KLT- IOTC 012322) and “Otto 2” (IMUL-A-0523KLT- IOTC 014364)**


This is in reference to your letter dated 17<sup>th</sup> November 2014 requesting confirmation of the ownership details of the Vessels “Kavidya” (IMUL-A-0155KLT- IOTC 012322) and “Otto 2” (IMUL-A-0523KLT- IOTC 014364).

I would like to inform you that the following information is true and correct with regard to the ownership of the above two vessels.

Vessel identity	Name of the owner	Address	National ID No.
<b>Kavidya</b> <b>IMUL-A-0155KLT</b>	H.R.H. Silva	53, Temple Road, Beruwala Sri Lanka	753500146v
<b>Otto 2</b> <b>IMUL-A-0523KLT</b>	W.S. De Silva	2/A/01/A, Talavila Watta, Moragalla, Aluthgama, Sri Lanka	811890880v

Source: Vessel Registry/DFAR

Thank you  
Yours sincerely

  
Kalyani Hewapathirana  
Deputy Director/ Fishery Biology  
For Director General  
Department of Fisheries And Aquatic Resources Sri Lanka

Cc: Dr.C.C.Mees/ Head UK Delegation to IOTC – For information

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

04 December 2014

E-Mail: [nimalhetti@hmail.com](mailto:nimalhetti@hmail.com)

Dear Mr. Hettiarachchi

## **Report on the investigation of the Sri Lankan vessel Otto 2 in British Indian Ocean Territory (BIOT) Waters**

The Sri Lankan flagged vessel Otto 2 (IMUL-A-0523KLT, IOTC No. 014364) is being criminally investigated for fishing and for possession of illegal fishing gear in the BIOT MPA on 7<sup>th</sup> November 2013.

The Otto 2 (IMUL-A-0523KLT) was released on the 19<sup>th</sup> November 2014 pending a decision on further action. The Master was instructed to leave BIOT waters directly and to return the FV to port.

In respect of our bilateral cooperation to combat illegal fishing we would kindly request the assistance of DFAR in investigating the vessel. We would kindly request notification of any actions taken by DFAR in investigating the activities of the vessel. Previous actions carried out by DFAR in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) have included the following:

- Recall the vessel to port immediately;
- Notify the relevant port authorities to detain the vessel on arrival;
- Suspension of the licence of the vessel and other relevant flag State actions;
- Notify the owner of the requirement to pay the fine to the BIOT Authorities as per the Fixed Penalty Notice (appended); and,
- Pending payment of the fine and completion of flag State actions we would request that the vessel is detained in port.

The BIOT Administration will inform the owner and master of the vessel of further action at a later date.

If you have any questions or require assistance please do not hesitate to contact Dr Chris Mees ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or myself ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)). We look forward to your continued cooperation.

Yours Sincerely



Mr John Pearce  
Principal Consultant

**From:** Kalyani Hewapathirana [mailto:hewakal2012@gmail.com]  
**Sent:** 29 January 2015 04:50  
**To:** Chris C Mees  
**Subject:** Re: Notification of Court Findings DULARI (MragRef:IO0785)

Dear Dr Mees

All the vessels reported on IUU fishing in 2014 in BIOT waters (Total 11 vessels ) were apprehended and anchored at Beruwala harbour immediately after returned to Sri Lanka. Only the vessel Seawish was released and granted fishing only within the EEZ of Sri Lanka after payment of the fine and completion of gear marking. The owners of the vessel vessels Kavindya Duwa , Otto 2, Walter and Jane were summoned for an inquiry on 19th January to the head office and recorded their statements. They have been made aware on the high seas fishing conditions and the consequence of been listed in IUU fishing and informed to respect the decision of the courts of BIOT. In failing to do so They have been informed the proceedings under the provisions of Fisheries Act No.35 of 2013.

We received the above mail and already informed the vessel owners to pay the fine. At the same time our legal officer working on the legal proceedings to act against the vessel owners those have not paid the fine imposed by BIOT courts in consultation of the Attorney Generals Department. For the proceedings we would be thankful if you could send the Court decision of the vessels Nirodha putha and Imasha 2 as early as possible.

Further we are looking forward to receive the court decision of BIOT for the real owner of the vessel Stef Ania Duwa to inform him to do the payment and if fail to do so take the actions as per the other vessels those not paid he fine according to the instructions of the AGs Department.

regards  
Kalyani  
Deputy Director /DFAR



Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

09 April 2015

E-Mail: [nimalhetti@gmail.com](mailto:nimalhetti@gmail.com)

Dear Mr. Hettiarachchi

**Update on the investigation of the Sri Lankan vessel OTTO II and KAVIDYA DUWA in British Indian Ocean Territory (BIOT) Waters**

The owners of these vessels were found guilty of IUU on 22<sup>nd</sup> January 2015 and fined. In respect of the sentence imposed, representations from the owners were received separately by the BIOT Court and considered, on 24<sup>th</sup> February for the Otto II and 31 March for Kavidya Duwa. The BIOT Court found no grounds to re-open either of the cases. The earlier judgement therefore remains.

To date no fines have been paid.

A direction from the court was made at each hearing that the Sri Lankan authorities be advised separately of certain welfare issues raised by each of the owners in their mitigation. This has been done.

As you are aware an IOTC IUU reporting form in respect of these vessels was submitted to the IOTC Secretariat on 6 February 2015 prior to the 70 day deadline, currently our recommendation in Section D remains as (c). However we acknowledge receipt of your email on the 8<sup>th</sup> April, outlining the actions taken by DFAR against these vessels and thank Sri Lanka for its continued cooperation with combatting IUU. We will assess if these measures can be considered as adequately severe as required in Resolution 11/03 paragraph 10b.

We acknowledge receipt of the e-mail dated the 8<sup>th</sup> April 2015, sent by the authorities, this has been forwarded to the prosecution and the court for due consideration.

If you have any questions or require assistance please do not hesitate to contact myself ([j.clark@mrag.co.uk](mailto:j.clark@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto:j.pearce@mrag.co.uk)).

Yours Sincerely



James Moir Clark  
Senior Consultant  
On behalf of  
Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC

Attached 20150227\_OttoII\_Letter\_to\_Mr\_De\_Silva



**British Indian Ocean Territory**

Diego Garcia  
BFPO 485

Tel: 00 246 370 3506

Fax: 00 246 370 3943

E-mail: [Kerry.Cunningham.uk@fe.navy.mil](mailto:Kerry.Cunningham.uk@fe.navy.mil)

To: Mr W. Suranga De Silva  
# 2/4/1A, Kalawilawatta,  
Moragalla,  
Aluthgama,  
Sri Lanka.

27<sup>th</sup> February 2015

**Letter De Silva / BIOT Clerk of the Court, received 17 Feb 15**

Dear Mr. W Suranga De Silva,

I write in response to your letter of the 17<sup>th</sup> February 2015.

Your letter was presented to the Magistrate in Court on the 24<sup>th</sup> February 2015. The Magistrate considered your representations, but concluded that the original order should remain.

This means that the fine that was imposed upon you of **12,250 GBP** on the **22 January 2015** still remains to be paid for by you. The new deadline for payment is **29<sup>th</sup> March 2015**.

The Magistrate also directed that that the Sri Lankan authorities be alerted to your state of mind and threat to self-harm so that they may take the necessary steps to safeguard you.

Please note that any reply should be forwarded to the clerk of the court at the above address.

Yours sincerely,

Mr Kerry Cunningham  
Clerk of the Court  
HQBF BIOT  
Diego Garcia

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK (OT)).

#### A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Stef Ania Duwa
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	IMULA0374KLT IOTC: 10130
e	Photo	See Appendix 3
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr. S.A.D.A. Siriwardane and Ms. S.A.D. Depika Kumari of Bubulalanda, Kanandagoda, Beruwala
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr. G. Danushka of Bbullantha, Beruwala (Vessel Master)
i	Date of alleged IUU fishing activities	21 <sup>st</sup> June 2014
j	Position of alleged IUU fishing activities	06° 21.4S 071° 43.4E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence and fishing with prohibited gear (See Appendix 1 for details).
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> Delays due to confusion over correct ownership. Evidence reviewed by BIOT Court. Date for Court hearing to be set and communicated to the correct owners.  <b>Flag State Actions:</b> Vessel to remain anchored in Berwula Harbour

Item	Definition	Indicate
m	Outcome of Actions taken	

### B. Details of IOTC Resolution Elements Contravened

*(Indicate with a "X" the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Statement of Evidence (Appendix 1)  
Identification Photographs (x3) (Appendix 2)

<b>Supporting Documentation in Compendium</b>
20140702_NV BIOT
20140723_SL reply to BHC
20140731_Letter from DG(DFAR)_Response 20140801
20140828_Bilateral_5_vessel_IUU_28Aug14
20140918_SL IUU response
20141110_BIOTA_IUUResponse_DFAR

### D. Recommended Actions

<b>Recommended Actions</b>		<b>Indicate</b>
a	Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Statement of Evidence

Case No: xx/14



### 1. BIOT POLICE

#### WITNESS STATEMENT

(CJ Act 1967, S.9; MC Act 1980, SS.5A (3a) and 5B; MC Rules 1981, r70)

Statement of: <b>Robert Samuel Clark</b>	
Age if under 18: <b>'Over 18'</b>	Occupation: <b>Senior Fisheries Protection Officer BIOT</b>
<p>This statement (consisting of <b>3</b> pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.</p>	
Signature:	Dated the: <b>Thursday 26th June 2014</b>

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 61 months field experience, which includes 32 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 28<sup>th</sup> January 2014.

#### SITUATION

At 03:02, on Saturday 21<sup>st</sup> June 2014, whilst conducting Outer Island Sovereignty Patrol (OISP), recorded as BritOps 154 the BIOT Patrol Vessel (BPV), 'Pacific Marlin' was conducting a routine transit of Inner Sector 6, the officer on watch (OOW) Mr Gill requested that I attend the bridge to examine a potential target vessel that had been acquired on RADAR. I immediately identified the signature as a potential target. I requested that the suspect vessel be placed under remote observation to assess its behaviour.

While observing this target a second potential target was observed as follows.

At 03:40, the radar signature was plotted; the vessel target was located at position 06° 21.4S 071° 43.4E, 66nm North West of Diego Garcia and in the South West of the area known as the Great Chagos Bank. The BPV's bearing and range to the target was 056.6° True and 8.7nm; the target was making a speed of between 0.1 and 0.5kts and course of 206°. This is behaviour indicative of a small Fishing Vessel (FV) hanging on its fishing gear and therefore I decided to undertake an interception of this potential Illegal, Unregulated or Unlicensed (IUU), vessel when the interception of the first target vessel was completed.

At 04:47hrs, at approximately 4.2nm distance from the first target the BPV stopped and the Pacific 24 (PAC24) was launched with me, one Fisheries Protection Officer (FPO), two Royal Marines Commandoes and Regional Overseas Police Officer (ROPO) number 1, Mr Caddle on board. Upon my instruction the PAC 24 headed to the first vessel.



At 05:09 I received a radio message over the VHF radio from the BPV to inform me that the second target vessel had suddenly increased its speed and begun to head away from the location of first sighting. This is behaviour indicative with an IUU vessel cutting its passively deployed gear and fleeing the scene in order to put distance between itself and any gear or evidence of illegal activity that may be deployed in the water and ultimately may be incriminating.

At 05:46 At high speed I arrived at the location of the suspect vessel, however, due to conditions of complete darkness it could not be identified. I requested that FPO De Sylva shout to the crew on board the FV and request that the vessel lights be ignited. This instruction was followed and the lights came on. Immediately, the vessel was identified as a Sri Lankan, style multi day boat.

At 05:48, I Requested FPO, Mr De Sylva to instruct the Captain of the FV to come forward and a Mr A. M. Rathnapala, who gave, DOB 22<sup>nd</sup> March 1970 presented himself to the starboard side of the vessel. I asked FPO Mr De Sylva to enquire with Mr Rathnapala for the name of his vessel, as the livery could not be seen in the darkness. I was informed that the name of the vessel was Stef Ania Duwa.

Due to poor sea conditions the vessel was not boarded.

At 05:49 I observed that no fishing net was to be seen in the normal forward fishing deck location on the FV, I asked FPO De Sylva to enquire with Mr Rathnapala, "where is your fishing net"? He replied, "in hold" and gestured with his hand towards the normal stowage location. However, no net could be observed and therefore I concluded that no net was present.

AT 05:50 Mr Rathnapala was instructed to follow the PAC24 to which he complied and we headed back to the location of first sighting to see if we could find a fishing net or gear deployed in the water.

At 06:30 I made a radio call to the BPV and requested that it head to the location of first sighting to assist with the search for the fishing gear, at first light, as it was unsafe to take the BPV close to a location of suspected fishing gear during the hours of darkness.

At 07:35 I received a radio call from the BPV to inform me that fishing gear, marked with yellow float buoys, but no marker flags, had been found at location 06° 22.1S 071° 42.9E a location consistent with current and drifting that would reasonably lead me to believe this net belonged to the detained vessel, Stef Ania Duwa.

At 07:38 I informed Mr Rathnapala that fishing gear had been found which I suspected belonged to his vessel and he was requested to follow the PAC24 to the location. He complied with this instruction.

At 07:52 I arrived that the location of the fishing gear which I immediately identified as a Sri Lankan style Gill or Drift Net with surface float buoys of yellow. Mr Rathnapala was cautioned that his vessel, Stef Ania Duwa and crew were being detained for Fishing without a licence, contrary to; the Fisheries (Conservation and Management) Ordinance 2007 (as amended), Regulation 7 (1).

At 07:55 Mr Rathnapala was instructed to recover his fishing gear and retain all catch on the deck of the FV until instructed otherwise. He followed this instruction.

At 07:56 I requested that FPO, Mr De Sylva enquire with Mr Rathnapala if he had been detained in BIOT waters before, as his face was familiar to me. He replied "just pass a lot".

At 08:00 I instructed Mr Rathnapala to haul in his fishing gear and to retain all catch on deck for inspection.

At 08:16 I returned to the BPV in order that I could communicate an update of the detention status to the authorities in Diego Garcia.

At 08:50 I launched the PAC24 with its original occupants and returned to the area of the recovering FV's.

AT 09:30 I arrived alongside FV Stef Ania Duwa and continued the administration of its detention and asked the Captain, Mr Rathnapala to assist me. At this point Mr Rathnapala stated that he was not the Captain of the FV and presented a Mr G Danushka, DOB 25<sup>th</sup> July 1986 as Captain. Therefore, I asked the newly presented Captain the following questions;

Do you have a fishing licence? He replied; "no"

Who is the owner of this vessel? After consultation with Mr Rathnapala, he replied "S. A. D. Ajith Siriwardana".

Is that Mr or Mrs Thiwanka and do you know the full name? He replied; "Mr".

I then requested FPO, Mr De Sylva to collect the names, addresses and dates of birth for all 6 men on the vessel and the following details were given;

Captain

Mr G Danushka of Bbullantha, Beruwala, DOB 25<sup>th</sup> July 1986

Crew

Mr W.D. Roshan of Bighena, Beruwala, DOB 30<sup>th</sup> January 1975

Mr Roshan Indika of Bulawatta, Beruwala, DOB 16<sup>th</sup> September 1993

Mr Ahesh Nissanka of Pitihena, Beruwala, DOB 20<sup>th</sup> April 1996

Mr G. A. Nishantha of Koklanwatta, Maggona, DOB 17<sup>th</sup> November 1972

Mr A. M. Rathnapala of Bulawattha, Beruwala, DOB 22<sup>nd</sup> March 1970

I continued with the administration of the detention by asking the Captain the following questions;

Do you have any weapons on board this vessel? He replied, "no".

Do you have any explosives on board this vessel? He replied, "no".

Do you have any poisons on board this vessel? He replied, "no".

Are there any medical problems? He replied, "no".

Do you have any infestation on the vessel such as spiders, cockroaches? He replied, "cockroaches."

Do you have any spiders? He replied, no.

At 09:40 I instructed the Captain of Stef Ania Duwa to continue hauling in his fishing gear and to contact the BPV by VHF radio once completed. FPO, Mr De Sylva then handed Mr Danushka a handheld VHF radio, set to channel 8 and instructed him in its use.

At 12:15 The Captain of FV Stef Ania Duwa made a VHF radio call to the BPV that all gear had been recovered. He was instructed to bring his vessel alongside the BPV so that his catch on deck could be inspected, he complied with this instruction.

At 12:30 An inspection of the FV forward deck was made from the BPV, reef fish consisting assorted Tunas were seen. The Captain, Mr Danushka was then instructed to follow the BPV to Diego Garcia.

At 10:20 on Sunday 22<sup>nd</sup> June 2014 FV Stef Ania Duwa was escorted past buoys 1 and 2 at Diego Garcia by two Royal Marine craft of which I was deployed in the lead craft.

At 13:25, on Monday 23<sup>rd</sup> June 2014 FV Stef Ania Duwa was handed over to ROPO 03 Miss Robertson and ROPO 08 – Mr Traynor of the BIOT Police assumed control of the situation following a brief from me.

### **COLLECTION OF EVIDENCE**

No evidence was collected

<b>Exhibit No.</b>	<b>Description of Exhibit</b>

Between 13:05hrs and 13:40hrs on the 24<sup>th</sup> June 2014, I was present in my capacity as a subject matter expert (SME) when the following catch was off loaded from the Stef Ania Duwa by its crew under the direction of the BIOT Police Crime Scene Investigator (CSI), Mr Boxall (ROPO 02). I identify the catch as;

### **CATCH**

- 51 Silver Tip Reef Sharks of between 45cm and 1.5m
- 47 Black Tip Reef Sharks of between 42cm and 1.7m
- 16 Grey Reef Sharks of between 1.1 and 1.8m
- 14 assorted Tunas of approximately 1.5kgs average
- 2 Dolphin Fish of approximately 3.5kgs each
- 400kgs of assorted salt cured fish

Total estimated weight of catch: 1600.00 kg

### **FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £2,000.00

Fishing vessel: Estimated value £11,000.00

On Thursday 26<sup>th</sup> June 2014 I searched the Indian Ocean Tuna Commission (IOTC), Positive List using the following details as reference.

Name of vessel: Stef Ania Duwa

Registration Number: IMULA0374KLT (As shown on the Starboard side of the FV's wheelhouse)

My findings were that the vessel with the above IMUL number has been assigned IOTC reference number IOTC010130 and is registered to the following owner; PPRN. FERNANDO of 38/5, ST. SEBASTHIAN ROAD, KATUKURUNDA, SRI LANKA

The information held of the IOTC Positive List is therefore inconsistent with the details of ownership provided by the FV Captain and it is therefore my expert opinion that this vessel should be held in detention until a positive identification of the vessel owner can be made.

This concludes my Statement of Evidence.

**Appendix 2 Photographs – Stef Ania Duwa**



*Figure 1 Starboard side photograph – Stef Ania Duwa*



*Figure 2 Starboard side photograph - Stef Ania Duwa*



*Figure 3 Stern photograph – Stef Ania Duwa*



Note No : 161

Our Ref : MAN/F

154  
Hand by 10/07/14  
WSD

The British High Commission presents its compliments to the Ministry of Foreign Affairs of the Republic of Sri Lanka and has the honour to request assistance in the enforcement of the marine protected area of the British Indian Ocean Territory (BIOT).

The British High Commission wishes to express its grave concern at the continued illegal, unregulated and unreported (IUU) fishing activities of Sri Lankan flagged vessels within the BIOT marine protected area. We draw to the attention of the Ministry of Foreign Affairs that, since the declaration of the marine protected area in April 2010, 26 Sri Lankan vessels have been arrested fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). As partners in the regional fight against IUU, and responsible members of the Indian Ocean Tuna Commission we understand that the Republic of Sri Lanka will be aware that these vessels are also in breach of IOTC Resolution 11/03 as they have carried out IUU fishing in the IOTC area of competence ('Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels').

We welcome the apparent reduction in these incursions with the introduction of the bilateral agreement between the Sri Lankan Authorities and BIOT in 2011, and the actions taken by the Sri Lankan Authorities against vessels convicted of illegal fishing as part of that agreement. However BIOT has noted a recent increase in illegal activity and we seek assurances that the Republic of Sri Lanka continues with IOTC Resolution 07/01 'To promote compliance by nationals of contracting parties and cooperating non-contracting parties with IOTC conservation and management measures'.

To this end we kindly request the assistance of the Republic of Sri Lanka in securing progress in four prosecutions for illegal fishing activity by Sri Lankan vessels in the BIOT marine protected area within the last four months. The four cases are as follows:

- The fishing vessel Sulara 2, owned by Mr Nainabaduge Sumith Fernando (also known as N B Lal Fernando) of 512A, Galle Road, Wadakahawela, Beruwala was arrested for illegal fishing offences on 18 March 2014. According to the IOTC Record of Authorised Vessels it is recorded as IMULA0341KLT and IOTC reference number IOTC011118, and we note that it is registered only to fish within the Sri Lankan EEZ. On 5 June 2014, the BIOT Court found Mr Fernando guilty of illegal fishing offences, and he was fined GBP £10,000. We have not received payment or any further communication from Mr Fernando within the 20 day deadline set by the court and we kindly ask for the assistance of the Republic of Sri Lanka in securing the fine in full.

Contd .../(2)

Hand by 02/07/2014



- The fishing vessel Imasha 2, owned by Mr Gammanan Arachchige Pristan Tiran of St Visenthi Road, Maggona was arrested for illegal fishing offences on 18 April 2014. According to the IOTC Record of Authorised Vessels it is recorded as IMULA0352KLT and IOTC reference number IOTC015411, and we note that it is registered only to fish within the Sri Lankan EEZ. A summons to appear at BIOT Court, send written representations, or appear at a court in London was issued to Mr Tiran on 28 April 2014. No response has been received to this summons and we kindly ask for the assistance of the Republic of Sri Lanka in locating the owner, formally serving this summons which is enclosed, and ensuring cooperation with the Court.
- The fishing vessel Thiwanka 5 was arrested for illegal fishing offences on 21 June 2014 and we wish to issue a summons to appear at BIOT Court to the owner. The Captain of the vessel, Mr G A Samantha of Abeditiya, Beruwala with date of birth 28 December 1979 has been able to identify the owner only as "Tiwanka". According to the IOTC Record of Authorised Vessels it is recorded as IMUL: IMULA0086MTR and IOTC reference number: IOTC011479 and is registered to the following owner; GPT. WEERASURIYA of 34/14, WATSON PEIRIS MAWATHA, MORATUWA, SRI LANKA). We kindly request the assistance of the Republic of Sri Lanka in fully identifying and locating the current owner, and subsequently in issuing a summons to him or her to attend Court.

The fishing vessel Stef Ania Duwa was arrested for illegal fishing offences on 21 June 2014 and we wish to issue a summons to appear at BIOT Court to the owner. The Captain of the vessel, Mr G Danushka of Bubullantha, Beruwala with date of birth 25 July 1986 has been able to identify the owner only as Mr S.A.D Ajith Siriwardana. According to the IOTC Record of Authorised Vessels it is recorded as IMUL: IMULA0374KLT and IOTC reference number: IOTC010130 and is registered to the following owner; PPRN. FERNANDO of 38/5, ST. SEBASTHIAN ROAD, KATUKURUNDA, SRI LANKA. We kindly request the assistance of the Republic of Sri Lanka in locating the current owner, and subsequently in issuing a summons to him to attend Court.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of Sri Lanka enjoy in respect of the regional effort to prevent IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission. We look forward to discussing, following these cases, how our current bilateral arrangement in respect of IUU by Sri Lankan vessels might evolve to include such assistance in enforcing our marine protected area on a routine basis and we note that the marine protected area provides significant environmental benefits to the entire region.

The British High Commission avails itself of the opportunity to offer the Ministry of Foreign Affairs of the Republic of Sri Lanka the assurances of its highest consideration.

BRITISH HIGH COMMISSION

COLOMBO 7

2 July 2014



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Telephone }



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Office of Director General } 472187

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தொலை நகல் }  
Fax No. }

rc'd 31/7  
Mr Soper  
9/1/8

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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දිනය }  
திகதி } 23/07/2014  
Date }

HE The High Commissioner,  
British High Commission,  
Colombo 07.

Your Excellency,

**Request for assistance in the enforcement of the marine protected area of the British Indian Ocean Territory (BIOT)**

The Department of Fisheries and Aquatic Resources presents its compliments to the British High Commission Sri Lanka, and refer to the self-explanatory note sent through the Ministry of External Affairs of Sri Lanka on the above subject.

We take this opportunity to extend our sincere appreciation to the BIOT authorities for assisting this Department to control Illegal, Unregulated and Unreported (IUU) fishing activities involved by the Sri Lankan fishing vessels.

We wish to inform that the Government of Sri Lanka is in the process to deter, eliminate and prevent IUU fishing activities in the High seas in complying with the international and regional treaties. The Government of Sri Lanka has also taken a number of measures to combat IUU fishing activities including amendment of the existing Fisheries Act, the objective of this amendment is to introduce severe punitive measures against the IUU fishing in the High seas.

I would like to inform you that actions have been already made to communicate with the BIOT authorities in securing the progress of the four persecutions in BIOT for the illegal fishing activity by Sri Lankan vessels, by confirming the following details of the vessels.

Name of the vessel	Vessel Registration number	Name of the owner	Address of the Owner
Sulara 02	IMUL-A-0341 KLT	Mr. N. Lal Fernando	No.5/2/A, Galle Road Wadakahawela, Beruwala
Imasha 2	IMUL-A- 0352 KLT	Mr. G. A. P. Tiran	St. Vincenti Road, Dyalagoda, Maggona
Thiwanka 05	IMUL-A-0086 MTR	Mr.G.P.T. Weerasooriya	34/14, Watson Peris Mawatha, Moratuwa
Stef Ania Duwa	IMUL-A-0374 KLT	(i) Mr. S.A.D A. Siriwardane (ii)Ms.S.A.D. Depika Kumari	Bubulalanda, Kanandagoda, Beruwala

This Department has taken actions to suspend Vessel Registration and the Fishing Operation License of these vessels with immediate effect and to call the above vessel owners for an inquiry in the Department Head Office. The Assistant Directors in-charge of the relevant Districts and the Sri Lanka Navy have been informed to make arrangement to anchor the vessels at the nearest fishing port and to be vigilant on the activities of these vessels until future actions taken on this matter.

We would like to stress that Government of Sri Lanka is having a close bilateral communication with the BIOT authorities regarding the IUU fishing activities involved by the Sri Lankan fishing vessels in respect of the regional effort to prevent IUU fishing in the Indian Ocean, and our respective membership of the Indian Ocean Tuna Commission.

Your bilateral cooperation in this regard is highly appreciated.

Thanking You  
Yours sincerely



Nimal Hettiarachchi  
Director General

Cc:

1. Secretary, Ministry of External affairs
2. Secretary, Ministry of Fisheries and Aquatic Resources Development

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Office of Director General

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My No. } DFAR/FM/K/IOTC  
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கடற்பொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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Dr.C.C.Mees  
Head UK Delegation to IOTC  
18, Queen Street  
London, W 1J 5PN  
United Kingdom

Dear Dr. Mees

නව මහලක්ෂී කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மலிசாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

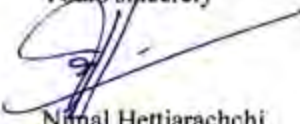
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திகதி  
Date } 31 /07/2014

**Bi-lateral communication on illegal fishing reported by Sri Lankan vessel "Imasha2", "Thiwanka 05" and "Stef Ania Duwa"**

This refers to the self explanatory note sent by the British High Commission of Sri Lanka through the Ministry of External affairs of Sri Lanka on the date of 17/07/2014 requesting assistance in the enforcement of the marine protected area of the British Indian Ocean Territory (BIOT) and your e-mail dated 15<sup>th</sup> July send to this Department.

I wish to inform you that the Department of Fisheries and Aquatic Resources of Sri Lanka Formally respond to the British High Commission on this matter. As per the agreed bilateral arrangements we would like to inform you that the actions have been taken as per the annex (i) against the vessel owners in securing progress of the prosecutions for illegal fishing activity carries out by the above three Sri Lanka vessels in BIOT waters and submitted for your kind perusal.

Thanking You  
Yours sincerely

  
Nimal Hettiarachchi  
Director General

Vessel Name	Reg.No.	IOTC No.	Actions Taken	Date	Related Documents
Imasha o2 Thiwanka Stef Ania Duwa	IMUL-A-0352 KLT	IOTC015411	1. Deregistration of the vessels and suspension of the high seas operation license and prohibit use of the vessel for fishing by the owner.	22.07.2014	Annex (ii)-a Annex (ii)-b Annex (ii)-c English translation will produce in due course if necessary
	IMUL-A-0086MTR	IOTC011479			
	IMUL-A-0374 KLT	IOTC010130			
			2. Informed IOTC Authorized Vessels Unit to remove the vessels from AFV list.	22.07.2014	E-mail forwarded
			3. The Owner called to the DFAR and conducted an inquiry. The owner made aware on the international laws and the obligations of high seas fishing and the consequence of been listed in IUU vessels list of IOTC. Further he has been informed to take actions to pay the fine imposed by the Courts of BIOT courts at earliest.	28.07.2014	Annex (iii)a Annex (iii)b Annex (iii)c Annex(iii)d,e,f



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**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

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දිනය } 2014/07/22  
திகதி }  
Date }

**ලියාපදිංචි තැපෑල**

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දියාලගෝ ගාමියා (BIOT) මුහුදු සීමාවේ නීති විරෝධී ධීවර කටයුතු වල යෙදීම නිසා එරට අධිකරණය ඉදිරියේ පෙනී සිටීම

ඉමාෂා 2" ((IMUL-A-0352KLT) යාත්‍රාව යොදාගනිමින් දියාලගෝ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ ධීවර කටයුතු වල යෙදීම සම්බන්ධයෙන් ඔබ වින්කිකරු වීම නිසා, 2014/04/28 දින එරට අධිකරණය හමුවේ පෙනී සිටින ලෙස ඔබ හට නියෝග කොට ඇති බවත්, මේ වන තෙක් ඔබ එම නියෝගයට අනුව කටයුතු කර නොමැති බවත් ශ්‍රී ලංකාවේ ඩිනානාය මහ කොමසාරිස් කාර්යාලය විසින් විදේශ කටයුතු අමාත්‍යාංශය මගින් මෙම දෙපාර්තමේන්තුවට දැනුම් දී ඇත.

උක්ත නීති විරෝධී ධීවර කටයුතු වල යෙදීම හේතුවෙන් ඉමාෂා 2" ((IMUL-A-0352KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය 2014/07/22 වන දින සිට අත්හිට වූ බව මෙයින් දන්වමි. මීට අදාළව දියාලගෝ ගාමියා අධිකරණයේ නඩු විභාගයෙහි වාර්තාව ලැබෙන තෙක් මෙම යාත්‍රාව ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස මාතර දිස්ත්‍රික් සහකාර අධ්‍යක්ෂවරයා වෙත දැනුම් දී ඇති බව දන්වා සිටිමි.

මෙම ලිපිය ලද වහාම අදාළ නීතිමය කටයුතු සඳහා BIOT අධිකරණය ඉදිරියේ පෙනී සිටින ලෙස දන්වන අතර එසේ කිරීමට අපොහොසත් වුවහොත් ඔබ විසින් කර ඇති නීතිවිරෝධී ක්‍රියාව සම්බන්ධයෙන් 2013 අංක 35 දරණ ධීවර හා ජලජ සම්පත් පනතේ විධිවිධාන යටතේ කටයුතු කිරීමට පියවර ගන්නා බවද තවදුරටත් දන්වමි.

එමෙන්ම මේ සම්බන්ධයෙන් තවදුරටත් පරීක්ෂණයක් සඳහා 2014/07/28 දින පෙ.ව.10.00 ට ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුවේ ප්‍රධාන කාර්යාලයට පැමිණෙන මෙන් කාරුණිකව දන්වමි.

o/c  
නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්

- පිටපත - (1) සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, කලුතර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලාම සඳහා
- (2) නාවික හමුදා මුලස්ථාන - යාත්‍රාව භාරයට ගැනීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට
- (3) යාත්‍රා ලි.ප. ඒකකය/ධි.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.ටු.කො. වාර්තා කිරීම සඳහා
- (4) තත්වපාලන අංශය/ ධි.ප.දෙ - ඇල්ලීමේ සහතික නිකුත් නොකිරීම සඳහා



කුල අංක } 531  
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ආයතන ලේඛන }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
(සාක්ෂිකාරක) මුහුදු සම්පත් } 472187  
Office of Director General }

තැපැල් අංකය }  
දුරකථන රේඛා } 449170  
Fax No. }

### ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

### DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/07/27  
නිකුත් }  
Date }

#### ලියාපදිංචි කැපැල

ජී.පී.ටී.වීරසූරිය මහතා  
34/14, වොට්සන් පිටිය  
මොරටුව

දියාගෝ ගාමියා (BIOT) මුහුදු සීමාවේ නීති විරෝධී ධීවර කටයුතු වල යෙදීම සහ ඒ සම්බන්ධයෙන් එරට අධිකරණය හමුවේ පෙනී නොසිටීම

"නිවාක 5" ((IMUL-A-0086MTR) යාත්‍රාව යොදාගනිමින් දියාගෝ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ ධීවර කටයුතු වල යෙදීම සම්බන්ධයෙන් ඔබ වින්තිකරු වීම නිසා, 2014/06/21 දින එරට අධිකරණය හමුවේ පෙනී සිටින ලෙස ඔබ හට නියෝග කොට ඇති බවත්, මේ වන තෙක් ඔබ එම නියෝගයට අනුව කටයුතු කර නොමැති බවත් ශ්‍රී ලංකාවේ සුභාගා මහ කොමසාරිස් කාර්යාලය විසින් විදේශ කටයුතු අමාත්‍යාංශය මගින් මෙම දෙපාර්තමේන්තුවට දැනුම් දී ඇත.

උක්ත නීති විරෝධී ධීවර කටයුතු වල යෙදීම හේතුවෙන් "නිවාක 5" ((IMUL-A-0086MTR) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය 2014/07/22 වන දින සිට අත්හිට වූ බව මෙයින් දන්වමි. මීට අදාළව දියාගෝ ගාමියා අධිකරණයේ නඩු විභාගයෙහි වාර්තාව ලැබෙන තෙක් මෙම යාත්‍රාව ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස මාතර දිස්ත්‍රික් සහකාර අධ්‍යක්ෂවරයා වෙත දැනුම් දී ඇති බව දන්වා සිටිමි.

මෙම ලිපිය ලද වහාම අදාළ නීතිමය කටයුතු සඳහා BIOT අධිකරණය ඉදිරියේ පෙනී සිටින ලෙස දන්වන අතර එසේ කිරීමට අපොහොසත් වුවහොත් ඔබ විසින් කර ඇති නීතිවිරෝධී ක්‍රියාව සම්බන්ධයෙන් 2013 අංක 35 දරණ ධීවර හා ජලජ සම්පත් පනතේ විධිවිධාන යටතේ කටයුතු කිරීමට පියවර ගන්නා බවද කවදුරටත් දන්වමි.

එමෙන්ම මෙම සම්බන්ධයෙන් කවදුරටත් පරීක්ෂණයක් සඳහා 2014/07/28 දින පෙ.ව.10.00 ට ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුවේ ප්‍රධාන කාර්යාලයට පැමිණෙන මෙන් කාරුණිකව දන්වමි.

d/c. *[Signature]*  
නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්

- පිටපත - (1) සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, මාතර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලැම සඳහා
- (2) නාවික හමුදා මුලස්ථාන - යාත්‍රාව භාරයට ගැනීමට සහායවීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට
- (3) යාත්‍රා ලී.ප. ඒකකය/ධී.ප. දෙ - යාත්‍රා ලී.ප. අවලංගු කිරීමට සහ ඉ.ස.ටු.කො. වාර්තා කිරීම සඳහා
- (4) තත්වපාලන අංශය/ ධී.ප.දෙ - ඇල්ලීමේ සහතික නිකුත් නොකිරීම සඳහා

කු.මෙ. 531  
P. O. Box  
දුරකථනය 446183  
Telephone (3 lines)



මගේ අංකය 1  
எனது இல. DFAR/FM/K/IOTC/IUU/2014  
My No.  
ඔබේ අංකය 2  
உமது இல. 3  
Your No.

අධ්‍යක්ෂ ජනරාල් කාර්යාලය 449170  
பணிபுரளர் துறைமுகத் தி.ஆலயவகம் 472187  
Office of Director General  
තැපෑල අංකය 449170  
தொலை நகல்: 449170  
Fax No.

ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

නව මහලක්කම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

கடற்பெறாழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

දිනය 2014/07/22  
திகதி Date

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

ලියාපදිංචි කැපෑල

- (i) එස්. ඒ. ඩී. අජිත් සිරිවර්ධන මහතා  
මුහුදුලාලන්ද  
කනන්දාගොඩ  
බේරුවල
- (ii) එස්. ඒ. ඩී. දිසිකා කුමාරි මහත්මිය  
මුහුදුලාලන්ද  
කනන්දාගොඩ  
බේරුවල

දියාගෝ ගාමියා (BIOT) මුහුදු සීමාවේ නීති විරෝධී ධීවර කටයුතු වල යෙදීම නිසා එරට අධිකරණය ඉදිරියේ පෙනී සිටීම

"ස්ටෙල් ආනියා දූව" ((IMUL-A-0374 KLT) යාත්‍රාව යොදාගනිමින් දියාගෝ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ ධීවර කටයුතු වල යෙදීම සම්බන්ධයෙන් ඔබ විත්තිකරු වීම නිසාල 2014/06/21 දින එරට අධිකරණය හමුවේ පෙනී සිටින ලෙස ඔබ හට නියෝග කොට ඇති බවත්, මේ වන තෙක් ඔබ එම නියෝගයට අනුව කටයුතු කර නොමැති බවත් ශ්‍රී ලංකාවේ බුිතාන්‍ය මහ කොමසාරිස් කාර්යාලය විසින් විදේශ කටයුතු අමාත්‍යාංශය මගින් මෙම දෙපාර්තමේන්තුවට දැනුම් දී ඇත.

උක්ක නීති විරෝධී ධීවර කටයුතු වල යෙදීම හේතුවෙන් "ස්ටෙල් ආනියා දූව" ((IMUL-A-0374 KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය 2014/07/22 වන දින සිට අත්හිට වූ බව මෙයින් දන්වමි. මීට අදාළව දියාගෝ ගාමියා අධිකරණයේ නඩු විභාගයෙහි වාර්තාව ලැබෙන තෙක් මෙම යාත්‍රාව ආසන්නතම ධීවර වරායේ කැංගුරම් ලන ලෙස මාතර දිස්ත්‍රික් සහකාර අධ්‍යක්ෂවරයා වෙත දැනුම් දී ඇති බව දන්වා සිටිමි.

මෙම ලිපිය ලද වහාම අදාළ නීතිමය කටයුතු සඳහා BIOT අධිකරණය ඉදිරියේ පෙනී සිටින ලෙස දන්වන අතර එසේ කිරීමට අපොහොසත් වුවහොත් ඔබ විසින් කර ඇති නීතිවිරෝධී ක්‍රියාව සම්බන්ධයෙන් 2013 අංක 35 දරණ ධීවර හා ජලජ සම්පත් පනතේ විධිවිධාන යටතේ කටයුතු කිරීමට පියවර ගන්නා බවද තවදුරටත් දන්වමි.

එමෙන්ම, මේ සම්බන්ධයෙන් තවදුරටත් පරීක්ෂණයක් සඳහා 2014/07/28 දින පෙ.ව.10.00 ට ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුවේ ප්‍රධාන කාර්යාලයට පැමිණෙන මෙන් කාරුණිකව දන්වමි.

  
නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්

- සිටපත - (1) සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය කලුතර, - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලෑම සඳහා
- (2) නාවික හමුදා මුලස්ථාන - යාත්‍රාව භාරයට ගැනීමට සහායවීම සඳහා අදාළ අනුබණ්ඩය භාර නිලධාරීන්ට දැනුම්දීමට
- (3) යාත්‍රා ලි.ප. ඒකකය/ඩී.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.වු.කො. වාර්තා කිරීම සඳහා
- (4) තත්වපාලන අංශය/ ඩී.ප.දෙ - ඇල්ලීමේ සහතික නිකුත් නොකිරීම සඳහා



**Outcome of the inquiry held on the vessel owners of Imasha 02 (IMUL-A- 0352 KLT), Thiwanka 05 (IMUL-A- 0086 MTR), Stef Ania Duwa (IMUL-A- 0374 KLT) reported on the illegal fishing activities carried-out in the BIOT waters.**

The inquiry was conducted at the Department of Fisheries and Aquatic Resources Head Office, Colombo on 28<sup>th</sup> July 2014 in front of a panel of officers chaired by Director General Mr. Nimal Hettiarachchi.

The owner of the vessel Imasha 02, Mr. A.P.T. Tiran, owner of the vessel Thiwanka 05, Mr. G.P.T. Weerasooriya and the owners of the vessel Stef Ania Duwa, Mr. S.A.D. Siriwardana and Ms. S.A.D. Kumari (IMUL-A- 0374 KLT) attended to the inquiry. The captain and the crew members were not present due to been engaged in a fishing voyage. However arrangement have made to arrest the captain and the crew members and handover to this Department as soon as they reached to the harbour.

The vessel owner has been made aware the seriousness of the illegal fishing activity convicted by the captain and the crew members. Further he has been made aware the consequence of if been reported on IUU fishing and listed in the IUU vessels list of IOTC. They have been cross questioned to find out whether they have, indirectly involved in this illegal activity by giving instructions and guidance for this activity. The owners of the three vessels mentioned that the vessel depart for High seas fishing, but they have not instructed them to do fishing in other states waters. The legal officer of DFAR noted down the statements given by the three vessel owners at the inquiry. (Annex (iii) d, e, f. – *The English translations will produce in due Cause if necessary*

The vessel owners have been informed on the letter received to this Department from the British High Commission and informed to take immediate actions to appear before the Courts of BIOT on the date given.

G.P.T. Weerasooriya, owner of Thiwanka 05 has produced the documents, proving that they have already communicated to the BIOT courts and not received any reply yet (Annex (iv) a, b. c. All three vessels have obtained High seas fishing operation license from relevant District offices of DFAR. (Annex (v))





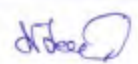

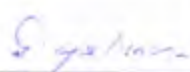





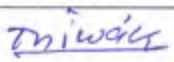
The vessel owners pleaded for their innocence and requested from DFAR to take actions against the unlawful captains of the fishing vessels. The inquiry panel has also decided to pay more attention on this. The vessel owners have been asked for their contacts such as telephone, Fax or E- mail and they provided the telephone numbers as follows.

1. Imasha 02, Mr. A.P.T. Tiran - +94342220588 (Land), +940713364412
2. Thiwanka 05, Mr. G.P.T. Weerasooriya - +94112645579 (Land), +940779777243
3. Stef Ania Duwa, Mr. S.A.D. Siriwardana and Ms. S.A.D. Kumari (IMUL-A- 0374 KLT) +94345682606 (Land), +940776085017





**Inquiry on IUU Fishing activities by Vessel Imasha 02, Thiwanka 05, Stef Aniya Duwa Meeting with Foreign Fish Landing Companies 28-07-2014**

No.	Name & Designation	Address	Telephone/ E- mail	Signature
1	C/A Primitan Tuvare	St. Vincent Road Magqona	034-2220599 071-3364412	
2	D.S. Nandazana	Director / Mgt Department of Fisheries (DFAR)		
3	S.P. Premawera	DFAR (Management Divisi) Asst. District Fisheries Office		
4	H.D. Rethillo Anelan	Office - Sehiwala		
5	M.G.N. Jayakody Asst. Director	District Fisheries Office Kalutara		
6	M. N. ...	DFI Kalutara		
7	S. ...	DFI Kalutara		
8	K. Sunj Chandrakumar FRMA	DFAR / HO	0725414435	
9	...	...	0775523723	
10	S.A.D. ...	...	0774036673	
11	S.A.D. ...	...	0345682606 0776055017	
12	D.L.D. ...	1101A ...	0785310584 2645579	
11	G.P.T. ...	34/14 ...	0779777243 2645579	

ගම්මත ආරක්ෂක ලාංඡන ප්‍රකාශන විධාන, ශාන්ත ජයවර්ධන මාවත, මල්ගොඩ  
 සිටුවා කොත්ලිය, විවාහක වයස අවුරුදු 47 (1966.08.23)

හැටුණුවන් අංක 662341339V සිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව  
 ජාතික වෙබ් නියා සිටී. වෙබ් ප්‍රකාශය වඩාත් 12 ව (දින) 2014.01.28  
 වන දින කරන ලදී. මා හට අයත් විද්‍යාත්මක අංක IMUL-A0352KLT  
 දුරකතන සිවර යාත්‍රා ජාත්‍යන්තර මුහුදේ මුද්‍රා ඇල්ලීම සඳහා 2014 අවුරුදු  
 මස 2 දින පස්වරු 3.00 ව පමණ ශ්‍රී ලංකාවේ කේරුලා සිවර මාරුවක්  
 වෙන් වන ලදී. ඉහත සඳහන් මාරුවේ සිවර කෝට්ටුවේ නියමුවා ලෙස  
 ජාතික හැටුණුවන් අංක 783582945V දුරකතන නිලධාරී මහෝත්

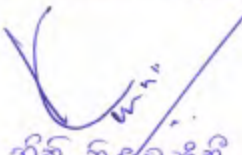
සහ අය අදාළ රැකියාවේ සොදානන ලදී. 2014.04.12 වන දින හෝ ඊට  
 ආසන්න දිනයකදී ඉහත නීතිමය වස්තුව මා වෙත දැනුවත් දෙන ලද්දේ  
 ජාත්‍යන්තර මුහුදේ කෝට්ටුවේ කළ සිටුවා වී ජලජ ඇතුලත ආන්ද්‍ර වන බවයි.  
 මා වස්තුව නියමුවාට උපදෙස් දෙන ලද්දේ පමණි අදාළවේ ආන්ද්‍රය නිසා  
 තැනි ඉන්ජිනේරුවන් කෝට්ටුවේ ජලය ඉවත් කිරීමට නවයුතු කර ශ්‍රී ලංකාවට  
 පැමිණීමට බැලිය. මේ අවස්ථාවේදී මාරුවේ සිවර කෝට්ටුව මොබයල් මුහුදු  
 හීරයේ නිකුත් කළ නියමුවා වස්තුව මා වෙත ප්‍රකාශ කරන ලදී. ඉන්පසුව  
 2014.04.18 වන දින නියමුවා මා වෙත දැනුවත් දුන් මාරුවේ සිවර යාත්‍රා  
 ගාර්හිකව අයත් නමක් වෙන් අන්තරාලයට ගෙන ගාස්තියා රටට පැමිණ  
 යන බවයි. ඔහු වස්තුව වැඩි දුරටත් ප්‍රකාශ කරන ලද්දේ ගාස්තියා රජයේ  
 නිලධාරීන් වස්තුව නියමුවාගේ ප්‍රකාශයක් සටහන් කර ගත් බවත් ජාත්‍යන්තර  
 මුහුදේ මුද්‍රා ඇල්ලීම සඳහා මා ලබාගත් මෙහෙයුම් කලපය එකී රජයේ

(සේවාරයට ගත් බවයි. 2014-04-25 පමණ දින 2014.04.22 වන දින හෝ  
 ඊට ආසන්න දිනකදී මා හට අයත් සිවර කෝට්ටුව සහ නියමුවා ඇතුළු  
 කාර්ය මණ්ඩලය ශ්‍රී ලංකාවට පමණ ලද අතර එහි නිකුත් සිවර ආවේණික  
 (දැල් සහ ක්ලීෆ්ට්ටු සහිත වැරැද්) දියාගෝ ගාස්තියා බලධාරීන් වස්තුව අන්තරාලයට  
 ගත් බව නියමුවා මා වෙත ප්‍රකාශ කරන ලදී. 2014.04.28 වන දින ජාත්‍යන්තර  
 මුහුදේ කෝට්ටුව කේරුලා සිවර කෝට්ටුවේ සේවකයන්ගේ සේවකයන් 2 ක් පමණක්  
 ජලජ දීම සඳහා පෙනී සිටින ලෙස මා වෙත දැනුවත් දෙන ලදී. මා පෙනී සිටින්නන්  
 ගැනීමට ඉහත සඳහන් කෝට්ටුව කේරුලා සිවර කෝට්ටුවේ පිහිටි ජලජ ජලය ලෙස  
 පිහිටි රටේ එකී නිකුත් සඳහන් කර ගිණි. ඉහත නීතිමය මා වස්තුව  
 මාරුවේ දැනුවත් වැරැද් 2014.05.20 වන දිනදී විවිධ මහෝත් විද්‍යාත්මක අංක  
 RF006122696LK සහ 2014.07.16 දින නිකුත් විද්‍යාත්මක මුහුදේ සේවකයන්  
 විද්‍යාත්මක මාරුවේ දියාගෝ ගාස්තියා රජයේ මෙහෙයුම් අධිකාරියට පමණ  
 එකී විවිධ සහ විද්‍යාත්මක මුහුදේ 1 ලෙස ලබාගත් කර වේ පමණ  
 ඉතිරි කරයි. නමුත් දියාගෝ ගාස්තියා රජයෙන් 2014.06.23 වන දින  
 නමුත් නිකුත් මාරුවේ මුහුදේ අතර එහි සඳහන් වුවේ 2014.08.21 වන  
 දින ඉහත සඳහන් මෙහෙයුම් අධිකාරියට පෙනී සිටින ලෙසත් එසේ පෙනී  
 සිටීම නොකරනු ලබන්නේ නම් විවිධ අදාළ කෝට්ටුව කේරුලා සිවර වෙත



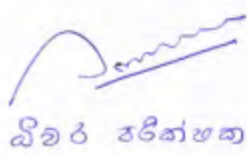
ග්‍රහණ හි දෛනුෂ්‍ය ලැබුණු උපාංගයටද මා චිත් 2014-07-16 වන දින ලියා  
 ඉන්තාන්සි අංක RF00612224SLK සහ 2014-07-16 වන දින ලියාපදිංචි  
 වැටුප්පත් දිනපත්‍ර ගාස්තියා රජයේ සේවයේ සේවයෙන් පසු සේවය සහ සේවයේ  
 මා චිත් ප්‍රකාශ කරන අතර අදාළ වශයෙන් මා සේවයේ සේවයේ  
 සඳහන් වේදනා වලින් මා විදහස් කරන ලෙසයි.

ප්‍රකාශන චිත්ත කියමා තේරුමේ පහත ඔප්පු (Signature) ග්‍රහණ සඳහන් ප්‍රකාශන  
 දින 2014-07-28 වන දින 1.10 ට පිටුපස පලපිටි රජයේ සේවයේ සේවයේ සඳහන්  
 පිටුපසින් ලියවීමේ සිදුකළ බව සහතික කරමි.



නිනි ගුණවර්ධන

සිවර සහ ජලජ පිටිපිටි රජයේ සේවයේ සේවයේ



සිවර පිටිපිටි

සිවර සහ ජලජ පිටිපිටි රජයේ සේවයේ සේවයේ

සිවර සහ ජලජ පිටිපිටි රජයේ සේවයේ සේවයේ සිවර පිටිපිටි වැටුප්පත් ලියවීමේ  
 මගින් වැටුප්පත් ලියවීමේ සේවයේ සේවයේ සේවයේ සේවයේ සේවයේ සේවයේ

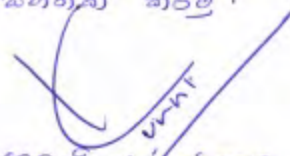
හිතොප පොලොන්නගේ නිලධාරී විරුද්ධය 34/14, තොරතුරු විද්‍යා මාලාව,  
මොරටුව. සිංහල ක්‍රිස්තුස් වසරේ අග අවසාන වසරේ අවසාන 24 (1990.10.19) ජාතික  
පාලනවලින් අංක 902932453 v සිවර සහ අලුත් අවසර දෙපාර්තමේන්තුව  
අවසරය වෙසේ ප්‍රකාශ කර තිබේ. මෙම ප්‍රකාශය අවසර 3.05 ව සිවර සහ  
අලුත් අවසර දෙපාර්තමේන්තුවේදී සටහන් කරගන්නා ලදී. මාලාව අදාත්  
ලියාපදිංචි අංක TMUL-A0086MTR දරණ සිවර කෝට්ටුව ජාත්‍යන්තර මුහුදේ  
මසුන් ඇල්ලීම සඳහා 2014.05.24 වන දින කේරුමල සිවර වරායෙන් පිටත්  
වන ලදී. මෙහි නියමුවා ලෙස කේරුමල ප්‍රකේණිය පදිංචි ඒ. ඒ. සමන්ත නැමැති  
අය කටයුතු කරන ලදී. ඔහු කි මාලේ සිවර කෝට්ටුව පිටත් වී දින 10 ක්  
උඩින් ජිවිලි පුරාණය පරිහරණය වෙතින් නියමුවා මා මෙහි මොරතුරු සපයා දෙන  
ලදී. 2014.06.17 දින සිට මාලේ සිවර කෝට්ටුවේ නියමුවා හෝ කාර්ය මණ්ඩලය  
මාලාව සමස්තය කර ගැනීමට ගොඩනැගිණි විය. 2014.06.24 වන දින මාලේ  
සිවර කෝට්ටුව දිසාලෝ ගාර්ජියා රටේ අදාත් ස්‍රීනාතය ට්‍රැන්සිසන් සාගර  
අධිකාරිය මෙහි සිටින අදාත් මහේස්ත්‍රාත් අධිකාරියේ ආශ්‍රිත පැරණි සඳහා  
අදාත් අධිකාරියට පත් වූ බව වෙනත් අලුත් අදාත් අදාත් අදාත් අදාත් සිවර  
කෝට්ටුවක අධිකාරිය වන සිංහල විද්‍යාලයේ දැන් ඇති ආර්ථික අය පිටත්  
මා මෙහි දැනුම් දෙන ලදී. 2014.06.24 වන දින මා පිටත් මාලේ කෝට්ටුවේ  
කාර්ය මණ්ඩලය උඩින් ජිවිලි පරිහරණය වෙතින් සමස්තය කර ගැනීමට ගැනියාම  
ලැබිණි. මෙහිදී මාලේ කෝට්ටුවේ නියමුවා ප්‍රකාශ කරන ලද්දේ දිසාලෝ ගාර්ජියා  
රජයේ බලධාරීන් විසින් නියමුවාගේ ප්‍රකාශයන් සටහන් කරගත් බවත් එහි නිකුත්  
මසුන් නිලේ 950 කට ආසන්න මාලාවක් සහ සියලු සිවර ආවේණික මුහුදේ  
භාරයට ගත් බවයි. 2014.07.03 වන දින මාලේ සිවර කෝට්ටුව සහ කාර්ය  
මණ්ඩලය මෙහි සඳහා දිසාලෝ ගාර්ජියා අධිකාරිය වෙතින් නිදහස්  
කර ඇත. 2014.07.11 වන දින හෝ ඊට ආසන්න දිනයකදී මාලේ සිවර  
කෝට්ටුව සහ කාර්ය මණ්ඩලය කේරුමල සිවර වරායට පැමිණෙන ලදී.  
මෙම සිවර කෝට්ටුවෙන් ආවේණික මුහුදේ මසුන් ඇල්ලීම සඳහා මා පිටත් සිවර මෙහෙයුම්  
බලකොටුවක් ලබාගෙන ඇති අතර එහි මෙහෙයුම් බලකොටුව නියමුවා විසින් දිසාලෝ  
ගාර්ජියා රජයේ බලධාරීන්ට ඉදිරිපත් කර නොමැත. මාලේ සිවර කෝට්ටුවේ නියමුවා  
මා විසින් උපදෙස් ලබා දී ඇත්තේ සිවර සහ අලුත් අවසර දෙපාර්තමේන්තුවෙන්  
නිකුත් කළ මෙහෙයුම් බලකොටුවට අනුකූලව ආවේණික මුහුදේ පරිහරණය මසුන්  
ඇල්ලීමේ තීරණ වන ලෙසය. මාලේ තිස්ස දැනටමත් මොරටුව ට්‍රැනසිසන් නියමුවා  
විසින් මෙහි රටේ මුහුදේ සිටින කළු හිත විරෝධී මසුන් ඇල්ලීමේ තීරණය ඇති  
බව ප්‍රකාශ කරමි. මේ අවස්ථාව මා පිටත් වූ පසු පුරාණ ප්‍රකාශ කර සිටින්නේ  
කෝට්ටුවේ නියමුවා විසින් මා මෙහි දිසාලෝ ගාර්ජියා රටේ කළ පිටත් ස්‍රීනාතය  
ට්‍රැන්සිසන් සාගර අධිකාරිය මෙහි සිටින අදාත් මහේස්ත්‍රාත් අධිකාරිය වෙතින්  
මාලේ මාලාව නිකුත් කළ 2014.07.03 වන දිනට ස්‍රීනාතයක් සහ අනෙකුත්  
වාර්තා භාර දුන් බවයි. එහි ස්‍රීනාතයක් සඳහන් වන්නේ අදාළ තොරතුරු මෙහි

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ජූලි 2014. 09. 18 වන දිනට පෙර සැපයිය යුතු බවයි. බවට පොදු  
 වලට ලිඛිතව ජූලි 2014 යැවීමට බව බලාපොරොත්තු වෙමි. THANKS වූහ.  
 සඳහන් ප්‍රකාශය ප්‍රකාශනට කියවා පෙරලි කර දීමෙන් පසු බහුලයේ ප්‍රතිපත්ති  
 2014. 07. 28 වන දින පැවරු 3.45 ට සීමර සහ ජලජ සමිතියේ  
 දෙපාර්තමේන්තුවේදී පහත සඳහන් නිලධාරීන් ඉදිරිපිටදී සිටින ප්‍රකාරව ලද බව  
 සහතික කරමි.



කුඩා පිටි වහාහ,  
 නිත් නිලධාරීන්

එස්. ජී. රත්නපති  
 සීමර පරීක්ෂක

සීමර සහ ජලජ සමිතියේ දෙපාර්තමේන්තුව.

සීමර හා ජලජ සමිතියේ දෙපාර්තමේන්තුව.

සීමර හා ජලජ සමිතියේ දෙපාර්තමේන්තුවේ සීමර පරීක්ෂක චන්ද්‍රසේන ලියනගේ  
 මුහුණ දැක්වීමේදී පහත සඳහන් කරුණු ලදී.

සිංගප්පූර් කාර්මිකයාගේ දොන් දුරින් සිටිනුයේ බුදුලු ලන්ද, කරදලොඩ, තේරුමල  
 සිංගල කෙටුප්ප, ව්‍යාප්ත වයස ජූලිය 42 (1972.01.13) හැටුනුමනේ  
 දින 720130114 V ධීවර සහ පලාප් ක්‍රමයේ දෙපාර්තමේන්තුවට පවරන  
 ලබන ප්‍රකාශ කර සිටියි. මෙම ප්‍රකාශය 2014.07.28 වන දින පස්වරු  
 2.06 ට සමාජ කර ගන්නා ලදී. මා හට දුන් ලියාපදිංචි දින  
 IMUL-A0374KLT මෙම ධීවර කෝට්ටුව මා හට සහ මාගේ කොන්දාසාරිය  
 වන සිංගප්පූර් කාර්මිකයාගේ දොන් දිනකා කුමාරි දුන් බව ප්‍රකාශ කරමි.  
 ව්‍යාප්ත කී ධීවර කෝට්ටුව මා වසන් වීමේදී ගන්නා ලද්දේ පරණ පාකට්ටුගේ  
 රෝස් නිලාන්ත ප්‍රනාන්දු යන දුරකර්මි, මා හට දුන් සහ ව්‍යාප්ත කී  
 මාගේ කොන්දාසාරිය දුන් ධීවර කෝට්ටුව 2014.05.24 වන දින පස්වරු  
 2.00 ට හෝ ඊට ඉහත වේලාවකදී තේරුමල ධීවර වරායෙන් ජානපතින්  
 මුහුදේ මුහුදේ සිටිනුයේ සඳහා වසන් වෙන ලදී. මාගේ ධීවර කෝට්ටුවේ නියමුවා  
 ලෙස ගුණසිංහ මනුෂ්‍ය හරිස කුමාර කටුමුතු කරන ලදී. ව්‍යාප්ත කී නියමුවා  
 බුදුලු ලන්ද, කරදලොඩ, තේරුමල පදිංචි කරුවකි. 2014.06.21 වන දිනෙන්  
 පසුව මාගේ කෝට්ටුවේ නියමුවා සහ කාර්ය මණ්ඩලය ජේ ගුණේ වර්ධන පරිහරණ  
 හුවමාරු වසන් සමස්තම කර ගැනීමට නොහැකි විය. 2014.06.28 වන දිනෙන්  
 ඊට ඉහත දිනකදී මාගේ කෝට්ටුවේ ගමන් කළ ගැනියකු වන දිනපාසාසා  
 මුදියන්තේලාගේ ජනපතල වසින් මා වෙත දැනුවේ පුත්තේ මා හට දුන් ධීවර  
 කෝට්ටුව දිනපාසාසා රජය වසින් දන්දීමට මා ගත් බවයි. මුහුදුම  
 2014.07.03 වන දින මාගේ ධීවර කෝට්ටුව සහ නියමුවා දුරකර්මි කාර්ය  
 මණ්ඩලය ප්‍රකාශ සමාජ කිරීමෙන් පසුව ශ්‍රී ලංකාවට එවන බව ධීවර  
 කෝට්ටුවේ නියමුවා මම මා වෙත ගමන් වර්ධන පරිහරණයෙන් වසින් දැනුවේදී.  
 නියමුවා වසින් වැඩපුරවත් මා වෙත දැනුවේදී මාගේ කෝට්ටුවේ කිසි  
 දැල් ඉන්ද්‍රියය සහ මුහුදේ දන්දීමට මා ගත් බව ප්‍රකාශ කරන ලදී. එම  
 නිසා මම මාගේ ධීවර කෝට්ටුවේ නියමුවා වසින් වැඩපුරවත් ප්‍රකාශ කරන  
 ලදී. 2014.07.11 වන දින මාගේ ධීවර කෝට්ටුව නියමුවා දුරකර්මි කාර්ය  
 මණ්ඩලය 9.30 ට තේරුමල වරායට පවරන ලදී. මාගේ ධීවර කෝට්ටුවේ  
 නියමුවා වසින් මා වෙත 2014.07.03 වන දිනකි සිංහලය සහ මෙම ධීවර  
 කෝට්ටුවේ මල් දුරකර්මි කරු වන පරණ පාකට්ටුගේ රෝස් නිලාන්ත ප්‍රනාන්දු ගමන්  
 කිරීමෙන් සිංහලය සහ දුරකර්මි කාර්ය මණ්ඩලය මා වෙත හාර දෙන ලදී. එකී  
 සිංහලයේ 2014.09.17 වන දින දිනපාසාසා කුමාරාන මුහුදෙන්  
 පාසාරි දුරකර්මි කලාපිතව ගුළු වසින් මරේස්ගාන් දුරකර්මියේ පරණ සිංහ  
 ලෙසින් පෙනී තොරුවෙන් තව එහි සඳහන් නොදනා සමස්තම ලිපිතව පිළිගැන  
 එවන ලෙස දැනුවේ දී දුරකර්මි නියමුවා වසින් ප්‍රකාශ කරන ලද්දේ මුහුදේ වසින්  
 මුහුදේ සිටිනුයේ නිරත වූයේ මලාකදුන් මුහුදු නිරයේ බවයි. මෙම සිංහලයට පිළිගැන  
 ගැනීමට මම කලාපිතව තවම වේ. මේ සමස්තම වැඩපුරවත් මා ප්‍රකාශ කර  
 සිටින්නේ නියමුවා වෙත මා වසින් දැනුවේ ලබාදී දුන්නේ ධීවර සහ පලාප් ක්‍රමයේ  
 දෙපාර්තමේන්තුවට වසින් නිකුත් කර දුන් ජානපතින් මුහුදේ මුහුදේ සඳහා

සිටියි

සිටියි

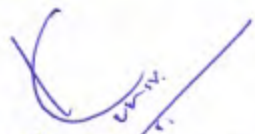
සිටියි

සිටියි



පවර්තන මාගේ වීර කේන්ද්‍රය යොදන ලෙසත් කිසිම දුර්වලතාවය පවර්තන රවත මුහුදු වීමට ඇති බැවින් දැනටමත් නිරත නොවන ලෙසයි. මෙම ක්‍රමය මාගේ දුර්වලතාවය නොවන නිසා වරින් වර ක්‍රමය ලද දෙසින් බැවින් ව්‍යුහනී නියමයට සහ කාර්ය මණ්ඩලය මාගේ වීර කේන්ද්‍රයේ කේන්ද්‍රය කිසිවෙකු වුවත් කර වීර කේන්ද්‍රය වීර වර්ගය ඇති රඳවා දැනටමත් දුර්වලතාවය ප්‍රකාශ කරයි.

සමහර වෘත්ත ක්‍රමයන් ප්‍රකාශය ප්‍රකාශනට කියවන තේරුම කර දීමෙන් පසු බහුලය දැක්වන 2014.07.28 වන දින පහත ක්‍රමයන් නිලධාරීන් වූවරුන් පමණක් 2.55 ව වීර සහ අලප් කේන්ද්‍රයේ දෙපාර්තමේන්තුවේ නිලධාරීන්.



ආරාධි නි. වනාන්ත.  
 නි. නිලධාරීන්,  
 වීර සහ අලප් කේන්ද්‍රයේ දෙපාර්තමේන්තුව.



එස්. ඩී. ජයවර්ධන  
 වීර පරීක්ෂක  
 වීර හා අලප් කේන්ද්‍රයේ දෙපාර්තමේන්තුව

වීර සහ අලප් කේන්ද්‍රයේ දෙපාර්තමේන්තුවේ වීර පරීක්ෂක වැඩපිටිය ලියාපත් වනුයේ දැනටමත් මොනවා වන්නේ මෙම ප්‍රකාශය සමහර කරන ලදී.



St Visenti Rd,  
Maggona  
Sri Lanka  
16 July 2014

Mr. Kerry Cunningham  
Clerk of the Court  
British Indian Ocean Territory  
Diego Garcia.

Honourable Sir,

**SUMMONS TO APPEAR BEFORE THE COURT IN BRITISH INDIAN OCEAN TERRITORY**

This has reference to your letter dated 28 April 2014 and 23 June 2014 on the above.

Please be informed that, on receipt of the initial letter summoning me to appear before the magistrate's court in Diego Garcia, on 26 June 2014, in honouring the court order, I promptly responded through a letter addressed to your good self under registered post bearing date stamp 20 May 2014 (receipt attached hereto for your kind reference).

But your latter letter implies that the initial letter had not been received by your esteemed office probably due to inadvertency in their part by the authorities of postal Department of Sri Lanka in spelling the name of receiver.

Hence honourable Sir, I wish to pen a fresh letter in that regard.

To begin with I wish to extend my greatest appreciation and gratitude to your esteemed administration for sensible decision initiated in releasing my crew along with the fishing vessel on extreme compassionate grounds without resorting to legal procedure.

As you may be already aware my vessel made for high seas to engage in fishing in Indian ocean proximity to Malabar bank (fishermen's term) area when it was found leaking hull potential to cause extreme danger to the lives of fishers. It was upon my instructions, the skipper abandoned fishing and altered its course to return to Island in its shortest passage when the vessel was intercepted by authorities of Diego Garcia.

In order to maintain the buoyancy of the vessel, the crew had dropped fishing gear out of the vessel and left for floating along with the vessel and engaged in removing in-coming water and melting ice held on board to avoid sinking of the vessel.

Moreover, I wish to emphasize that no proscribed fishing gear held on board and the gear that mentioned in your letter was used to catch large tuna fish.

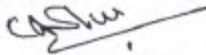
It is therefore to my humble belief that the crew of my fishing vessel had not committed any offence in respect of charge 1 and 2 of your letter and compelled to trespass the territory of your country in order to save the precious lives of inmates of the vessel.

Honourable Sir, I regret very much that I cannot afford to be present by myself to appear before the court to defend and to express my grievances owing to my penurious state at present.

Having deprived the sole source of income, it is not only my family but the whole crew of the vessel and their dependents are in dire strait.

Hence, your good self is earnestly requested to considerate the state of plight and to release fishing gear and other belongings of my fishing vessel for us to continue our livelihood.

Yours truly,

A handwritten signature in black ink, appearing to read 'G.A. Prinston Tiran', with a long horizontal stroke extending to the right.

G.A. Prinston Tiran

14/7/16

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பதிவு அஞ்சல் பொருள் பற்றுச்சீட்டு  
REGISTERED POSTAL ARTICLE RECEIPT

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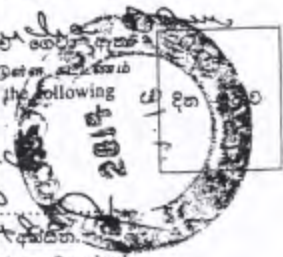
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Registration Fee



Mr./Miss/Mrs. G A P Tiran  
නිල/නිලයා/බිරිතිය St Visouthe Rd Neggo.

Mr./Miss/Mrs. My Kemy Camunagha  
නිල/නිලයා/බිරිතිය Clerk of the Court

දැනුම /Rs. ක/රු. 200/-  
එ සඳහා මෙහි දක්වා ඇති භාණ්ඩ හෙරි කැප කිරීමට මෙහි බැඳීමක් ඇත. මෙහි බැඳීමක් ඇති බවට මෙහි සහතිකයක් ලෙස මෙහි සටහනක් සටහන් කර ඇත. / Upon which the following fees have been paid.  
Diego Garcia B.F.P.O.  
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Receiving Officer's Signature.



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பதிவு அஞ்சல் பொருள் பற்றுச்சீட்டு

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பதிவு அஞ்சல் பொருள் பற்றுச்சீட்டு  
REGISTERED POSTAL ARTICLE RECEIPT

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Name & A



Mr./Miss/Mrs. A. A. P. Tiran  
නිල/නිලයා/බිරිතිය St. Vincent Rd, Maggona

Mr./Miss/Mrs. Kerry Gunasingham  
නිල/නිලයා/බිරිතිය Clerk of the Court, British India Ocean Territory, Diego Garcia.

දැනුම /Rs. ක/රු. එ සඳහා මෙහි දක්වා ඇති භාණ්ඩ හෙරි කැප කිරීමට මෙහි බැඳීමක් ඇත. මෙහි බැඳීමක් ඇති බවට මෙහි සහතිකයක් ලෙස මෙහි සටහනක් සටහන් කර ඇත. / Upon which the following fees have been paid.

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Receiving Officer's Signature.







Licence No: 14HS0326KLT

Department of Fisheries and Aquatic Resources  
Colombo, Sri Lanka.  
T.P./ Fax No: +94 112449170  
email: depfish@fisheries.gov.lk

### FISHING OPERATIONS LICENCE FOR HIGH SEAS FISHING

Licence for engaging in fishing operations in high seas is hereby granted to **Mr. Gammana Arachchige Prinstan Tiran** of **St, Visenthi Road, Maggona** from **2014 01 01** to **2014 12 31** in terms of the provisions of UN Law of the Sea Convention 1982, UN Fish Stock Agreement 1995 and Resolutions of IOTC, and the Specific Conditions of this license. (For Specific Conditions Please see overleaf)

1. Registration number of the boat for which License is issued: **IMUL - A - 0352 KLT**
2. Length of the fishing boat : 45'6"
3. Authorized Fishing Operations under the Licence:

Authorized fishing gear	Length of fishing nets & Mesh size (Maximum length should be 2.5 km)	No. of hooks, Length of the floating line & Length of the branch lines	Authorized species of fish	Area of fishing in high seas
GILL NET	2.5 Km 6"		Skip jack tuna Tuna Sharks	In the high seas of the Indian ocean out side the EEZs of another coastal state
LONG LINE		300 28m 22m	Sharks Tuna Skip Jack Tuna	

4. Home port landing : Beruwala

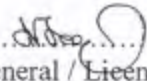
5. Fishing duration: .....

Taking , keep in possession, transporting and transshipping of Marine mammals, Turtles, Thresher Sharks, species of Sea birds are totally prohibited. No fishing operation should be conducted within the radius 01 km of the data buoys installed in high seas.

2014/01/10

Date

(This permit should be carried onboard in each and every fishing trip and is not transferable.)  
( MG)

  
 M. G. N. JAYAKODY  
 Assistant Director  
 Director General / Licensing Officer of Fisheries & Aquatic Resources  
 District Office  
 Kalutara.

H/O :



Licence No **14 HS 0039 CBO**

Department of fisheries and aquatic resources  
Colombo, Sri Lanka  
T.P./Fax No: +94112449170  
Email: defish@fisheries.gov.lk

**FISHING OPERATIONS LICENCE FOR HIGH SEAS FISHING**

*Copy*

Licence for engaging in fishing operations in high seas is hereby granted to

Mr./Ms **G.P.Tiwanka weerasooriya** of **34/141.Watson peries Mawata. Moratuwa.**

From **05.02 . 2014.** to **31.12.2014** In terms of the provisions of UN Law of the Sea Convention 1982. UN Fish Stock Agreement 1995 and Resolution of IOTC, and the Specific Conditions of this licence,

( For Specific Conditions Please see overleaf)

1. Registration number of the boat for which License is issued: **IMUL -A - 0086 MTR**
2. Length of the fishing boat: **43 feet**
- 3'. Authorized Fishing Operations under the Licence:

Authorized Fishing gear	Length of fishing nets & Mesh size (Maximum length should be 2.5km)	No.of hooks, Length of the Floating line & Length of the Branch lines	Authorized species of fish	Area of fishing in high seas
<b>Long Line</b>	---	<b>1000 Hooks</b>	<b>Tuna Species</b>	In the high seas of the Indian ocean outside the EEZs of another coastal state
<b>Gill net</b>	<b>Mesh size 6" (Pieces 25 )</b>	<b>F.L.30 m.</b>	<b>Sail Fish</b>	
		<b>B.L.45 m.</b>	<b>Sward Fish</b>	
			<b>Marlin</b>	

4. Home port landing - **Fishery Harbour - Mirissa (Sri lanka)**

5. Fishing duration: \_\_\_\_\_

Taking, keep in possession, transporting and transshipping of Marine mammals, Turtles, Thresher sharks, species of Sea birds are totally prohibited. No fishing operation should be conducted within the radius 01 km of the data buoys installed in high seas.

**05.02.2014**

*[Signature]*

Date

**Director General/Licensing officer**

( This permit should be carried on board in each and every fishing trip and is not transferable)

**M. D. PRITHVI ANSHEEM**  
Assistant Director  
Department of Fisheries &  
Aquatic Resources  
Dipola, Colombo, Sri Lanka





Licence No: 14HS0177KLT

Department of Fisheries and Aquatic Resources  
Colombo, Sri Lanka.

T.P./ Fax No: +94 112449170  
email: depfish@fisheries.gov.lk

### FISHING OPERATIONS LICENCE FOR HIGH SEAS FISHING

Licence for engaging in fishing operations in high seas is hereby granted to **Mr. Singappule Arachchige Don Ajith Siriwardana** of **Bubulakanda, Karadagoda, Beruwala** from **2014 01 01** to **2014 12 31** in terms of the provisions of UN Law of the Sea Convention 1982, UN Fish Stock Agreement 1995 and Resolutions of IOTC, and the Specific Conditions of this license. (For Specific Conditions Please see overleaf)

1. Registration number of the boat for which License is issued: **IMUL - A - 0374 KLT**
2. Length of the fishing boat : 40'06"
3. Authorized Fishing Operations under the Licence:

Authorized fishing gear	Length of fishing nets & Mesh size (Maximum length should be 2.5 km)	No. of hooks, Length of the floating line & Length of the branch lines	Authorized species of fish	Area of fishing in high seas
GILL NET	2.5 Km 6"		Skip jack tuna Tuna Sharks	in the high seas of the Indian ocean out side the EEZs of another coastal state
LONG LINE		250 15m 25m	Sharks Tuna Skip Jack Tuna	

4. Home port landing : Beruwala

5. Fishing duration: .....

Taking , keep in possession, transporting and transshipping of Marine mammals, Turtles, Thresher Sharks, species of Sea birds are totally prohibited. No fishing operation should be conducted within the radius 01 km of the data buoys installed in high seas.

2014/01/10

Date

(This permit should be carried onboard in each and every fishing trip and is not transferable.)  
(BN)

M. G. N. JAYAKODY

Assistant Director

Director General / Licensing Officer Fisheries & Aquatic Resources

Colombo  
Kalutara.

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

28 August 2014

Dear Mr. Hettiarachchi

**Bilateral communication on illegal fishing by the Sri Lankan vessels Sulara 2 (IMUL-A-0341 KLT) Imasha 2 (IMUL-A-0352 KLT), Thiwanka 5 (IMUL-A-0086 MTR) Stef Ania Duwa (IMUL-A-0374 KLT) and Niroda Putha (IMUL-A-0543 KLT) in British Indian Ocean Territory (BIOT) Waters**

Firstly we thank-you for your flexibility and continued cooperation in jointly addressing the above referenced cases in order to combat IUU as it occurs in BIOT waters.

This letter is in response to your bilateral communications dated 31/7/14 (Imasha 2; Thiwanka 5 and Stef Ania Duwa) and 20/08/14 (Sulara 2) and to our email exchanges on the vessel Niroda Putha on 17/07/14. Each of these cases is at a different stage, and as they have been handled differently than has been the case in the past under our bilateral arrangement, we are writing to inform you of the current status of each case and the expectations of the BIOT Authority.

**Sulara 2.**

I confirm that the owner, Mr Lal Fernando, has not paid the fine imposed by the court on Diego Garcia which was due by 25<sup>th</sup> June 2014. As indicated in your letter of 20/08/14, in due course please provide details of the legal action taken under the provisions of the Fisheries and Aquatic Resources Act No 35, 2013, Sri Lanka against the owner. Please also indicate the action against the vessel operator once the vessel is apprehended.

Thank you for the explanation of why the vessel remains at sea. In future for other vessels we will inform you earlier so that they may be recalled to port and detained pending finalisation of the investigations.

**Imasha 2, Thiwanka 5, Stef Ania Duwa.**

Thank you for providing details of the actions already taken in respect of these vessels (your communication of 31/7/14). We request that you immediately recall these vessels to port and detain them pending conclusion of the investigations.

For your information the Court on Diego Garcia will hear these cases as follows:

Imasha 2:	Date released: 22nd April 2014	Court date: 10th September 2014
Thiwanka 5:	Date released: 3rd July 2014	Court date: 18th September 2014
Stef Ania Duwa:	Date released: 3rd July 2014	Court date: 17th September 2014

We will inform you of the outcomes once the court has reached a verdict in each case, indicating the settlement of any penalty due by the owners as appropriate. We will submit to you the usual IOTC Resolution 11/03 IUU reporting form for each case.

**Niroda Putha**

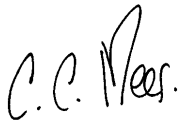
This vessel was detained for alleged illegal fishing on Saturday 12th July 2014 inside the BIOT MPA. Details of the ownership of the vessel have been confirmed by your office. The vessel was released on 18th July 2014 and the Court date has been set for 23rd September 2014.

We request that you immediately recall this vessel to port and detain it pending conclusion of the investigation.

We will inform you of the outcome once the court has reached a verdict indicating the settlement of any penalty due by the owner as appropriate. We will submit to you the usual IOTC Resolution 11/03 IUU reporting form for this case.

Your continued cooperation in these cases is highly appreciated, thank you.

Yours sincerely



Dr C.C. Mees  
Head of UK-OT Delegation

කු. පෙ. }  
த. பெட்டி } 531  
P. O. Box }  
දුරකථන }  
தொலைபேசி } 446183  
Telephone } (3 lines)  
අධ්‍යක්ෂ ජනරාල් කාර්යාලය }  
பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
Office of Director General } 472187



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தொலை நகல் } 449170  
Fax No. }

මගේ අංකය }  
எனது இல. } DFAR/FM/K/IOTC  
My No. }  
මගේ අංකය }  
உமது இல. }  
Your No. }

ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

Dr.C.C.Mees  
Head UK Delegation to IOTC  
18, Queen Street  
London, W 1J 5PN  
United Kingdom

Dear Dr. Mees

නව මහලක්ෂී කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } 18/09/2014  
Date }

**Bi-lateral communication on illegal fishing by Sri Lankan vessels “Sulara 02” (IMUL-A-0341 KLT), Imasha 2 (IMUL-A-0332 KLT) , Thiwanka 5 (IMUL-A-0086 MTR), Stef Ania Duwa (IMUL-A-0374 KLT), Nirodha putha (IMUL-A-0543 KLT) and Dulari (IMUL-A-713KLT) in the British Indian Ocean Territory waters.**

This refer to your letters dated 28<sup>th</sup> August 2014 and the 10<sup>th</sup> September 2014 on the above.

At the outset, We extend our sincere thanks to the BIOT authority for the patience and the understanding of our situation in handling the recently reported cases of illegal fishing activities of Sri Lankan vessels in BIOT waters. I would like to report the present status of our investigations on the above vessels.

#### 1. Sulara 2

- (i) The vessel was apprehended on 29/08/2014 and now anchored at Weligama harbour at Matara. (Annex - i)
- (ii) As you are aware this Department has been in developing bilateral cooperation with you for last couple of years in order to eliminate IUU fishing involved by Sri Lankan flagged vessels in the BIOT waters. Accordingly after we have been informed of the illegal fishing activity of the vessel Sulara 2 in BIOT waters, We tried every effort to urge the vessel owner to pay the fine and settle this case with the BIOT authorities in a satisfactory manner. However, considering the written submission sent by the vessel owner to the BIOT Magistrate with a copy to this Department, it is understood that Mr. Lal Fernando the vessel owner, is not in a position to pay the fine and he has submitted an appeal, explaining his inability to pay such a big amount of fine due to his economic constraints.

However in response to your inquiry on the future actions in this regard by the Sri Lankan authorities, We would like to mention that, We have already sought legal advise from the Attorney General Department for the proceedings of this case.



At the same time we further inquired the possibility of filing a case for the same offence under the Fisheries and Aquatic Resources Act No.35, 2013(FARA,35, 2013) of Sri Lanka, while the court decision of BIOT is still valid. We are still awaiting a reply from Attorney General in this regard.

However the vessel owner Mr. Lal Fernando was called to the DFAR, Head office on 1<sup>st</sup> September 2014 for the second time and further, inquiries were made regarding this matter. His final request is to punish the skipper, not him who committed the offence. The inquiry panel paid great concern on this matter. Therefore in the event of your withdrawal of the case against the vessel owner in the courts of BIOT, DFAR will draw attention to take legal actions against the skipper of the vessel under the High Seas regulations made under section 61(t) of FARA, No.35, 2013.

- (iii) Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed at the harbours and fisheries offices, warning vessel owners not to deploy this skipper in their fishing vessels. (Annex – ii)

## **2. Imasha 2, Thiwanka 5, Stef Ania Duwa.**

- (i) The three vessels are now anchored at Beruwala harbour.
- (ii) Harbour managers have been informed to avoid to deploy the accused skippers in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to deploy employing these skippers in their fishing vessels. (Annex –ii)
- (iii) The owners of the vessels Imasha 2, Thiwanka 5, Stef Ania Duwa have been formally informed to appear or forward written submission to the Courts of Diago Gacia on the dates given.

## **3. Niroda putha**

- (i) The vessel is deregistered and the high seas operation license has been suspended with effect from 1<sup>st</sup> September 2014. It has been informed to the IOTC to remove the vessel from Authorized Fishing vessels list. (Annex iii a, iii b)
- (ii) The Owner called at the DFAR on 1<sup>st</sup> September 2014 for an inquiry and he was made aware of the International Laws and the Obligations of High Seas fishing and the consequence of been listed in IUU vessels list of IOTC. (Annex iva, iv-b)
- (iii) At the inquiry, He mentioned that the vessel departed for high seas fishing, but the skipper had engaged in this illegal activity in BIOT waters without his knowledge. Further, He said that the fishing operation licence and the vessel registration was carried on board but the skipper as not provided these to the BIOT authorities at the time of inspection. Copies annexed (Annex v).



- (iv) Mr. Mr. W.A.D.P. Prageeth has been informed to appear before the Magistrate of Court in Diego Gacia, or forward written submissions to the Court as appropriate on the date of 23<sup>rd</sup> September 2014 as informed by the BIOT authorities. (Annex vi-a, vi- b)
- (v) Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners to prevent from employing this skipper in their fishing vessels. (Annex – ii)
- (vi) The vessel is now being anchored at Beruwala harbour.(Annex vii)
- (vii)The contact details of the vessel owner, Mr. W.A.D.P. Prageeth are +94342279494 and +94077717695.

#### 4. Dulari

1. We confirm the following information as true and correct for the identification of the vessel.

	Present	Previous
Vessel Registration No	IMUL-A- 0713KLT	IMULA-0124- KLT
Vessel Name	Dulari	Sulara
Owner of the vessel	W.M.A.Ajantha Palin No. 01, Samapura Hettimulla Tel:	
Skipper	Ivan Priyantha Badde Liyanage Don, Idirilla, Galle Road, Maggona	

1. The relevant port authorities, Fisheries Officers and the Sri Lanka Navy have been informed to apprehend the vessel and the skipper as soon as the vessel Dulari (IMUL-A- 0713KLT) lands in any harbour in Sri Lanka. The Assistant Director of Kalutara District is instructed to anchor the vessel at the nearest fishing port and direct the Skipper and the owner of the vessel for an inquiry in the Head office immediately after the arrival of the vessel. (Annex viii-a, viii-b)
2. Vessel registration and the Suspension of fishing vessel “Dulari” will be informed to the relevant parties once the vessel reach Sri Lanka.
3. Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to employing this skipper in their fishing vessels. (Annex – ii)

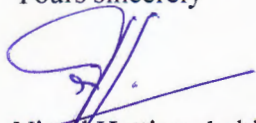
I would like to mention that some of our fishing vessels engage in illegal fishing in BIOT waters and this is a special concern to us too. Hence the following measures are being implemented with a view to prevent the re-occurrence of illegal fishing activities in BIOT territory waters.

1. Expedite the issuance of skipper licences for high seas operating skippers. Progress Annexed. (Annex- ix)
2. Initial steps taken to comply with the proposed scheme of "innocent passage" vessels passing through BIOT waters. (Annex-x-a. x-b)
3. High seas fishing regulation gazette and published on 1<sup>st</sup> September 2014, giving provisions to take legal actions against the vessel owners and the skipper as well for any violations.
4. The National Plan of Action against IUU fishing (NPOA-IUU) was adopted and being implemented since March 2013.
5. Implementation of the Vessel Monitoring System is delayed due to slow progress of the project proponent. However DFAR has already identified fifty high seas operating boats in the first phase of implementation

Summing up, we hereby reaffirm our commitment to cooperate with IOTC and the relevant coastal states with our determination and obligation to prevent, deter and eliminate illegal, unreported and unregulated activities in the Indian Ocean and take utmost efforts to control IUU activities involved by vessels of Sri Lanka with your assistance.

Your continuous cooperation in this regard is highly appreciated.

Thanking You  
Yours sincerely



Nimal Hettiarachchi  
Director General

**Nimal Hettiarachchi**  
Director General  
Department of Fisheries & Aquatic Resources  
Maligawatta, Colombo 10.





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 ක. පො.පි.අ  
 P. O. Box } 531  
 දුරකථන  
 தொலைபேசி } 446183  
 Telephone } (3 lines)



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 எனது இல  
 My No. } DFAR/FM/K/IOTC/JUL/2014  
 ඔබේ අංකය  
 உமது இல  
 Your No. }

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 இயக்குனரின் அலுவலகம்  
 Office of Director General } 449170  
 472187

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 தொலைபேசி } 449170  
 Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

සේවකාලයේ කාර්යාලය, මලිගාවත්ත, කොළඹ 10  
 இயக்குனரின் அலுவலகம், மலிගாவட்டம், கொழும்பு 10  
 New Secretariat, Maligawatta, Colombo 10.

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail - depfish@diamond.lanka.net  
 Web - www.fisheriesdept.org

දිනය  
 தேதி } 2014/08/28  
 Date }

**ලියාපදිංචි කැපල**

ධන, ඒ.ඩී.පී. ප්‍රගීත් මහතා  
 83/01, ශාන්ත මාරියා පාර  
 කුඩා පොහල  
 පොහල

"නිරෝධ පුනා / රුහන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

"නිරෝධ පුනා / රුහන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාව දියාගේ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 12/07/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාවේ නියමුවා සහ හැනියන් 18/07/2014 දින නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

නවද මෙම යාත්‍රාව ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංඝනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

1. යාත්‍රාවේ IMUL-A-0341KLT සහ IMUL-A-0086KLT යනුවෙන් ලියාපදිංචි අංක දෙකක් සටහන් කිරීම.
2. යාත්‍රාවේ නිරෝධ පුනා සහ රුහන් පුනා යනුවෙන් නම් දෙකක් සටහන් කිරීම.
3. පරීක්ෂා කරන අවස්ථාවේ ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයට අදාළ නියෝගුකුල ලිපි පෙළඹන යාත්‍රාවේ හොනිකිරීම.

උක්ක කරුණු සැලකිල්ලට ගනිමින් මෙම යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය 2014/09/01 දින සිට ක්‍රියාත්මක වන පරිදි අත්හිටුවූ බව මෙයින් දන්වා සිටිමි. මෙම යාත්‍රාව වහාම අත්අඩංගුවට ගෙන ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස කලකර දිස්ත්‍රික් ධීවර සහකාර අධ්‍යක්ෂවරයා වෙත දැනුම් දී ඇත.

මේ සම්බන්ධයෙන් පරීක්ෂණයක් පැවැත්වීම සඳහා 2014/09/01 දින පෙ.ව.10.00 ට අදාළ යාත්‍රා නියමුවා සමඟ ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුවේ ප්‍රධාන කාර්යාලයට පැමිණෙන මෙන් කාරුණිකව දන්වා සිටිමි.

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පිටපත - (1) සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, කලුතර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලෑම සඳහා  
 (2) නාවික හමුදා මුලස්ථාන - යාත්‍රාව භාරයට ගැනීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට  
 (3) යාත්‍රා ලි.ප. ඒකකය/ධී.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.පු.මහා. වාර්තා කිරීම සඳහා

කු. පෙ. }  
 த. பெட்டி } 531  
 P. O. Box }  
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 தொலைபேசி } 446183  
 Telephone } (3 lines)



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 பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
 Office of Director General } 472187

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 தொலை நகல் } 449170  
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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

ENGLISH TRANSLATION

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
 புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
 New Secretariat, Maligawatta, Colombo 10.

දිනය }  
 திகதி } 28/08/2014  
 Date }

REGISTERED POST

Mr. W.A.D.P.Prageeth  
 83/01, St.Mary's Road  
 Kuda Payagala  
 Payagala

Suspension of Vessel Registration and Fishing Operation Licence of the Vessel  
"Norodha Putha/Rushan Putha" (IMUL-A-0543KLT)

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel "Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 12/07/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 18/07/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- Display two registration numbers (IMUL-A-0341KLT and IMUL-A-0086KLT) on the vessel.
- Display two names (Nirodha Putha and Rushan Putha) on the vessel.
- The essential documents for high seas fishing were not onboard.

Taking the above factors into consideration this Department suspended the Vessel Registration and the Fishing Operation Licence of the vessel "Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT) with effect from 01/09/2014 and informed to the Assistant Director, Kalutara to apprehend and anchor the vessel at the nearest port.

You are hereby informed to report to the Department Head Office in Colombo on 01<sup>st</sup> September 2014 at 10 a. m. with the skipper of the vessel for an inquiry.

Nimal Hettiarachchi  
 Director General

- Cc – 1. Assistant Director, District Fisheries Office, Kalutara – To apprehend and anchor the vessel  
 2. Commander, Naval Headquarters - Inform area commander to apprehend  
 3. Vessel Registry Unit of DFAR - For deregistration and report to IOTC

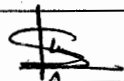




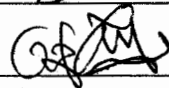



(iv)<sup>a</sup>

**Discussion on Bilateral Communication on Illegal Fishing by the Sri Lankan Vessels  
in British Indian Ocean Territory (BIOT) Waters**

**Attendant Sheet**

**2014/09/01**

Name of the Participants	Position	Address	Signature
① Nimal Hettiarachchi			
A.G.L.A. Sumath Kumara	Assistant Director	District office - Matara	
N. LAL FERNANDO	Pro/owner - IMUL-A-0341 KLT	NO-5/2/A, GALLE Rd, BERUWALA	
G.P.H. Rehman	Neer/owner IMUL-A-0341 WELIGAMA KLT	Weligama.	
M.G.N. Jayakodye	Asst. Director.	District Fisheries Office Kalutara	
W.A.D.P. Pragoth	Owner - IMUL-A-0543 KLT	St Marys Road Kula Payagaha 034-2279494, 0777176955	
U.A. Hettimachchi	F.I. H/O	DFAR / Colombo - 10	
K. Srujan Chandrakumara	FRMA / Mgt / DFAR	DFAR Colombo	
W.G.I. Lakshmi	DO	DFAR Colombo-10	

S.P. Premawarden

F.I

DFAR







Licence No: 14HS0331KLT

Department of Fisheries and Aquatic Resources  
Colombo, Sri Lanka.  
T.P./ Fax No: +94 112449170  
email: depfish@fisheries.gov.lk

## FISHING OPERATIONS LICENCE FOR HIGH SEAS FISHING

Licence for engaging in fishing operations in high seas is hereby granted to **Mr..warnakula Arachchige Don Prasanna** of **Kuda Payagala, Payagala** from **2014 01 01** to **2014 12 31** in terms of the provisions of UN Law of the Sea Convention 1982, UN Fish Stock Agreement 1995 and Resolutions of IOTC, and the Specific Conditions of this license. (For Specific Conditions Please see overleaf)

1. Registration number of the boat for which License is issued: **IMUL - A - 0543KLT**
2. Length of the fishing boat : 40'6"
3. Authorized Fishing Operations under the Licence:

Authorized fishing gear	Length of fishing nets & Mesh size (Maximum length should be 2.5 km)	No. of hooks, Length of the floating line & Length of the branch lines	Authorized species of fish	Area of fishing in high seas
GILL NET	2.5 Km 6"		Skip jack tuna Tuna Sharks	In the high seas of the Indian ocean out side the EEZs of another coastal state
LONG LINE		400 15m 24m	Sharks Tuna Skip Jack Tuna	

4. Home port landing : Beruwala

5. Fishing duration: .....

Taking , keep in possession, transporting and transshipping of Marine mammals, Turtles, Thresher Sharks, species of Sea birds are totally prohibited. No fishing operation should be conducted within the radius 01 km of the data buoys installed in high seas.

2014/01/10

Date

(This permit should be carried onboard in each and every fishing trip and is not transferable .)  
( PG)

M. G. N. JAYAKODY  
Assistant Director  
Director General / Licensing Officer  
District Office,  
Kalutara.  
Department of Fisheries & Aquatic Resources



තැ. පෙ. } 531  
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මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
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உமது இல. }  
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අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187  
තැක්ස් අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/   
திகதி }  
Date }

**ලියාපදිංචි තැපෑල**

ඩබ්. ඒ.ඩී.පී. ප්‍රගීන් මහතා  
83/01, ශාන්ත මාරියා පාර  
කුඩා පයාගල  
පයාගල

"නිරෝධ පුනා / රුෂාන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

නිරෝධ පුනා / රුෂාන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාව දියාගේ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 12/07/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාව, නියමුවා සහ ගැනියන් 18/07/2014 දින එරට අධිකරණය හමුවේ පෙනී සිටීමේ කොන්දේසි මත නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

තවද මෙම යාත්‍රාව ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංගනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

1. යාත්‍රාවේ IMUL-A-0341KLT සහ IMUL-A-0086KLT යනුවෙන් ලියාපදිංචි අංක දෙකක් සටහන් කිරීම.
2. යාත්‍රාවේ නිරෝධ පුනා සහ රුෂාන් පුනා යනුවෙන් නම් දෙකක් සටහන් කිරීම.
3. පරීක්ෂා කරන අවස්ථාවේ ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයට අදාළ නීත්‍යානුකූල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

එබැවින් 2014/09/23 වන දින එරට අධිකරණය හමුවේ ඒ සඳහා කරුණු ඉදිරිපත් කරන ලෙස මෙයින් දන්වමි.

නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්

පිටපත - සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, කලුතර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලෑම සඳහා

(මුද්‍රණ)  
0342279494

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Telephone }

මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
எனது இல. }  
My No. }  
මගේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187

ෆැක්ස් අංකය } 449170  
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Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

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**ENGLISH TRANSLATION**

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/  
திகதி }  
Date }

**REGISTERED POST**

W.A.Prageeth  
83/01, St Mary,s Road  
Kuda payagala  
Payagala

**Suspension of Vessel Registration and Fishing Operation Licence of the Vessel "Norodha Putha/Rushan Putha" (IMUL-A-0543KLT)**

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel "Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 12/07/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 18/07/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- (i) Display two registration numbers (IMUL-A-0341KLT and IMUL-A-0086KLT) on the vessel.
- (ii) Display two names (Nirodha Putha and Rushan Putha) on the vessel.
- (iii) The essential documents for high seas fishing were not onboard.

Therefore You are hereby informed to appear before the Magistrate of Court in Diego Gacia, or forward written submissions to the Court as appropriate on the date of 23<sup>rd</sup> September 2014 as informed by the BIOT authorities.

Nimal Hettiarachchi  
Director General

Cc - 1. Assistant Director, District Fisheries Office, Kalutara - To apprehend and anchor the vessel





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මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
எனது இல. }  
My No. }  
මගේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
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දුරකථන අංකය } 449170  
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**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/11  
திகதி }  
Date }

**ලියාපදිංචි තැපෑල**

සහකාර අධ්‍යක්ෂ  
දිස්ත්‍රික් ධීවර කාර්යාලය  
කලුතර


"දුලාරි " ((IMUL-A-0713KLT) යාත්‍රාව අත්අඩංගුවට ගැනීම , ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

"දුලාරි " ((IMUL-A-0713KLT) යාත්‍රාව දියාගෝ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 07/09/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාවෙහි නියමුවා සහ ගැනියන් 10/09/2014 දින නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

තවද මෙම යාත්‍රාව ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංඝනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

- 1. යාත්‍රාවේ IMUL-A-0713KLT සහ 9-7810KLT යනුවෙන් අංක දෙකක් සටහන් කර තිබීම.
- 2. පරීක්ෂා කරන අවස්ථාවේ ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයට අදාළ නීත්‍යානුකූල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

මෙම යාත්‍රාව ශ්‍රී ලංකාවේ ධීවර වරායකට පැමිණි වහාම අත්අඩංගුවට ගෙන ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස දන්වා සිටිමි. තවද යාත්‍රාවේ නියමුවා සහ හිමිකරු මේ සම්බන්ධයෙන් පරීක්ෂණයක් පැවැත්වීම සඳහා ප්‍රධාන කාර්යාලයට යොමු කරන ලෙස මෙයින් දන්වා සිටිමි.

  
නිමල් ජනවර්ධන විජේසේන  
අධ්‍යක්ෂ ජනරාල්

- පිටපත - (1) ඩබ්. එම්.ඒ. පාලින් මහතා, නො.01, සාමදුර, හෙට්ටිමුල්ල, බේරුවල - යාත්‍රාව පැමිණි වහාම නියමුවා සමඟ ඉදිරිපත් වීම  
(2) නාවික හමුදා මූලස්ථානය යාත්‍රාව භාරයට ගැනීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට  
(3) යාත්‍රා ලි.ප. ඒකකය/ඩී.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.වු.කො. වාර්තා කිරීම සඳහා  
(4) තත්වපාලන අංශය/ ඩී.ප.දෙ - ඇල්ලීමේ සහතික නිකුත් නොකිරීම සඳහා

තු. පෙ. } 531  
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தொலைபேசி } (3 lines)  
Telephone }



මගේ අංකය } DFAR/FM/K/IUU/Local/2014  
எனது இல. }  
My No. }  
ඔබේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187

තුනේ අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail : depfish@diamond.Lanka.net

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } /09/2014  
Date }

**ENGLISH TRANSLATION**

**REGISTERED POST**

Assistant Director  
District Fisheries Office  
Kalutara

**Apprehend and Suspension of Vessel Registration and Fishing Operation Licence of the Vessel "Dulari" (IMUL-A-0713KLT)**

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel "Dulari" (IMUL-A-0713KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 07/09/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 10/09/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- (i) Display two registration numbers IMUL-A-0713KLT and 9-7810KLT on the vessel.
- (ii) The essential documents for high seas fishing were not onboard.

You are hereby informed to apprehend the vessel and the crew at once the vessel lands in any port of Sri Lanka and anchor the vessel at the nearest fishing port. Further you are instructed to direct the the skipper and the vessel owner to the Head Office of DFAR for an inquiry.

Nimal Hettiarachchi  
Director General

Cc - Assistant Director, District Fisheries Office, Kalutara - For necessary action

- Cc - 1. Mr. W.M.A.Ajantha Palin, No. 01, Samapura, Hettimulla: To attend an inquiry with the skipper  
2. Commander, Naval Headquarters - Inform area commander to apprehend  
3. Vessel Registry Unit of DFAR - For deregistration and report to IOTC

**SKIPPER LICENCE PROGRESS AS AT 04-09-2014**

<b>DISTRICT</b>	<b>NO. OF ISSUED SKIPPER LICENCE</b>
Matara	365
Negombo	2
Kalutara	165
Colombo	0
Chilaw	180
Puttalm	6
Tangalle	22
Kalmunai	0
Galle	48
Trincomalee	10
<b>TOTAL</b>	<b>798</b>

**\*Skipper licences have issued to fishermen who have participated for interviews only.**



Handwritten notes in Sinhala and Tamil, including 'අමතර' and '24/9'.

කැ.පෙ. 531  
த.பெட்டி 531  
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දුරකථන 446183  
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අධ්‍යක්ෂ ජනරාල් කාර්යාලය 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் 472187  
Office of Director General



ෆැක්ස් අංකය 449170  
தொலை நகல் 449170  
Fax No.

මගේ අංකය 1/17/1- 42  
எனது இல. My No.

ඔබේ අංකය  
உமது இல. Your No.

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය  
திகதி  
Date

2014/09/05



සහකාර අධ්‍යක්ෂ  
දිස්ත්‍රික් කාර්යාලය

(අංක ෧෧)

දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපය හරහා ජාත්‍යන්තර මුහුදු කරා යෑම / රීම්

ශ්‍රී ලංකා ධිවර යාත්‍රා දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපය හරහා ජාත්‍යන්තර මුහුදු වලට අවතීර්ණයකින් තොරව පිවිසීමට හා නැවත පැමිණීමට අවශ්‍ය කටයුතු සලසා දීම සඳහා එම නිලධාරීන් සමග කරන ලද සාකච්ඡාවලදී පහත අවශ්‍යතා සපුරාලන යාත්‍රාවලට පමණක් 2014/10/01 දින සිට අවකාශ ලබාදීම සඳහා සලකා බලන බව දැනුම් දී ඇත.

ඒ අනුව මේ සමග එවා ඇති පෝරමය පුරවා දින 03කට ප්‍රථම මෙම දෙපාර්තමේන්තුවේ සෝදිසි මෙහෙයුම් අංශය වෙතට හෝ පෞද්ගලිකවම එවා ඇති පෝරමයේ සඳහන්ව ඇති පහත සඳහන් විද්‍යුත් ලිපිනයට හෝ ෆැක්ස් අංකයට යැවීමට කටයුතු කල යුතුවේ.

අදාල අවසරය ලබා ගැනීම සඳහා පූර්ව වාර්තාව දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපයට ඇතුලු වීමට දින 03කට පෙර (සෑම සිකුරාදා දිනකම 12.00 පැයට පෙර) මෙම දෙපාර්තමේන්තුවේ සෝදිසි මෙහෙයුම් අංශයට හෝ පැය 48 කට නොඅඩු කාලයක් ඇතුලත සාප්‍රචම දියාගෝ ගර්භිෂා බලධාරීන්ට දැන්විය යුතු බැවින්, ඉහත පරිදි කටයුතු කලයුතු බව අවධාරණය කරමි.

- ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව :- ෆැක්ස් අංකය - 0112431448  
:- විද්‍යුත් තැපෑල -: mcs@fisheries.gov.lk
- බලධාරී - දියාගෝ ගර්භිෂා - ෆැක්ස් අංකය :- +870356301560  
:- විද්‍යුත් තැපෑල -: pacific.marine@swiships.com

සම්පූර්ණ කර එවිය/යැවිය යුතු අයදුම් පත්‍රයේ පිටපතක් මේ සමග අමුණා ඇත.

Handwritten signature

නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්  
ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව



Annex (x)-b

කු. පෙ. }  
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දුරකථනය }  
தொலைபேசி } 446183  
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எனது இல. } DFAR/FM/K/IUU/Local/2014  
My No. }  
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உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය }  
பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
Office of Director General } 472187

ෆැක්ස් අංකය }  
தொலை நகல் } 449170  
Fax No. }

ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } /09/2014  
Date }

*English Translation*

Assistant Director  
District Fisheries Office  
(All Districts).....

**Transit through Innocent passage of Territory waters of Diego Garcia (BIOT).**

As result of the communications with the BIOT authorities, it is informed to this Department that they will make transit arrangements for the fishing vessels to go to the high seas without any inconvenience those who provide the information given in the transit form attached hereto subjected the conditions of the Innocent passage declared in the Convention of the Law of the Sea (UNCLOS).

Therefore it is required to send the completed transit form to the E-mail and fax numbers of the Monitoring Control and Surveillance (MCS) unit of this Department or the BIOT authorities given below.

The completed transit forms send to DFAR should submit , 03 days prior to entering in to the BIOT Territory waters (on Fridays before 12.00 a.m.), while those directly send the completed transit form to BIOT authorities will have to do so not les than 48 hours before entering in to the BIOT Territory waters.

Contact numbers of MCS Unit/DFAR :- Fax No : 0112431448  
E-mail : [mcs@fisheries.gov.lk](mailto:mcs@fisheries.gov.lk)

Contact numbers of BIOT authorities :- Fax No : +870356301560  
E-mail : [pacific.marine@swireships.com](mailto:pacific.marine@swireships.com)

Nimal Hettiarachchi  
Director General

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

10 November 2014

Dear Mr. Hettiarachchi

**Bilateral communication on illegal fishing by vessels Sulara 2 (IMUL-A-0341 KLT), Imasha 2 (IMUL-A-0352 KLT), Thiwanka 5 (IMUL-A-0086 MTR), Stef Ania Duwa (IMUL-A-0374 KLT), Niroda Putha (IMUL-A-0543 KLT), Dulari (IMUL-A-713KLT) and Seawish (IMUL-A-0608-KLT) in British Indian Ocean Territory (BIOT) waters.**

This refers to your letter of 18/09/2014 summarising details for the first 6 cases referenced above, to your email correspondence of 23/09/14 on the case of Dulari, and to BIOT-A's letter of 9 October on the case of Seawish.

The BIOT Administration continues to treat the management of its Marine Protected Area as a priority. Effective prosecution of individuals suspected to be engaged in illegal fishing remains central to this. Recent cases have underlined the value of our cooperation, in terms both of bringing cases to court and enforcing penalties imposed by the BIOT court. With concern, however, we note that the incidence of IUU fishing by Sri Lankan flagged vessels in BIOT waters remains high, as does that of failure by Sri Lankan nationals to pay fines imposed by the BIOT Court. Nevertheless, we welcome your declaration of commitment to cooperate with IOTC and other contracting parties in deterring and eliminating IUU, and look forward to developing further our mutually-supportive partnership.

Besides providing an update on the status of outstanding cases, your correspondence raises two broader issues. Your email of 23/09/14 asks which Authority should take legal action (in the case of Dulari), and your letter of 18/09/14 questions the guilt of the owner and/or master (in the case of Sulara 2). Please see below our response of these issues and, at appendix 1, a further update on the status of current cases.

The Administration acknowledges that there are a number of permutations with regards to who can bring prosecutions for offences allegedly committed on the High Seas. Where Sri Lankan flagged vessels are concerned, the BIOT Administration recognises that Sri Lanka has the right to institute criminal proceedings. However, where such vessels are alleged to have fished illegally within BIOT waters, we would ask that the Sri Lankan authorities continue to support measures taken by the BIOT Administration, and refrain from instituting separate legal proceedings, until the BIOT Court has handed down its judgement. In the case of Dulari, please note that the BIOT Administration will be commencing proceedings against the owner. The BIOT Administration approach will be the same in respect of all vessels of any flag State that break BIOT law; the Administration shall seek to enforce its laws and shall not as a rule ask the flag State to do so on our behalf.

In respect of who should be prosecuted for suspected illegal fishing, the BIOT prosecution policy is flexible. This allows that the charging decision be informed and formed by evidence, as to whom can be shown to be culpable in the circumstances of the offence. Prosecutions may therefore be brought against masters when their conduct renders that appropriate. Whilst the BIOT Administration is mindful of owners' responsibilities and liabilities, with regard to activities undertaken by those in their employ, this policy

ensures that prosecutions are fact sensitive. With reference to the conviction of the owner of vessel Sulara 2, I would inform you that there is no provision within the BIOT legislation for this decision to be reversed.

In relation to both of these matters, we recognise that Sri Lanka, as a flag State, is obliged under IOTC to take '*effective action in response to... IUU fishing activities... including, inter alia, prosecution and imposition of sanctions of adequate severity*'. Where satisfaction on this point, and/or a recommendation for IUU listing under IOTC, is concerned, the BIOT Administration would prefer to resolve these cases bilaterally in advance of the Compliance Committee meeting in April next year (i.e. no later than 6 February 2015, which is 70 days before the current dates set for the meeting). To achieve this, we would be grateful, as above, for the continued assistance of the Sri Lankan authorities in ensuring that criminal penalties of the BIOT Court are enforced. Thereafter, we will wish to understand whether further penalties will be applied by Sri Lanka under flag state legislation, before we can agree that penalties applied reflect adequate severity.

We also note, and look forward to the full application of, the additional measures referred to in your letter of 18/09/14. We would urge you to proceed with these at an accelerated pace, and to include within the scope of these measures all Sri Lankan flagged vessels authorised to fish beyond the Sri Lankan EEZ.

Thank you, once again, for your cooperation and assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'. The signature is written in a cursive, slightly slanted style.

Dr C.C. Mees  
Head of UK-OT Delegation

## **Appendix 1: The current status of the 7 active cases of alleged IUU in BIOT waters by vessels flagged to Sri Lanka**

### **Sulara 2.**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. Evidence including details of the court outcome have already been forwarded to you. Owner has not paid fine.

**Next Actions:** Sri Lanka to provide details of actions taken.

As set out above, the BIOT Administration is unable to withdraw its case against the vessel owner, who has already been found guilty. We note, from paragraph 1.ii of your letter dated 18/09/14, that you are awaiting a response from your Attorney General on whether it is appropriate for the Sri Lanka authorities to file a case 'for the same offense' under FARA,35,2013, while the court decision of BIOT is valid. We await the details of any further actions taken by the Sri Lankan authorities, before we can decide whether sanctions of adequate severity have been applied, and whether recommendation need be made to IOTC to IUU list the vessel.

Please note that, under our bilateral arrangement, we have previously agreed that Sri Lanka will provide its response on actions taken within 30 days of notification by BIOT. Where this is not possible, the final deadline under IOTC 11/03 is that the flag state must respond 30 days before the Compliance Committee meeting each year. In the absence of a bilateral response from you by 70 days before this meeting, BIOT will submit details of the vessel for IUU listing. The same chronology applies to all other cases.

### **Imasha 2**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and for possession of prohibited fishing gear. Evidence, including details of the court outcome, has already been forwarded to you. Owner has not paid fine, due 6 October. The court will be concluding this matter in due course, now that mitigation has been supplied to the court by the owner. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome.

### **Thiwanka 5**

**Status:** BIOT court case adjourned until 3 November 2014 – Owner has requested a further adjournment. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.

### **Stef Ania Duwa**

**Status:** BIOT court case adjourned until 18 November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.

### **Niroda Putha**

**Status:** BIOT court case heard on 30 October 2014. Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. A fine is due to be paid by 29<sup>th</sup> November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to provide Sri Lanka with the final outcome of the court case and supporting documentation.

### **Dulari**

**Status:** Proceedings to be commenced. We note that the vessel is anchored in Beruwala Harbour (your email of 28/09/14) and that the skipper and the owner were informed to report to DFAR Head office Colombo for an enquiry on 30th September 2014.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the case.

### **Seawish**

**Status:** The Master admitted the offence and was issued a Fixed Penalty Notice and acknowledged that he and the owner of the fishing boat are liable for the amount of the fixed penalty which was due by 30 October 2014 and has not yet been received. Details were provided to DFAR on 9/10/14. Please confirm receipt of that letter.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome settlement of the FPN, which if not paid could result in a criminal prosecution being commenced.



### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK (OT)).

#### A. Details of Incident(s)

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Sulara 2
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	<b>IMUL- A-0341-KLT</b>
e	Photo	Attached as Appendix 3
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr Nainaboaduge Sumith Fernando
h	Operator (previous operator/s, if any) and Master/Fishing Master	
i	Date of alleged IUU fishing activities	18/03/2014
j	Position of alleged IUU fishing activities	06° 26.6S 072° 09.3E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence and fishing with prohibited gear
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b> Vessel was released on 1 <sup>st</sup> April 2014 and tried in absentia in court in BIOT. On 5 <sup>th</sup> June 2014 it was found guilty on both charges and fined £9,000 for fishing without a licence and £700 for fishing with prohibited gear (wire trace). It was also ordered that £300 costs be paid and the fishing gear held in Diego Garcia be seized by the crown. Given 20 days to pay.

Item	Definition	Indicate
		<p><b>Flag State Actions:</b></p> <p>Deregistered by flag State.  Suspension of high seas operation licence.  Prohibition of use of the vessel for fishing by the owner.  Deregistered from IOTC authorised fishing vessel list.  Owner called to the DFAR and conducted an inquiry. The owner made aware on the international laws and the obligations of high seas fishing and the consequence of being listed in IUU vessels list of IOTC. Further he has been informed to take actions to pay the fine imposed by the Courts of BIOT courts at earliest.</p>
m	Outcome of Actions taken	Fine not paid (as of the 25 <sup>th</sup> June). Gear forfeited and Sri Lanka / IOTC notified.

### B. Details of IOTC Resolution Elements Contravened

*(Indicate with a "X" the individual elements of IOTC Resolution 11/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Statement of Evidence (Appendix 1)  
Record of Court Proceedings (Appendix 2)  
Photographs (Appendix 3)

Supporting Documents in Compendium
20140626_IOTC Reporting Form_Sulara2
20140626_UKOT_Res_11_03_Sulara II_to_Sri_Lanka
20140702_NV BIOT
20140723_SL reply to BHC
20140728_Sri Lanka Flag State response Sulara 2
20141110_BIOTA_IUUResponse_DFAR

### D. Recommended Actions

Recommended Actions	Indicate
a Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>



## 1. BIOT POLICE

### WITNESS STATEMENT

(CJ Act 1967, S.9; MC Act 1980, SS.5A (3a) and 5B; MC Rules 1981, r70)

Statement of: <b>Robert Samuel Clark</b>	
Age if under 18: <b>'Over 18'</b>	Occupation: <b>Senior Fisheries Protection Officer BIOT</b>
<p>This statement (consisting of <b>5</b> pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.</p>	
Signature:	Dated the: <b>Monday 24th March 2014</b>

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 57 months field experience, which includes 29 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 28<sup>th</sup> January 2014.

### SITUATION

At 05:15, on Tuesday 18<sup>th</sup> March 2014, whilst conducting a routine patrol on board BIOT Patrol Vessel (BPV) 'Pacific Marlin' of Inner Sector 6, the officer on watch (OOW) Mr Sab requested that I attend the bridge to examine a potential target vessel on radar showing signature. I identified the signature as a suspected fishing vessel (FV). I requested that the suspect vessel be placed under remote observation to assess its behaviour.

At 05:18, the radar signature was plotted; the vessel target was located at position 06° 26.6S 072° 09.3E, in the area known as the Great Chagos Bank, approximately 60nm NNE of Diego Garcia and approximately in the centre the BIOT FCMZ. The BPV's bearing and range to the target was 207° and 1.8nm; the target was making a speed of between 0.9 and 0.6kts and course of 104°. This is behaviour indicative of a small FV hanging on its fishing gear and therefore I asked the BPV to head towards the suspected illegal, unlicensed and unregulated (IUU) vessel to intercept, which she did on a course of 220° in order that the BPV would arrive to the east of the FV and downwind of any gear that may be deployed in the water.

At 05:20 the suspect vessel was visually sighted with the aid of binoculars. However, due to conditions of darkness only a shadow could be seen. The suspect vessel did not have any navigation or warnings lights ignited. Again this is behaviour indicative of a vessel wishing to avoid visual detection while engaged in illegal activity. Based upon this, I asked the Master of the BPV, Mr Sandes for permission to launch the Fast Reaction Craft (FRC) with a view to attempting a boarding.

At 05:40 and as the BPV began lowering the FRC I received a radio message over the VHF radio that the suspect vessel had begun to steam due north and away from the BPV location at a speed of 4.5kts.

At 05:50, at approximately 0.8 nm distance from the target the BPV stopped and the Fast Reaction Craft (FRC) 1 was launched with me, one Fisheries Protection Officer (FPO) and one crew, on board. Upon my instruction the FRC headed to the vessel now leaving the scene.

At 06:15 after following the suspect vessel in moderate seas at low speed I arrived at the suspect vessel and requested that the FRC circled the vessel twice for observations and it was noted that the name of the vessel, written in signalise, and translated by FPO Heshan, to the forward port and starboard bows, was SULARA 2

At 06:20, I together with FPO, Mr Heshan brought the FRC alongside vessel SULARA 2 and we boarded the vessel; all communication between myself and the Captain and crew of the SULARA 2, was undertaken through FPO Heshan in his capacity as translator.

Upon boarding the vessel a group of 5 men came from inside the wheelhouse and surrounded me on the forward deck. They were asked to move to the forward area of the vessel, which they did.

I asked the Captain of the vessel to identify himself to me.

The Captain of the SULARA 2 was identified as Mr A Priyantha, DOB 16<sup>th</sup> March 1970, of Beruwala, Sri Lanka.

I noted upon boarding the vessel that no fishing net was located in the normal position on her forward deck.

At 06:32 I asked the Captain "where is your fishing net" he replied "Don't have one just this small net for flying fish" and pointed towards a folded nylon net in the hold, where the Gill net would be normally be stowed.

I asked the Captain the following questions relating to his fishing voyage and vessel.

What date did you leave Sri Lanka? He replied, "23<sup>rd</sup> February"

Where are you going now? He replied, Sri Lanka

Do you know where you are? He replied "Yes your water"

When we encountered your vessel it was drifting in the current. What were you doing there? He replied "engine overheat have problem needed stop"

Were you fishing? He replied "no Mhala Bank going home have problem"

At 06:47 I made a radio call to the BPV and asked that she proceed to the location where the vessel had first been sighted to investigate if any fishing gear could be found in the water.

At 06:49 I asked the Captain of the vessel to open the fish holds so that I could examine the contents. This was done.

AT 06:51 a crew member opened the forward main deck hold and I noted, with the use of a flashlight, that the top layer of fish, mainly small tunas, had been dressed in so far as the eyes had been removed. I asked the Captain why the eyes had been removed. He replied "food for



eating". I recognised that while this may be a practice for food, it is also a practice used by illegal fishermen to disguise the age of a fish. When examining fish to see how old a particular catch may be I and other Fisheries Officer use the eye as an indication of freshness and age.

The top layer of catch was examined in both holds and noted to contain a variety of species none of which were specifically shallow water or reef fish.

At 07:05 I asked the Captain where he had caught this fish. He replied "Mhala Bank".

At 07:13 I received a radio message from the BPV to say that fishing gear with approximately 3 marker buoys, each with a single square black flag, was found at location 06° 26.3S 072° 09.9E

At 07:15 I made a radio call the BPV and requested a check of the location where the vessel had been sighted drifting and the fishing gear location. The BPV responded that the two locations were collaborative being of only a few seconds in differential.

At 07:16 I informed the Captain of Sulara 2, Mr Priyantha that I was detaining his vessel on the grounds that he had been fishing without a licence inside the BIOT FMCZ and cautioned him.

At 07:20 I examined the Wheelhouse of the vessel and found two navigation systems. One Garmin GPS, of a standard I would normally expect to find in such a vessel. In addition this vessel had a Garmin 4008, combination until with RADAR, AIS, 3D Navigation and Fish finder.

On the main bridge area of the vessel I found a card with a number of positions written on it. I radioed the BPV and asked for 3 to be plotted. The positions were the location of the BPV on the previous day.

At 07:35 I found a fishing licence, issued by Department of Fisheries, Sri Lanka and for High Seas Fishing, on the main bridge area of the vessel, number, 14HS0125KLT showing the assigned boat as IMUL – A – 0341KLT, the number written on the wheelhouse of the SULARA 2 indicating that this licence belonged to that vessel. I read the licence and noted that the assigned fishing gear to be a Gill Net of 2.5km with 6" mesh and Longline of a 200 hook configuration. The Fishing Licence was issued in the name of; Mr Nainaboaduge Sumith Fernando of 11<sup>th</sup> Lane, Hettimulla, Beruwala.

At 07:36 I asked the Captain, is Mr Fernando the owner of this vessel. He replied "yes".

At 07:37 I asked the Captain why he had these positions. He replied "given them and told where to go".

As the Captain was already under caution I did not proceed with any further questions related to the alleged offence(s).

At 07:40 I and Mr Heshan disembarked the vessel after removing the HF radio handset and passed the Captain a VHF hand held radio telephone set to channel 8, he was instructed on how to use the VHF radio and requested to follow the FRC to the location of the BPV, he agreed to this instruction.

At 08:40 the FRC and FV arrived at the location of the fishing gear that had been found in the water, 06° 26.06S 072° 11.1E. I located and examined the end of the fishing gear and found it be a Gill Net consistent with the kind I know and have seen carried by Sri Lankan fishing vessels similar to SULARA 2. I examined the ropes and found that they had been cut and were showing clean cut ends consistent with a knife being used.

At 08:52 the Captain of SULARA 2 was instructed to recover the fishing gear from the water. Initially he refused and stated that this was not his fishing gear. I explained to the Captain that this gear constituted a hazard to other vessels and that as we had found it on or near his original location, I suspected that his vessel was the owner. I also pointed out that recovering the gear was not an admission of guilt as I was issuing an instruction to him in my capacity as Fisheries Protection Officer and that if he refused to comply with this instruction he may be obstructing me in my duties, an offence in BIOT law that he would be held responsible for. He then complied.

At 08:55 and as the fishermen were getting ready to haul in the gear, I continued with the administration of the detention by asking the Captain the following questions.

Do you have any weapons on board this vessel? He replied, no.  
Do you have any explosives on board this vessel? He replied, no.  
Do you have any poisons on board this vessel? He replied, no.  
Are there any medical problems? He replied, no

What are the names and addresses of your crew?

Mr A Priyantha (Captain)	47/2 Galhena, Beruwala
Chaminka Sulalith	47/2 Galhena, Beruwala
Atula Taranga	47/2 Galhena, Beruwala
Nishantha Prematilaka	Potolagoda, Beruwala
Tharidu Udara	25/15 Katugasrota, Kandy

Do you have any infestation on the vessel such as spiders, cockroaches? He replied, "cockroaches."

Do you have any spiders? He replied, no.

At 09:05 I instructed the Captain of the vessel not to start hauling until the FRC returned as I had to go back to the BPV to conduct administration in regard to this detention.

At 09:45 I returned to the fishing vessel and requested that they start hauling in the gear, I then left the vessel and attempted to measure the length of gear so that a time of hauling could be calculated. The Captain was instructed to keep all catch on the main deck so it could be inspected.

At 10:43 I found the end of the fishing gear and estimated the overall length to be approximately 4km. FPO Heshan lifted the last floating buoy from the string and I examined it. Upon examination I found it to be a nylon snook of long line configuration with a wire trace leader attached.

While returning to the fishing vessel all flags were examined and photographed, each flag had a rope attached to the top with a series of knots furthest away from the fishing vessel end having 3 knots, second 2 and third 1, this was noted as being identical in design to the flag buoys seen on the fishing vessel SULARA 2 that same morning.

Between 10:43 and 13:28hrs on the 18<sup>th</sup> March 2014 I observed 1 Marlin, 2 manta rays, 9 small silver tip reef sharks along with 2 red snappers recovered from the deployed gear. None of which were alive and therefore none were returned to the ocean.

At 13:30 The Captain of the SULARA 2 was cautioned for the offence of fishing with prohibited fishing gear, namely wire trace and instructed to follow the BPV to Diego Garcia where the vessel would be processed.

At 13:43 FRC1 with the boarding party and one fisherman from the FV, who volunteered to be a passenger, were recovered to the BPV

At 08:00, on Wednesday 19<sup>th</sup> March both FV SULARA 2 and BPV Pacific Marlin passed buoys 1 and 2 where FV SULARA 2 was escorted to port. On arrival in port, ROPO 9, Miss K Riddell of the BIOT Police assumed control of the situation following a brief from me.

### **COLLECTION OF EVIDENCE**

At 08:45, I hand ROPO 9 the following items seized by me. ROPO 9 marked them as the following exhibits;

<b>Exhibit No.</b>	<b>Description of Exhibit</b>
RSC/1	1 x Fishing Operations Licence for High Seas Fishing No14HS0125KLT

I have signed all the exhibit labels as the person originally identifying the articles.

Between 09:30hrs and 13:35hrs on the 21<sup>st</sup> March 2014, I was present in my capacity as a subject matter expert (SME) when the following catch was off loaded from the SULARA 2 by its crew under the direction of the BIOT Police Crime Scene Investigator (CSI), Miss Hyatt (ROPO 04). I identify the catch as;

### **CATCH**

- 67 assorted small tunas
- 16 Tiger sharks of between 0.9m and 3.98m
- 55 White Tip Reef Sharks of between 0.45m and 1.6m
- 106 Silver Tip Reef Sharks of between 0.38m and 1.2m
- 9 Scalloped Hammer Head Sharks of between 1.4m and 2.3m
- 24 Grey Reef Sharks of between 0.85m and 1.8m
- 5 Bull Sharks of between 1.4m and 2.1m
- 19 Oceanic White Tip Sharks of between 0.7m and 2.1m
- 3 Sand Sharks of between 1.1m and 1.4m
- 7 dressed Mantas
- 11 dressed and trunked Blue Marlin

Total estimated weight of catch: 4,700.00 kg

### **FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £3,000.00

Fishing vessel: Estimated value £15,000.00

Fish Finder and RADAR combination unit value £1,500.00

At 1310, on 24 Mar 14, I hand ROPO 4 Miss Shelley HYATT the following items seized by me. ROPO 4 marked them as the following exhibits;

<b>Exhibit No.</b>	<b>Description of Exhibit</b>
RSC/2	Disc Containing photographs of FV SULARA 2 and evidence of fishing Activities

I have signed all the exhibit labels as the person originally identifying the articles.

This concludes my Statement of Evidence.

## Appendix 2: Court Proceedings



**Magistrates Court  
Diego Garcia  
British Indian Ocean Territory**

**RECORD OF PROCEEDINGS 5<sup>th</sup> June 2014**

**Name: Mr N.B Lal Fernando**

**Employee: Owner of Sulara 2**

The Court Case was held in the Magistrates Court on the **fifth day of June 2014** on the following charge:

**STATEMENT OF OFFENCE**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**PARTICULARS OF OFFENCE**

Without lawful authority or reasonable excuse, that the fishing vessel 'Sulara 2', did between the 22<sup>nd</sup> day of February 2014 and 19<sup>th</sup> day of March 2014 fish within the waters of the British Indian Ocean Territory without a licence contrary to Section 7(1) and Section 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Without lawful authority or reasonable excuse, that on the fishing vessel 'Sulara 2', on the 18<sup>th</sup> March 2014, was found prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory, contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Mr N.B Lal Fernando pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters. Mr Fernando was found guilty to both charges and was sentenced to:



Pay a fine of **9,000 GBP** for Fishing without Licence  
Pay a fine of **700 GBP** for being in possession of prohibited fishing gear  
Fishing Gear to be seized by the Crown  
Pay **300 GBP** for Court Costs

Payment is to be made within 20 days. If payment has not been received by the 25<sup>th</sup> June 2014 Mr. Fernando will be summoned to re-appear in court for non-payment of fine.

If you wish to appeal the sentence you can do so by contacting myself or [BIOTAdmin@fco.gsi.gov.uk](mailto:BIOTAdmin@fco.gsi.gov.uk) before the 25<sup>th</sup> of June 2014



Mr Kerry Cunningham  
Clerk of the Magistrates Court  
British Indian Ocean Territory



### Appendix 3: Photographs



Figure 1 Starboard side photograph - Sulara 2



Figure 2 Port side photograph - Sulara 2



**Figure 3 Stern photograph - Sulara 2**



**Figure 4 Catch unloaded during inspection.**

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10  
E-Mail: [nimalhetti@gmail.com](mailto:nimalhetti@gmail.com)

26 June 2014

Dear Mr. Hettiarachchi

**Report on illegal fishing by the Sri Lankan vessel Sulara II in British Indian Ocean Territory (BIOT) Waters**

As required under IOTC Resolution 11/03, I attach the IOTC reporting form for IUU activity within BIOT waters by the vessel Sulara II. This vessel was found to be fishing within BIOT waters without a licence.

The vessel was released on 1<sup>st</sup> April 2014 and tried, in absentia, under the magistrate's court in Diego Garcia. It was found guilty of being in breach of BIOT law:

- 1) Fishing within the waters of the British Indian Ocean Territory without a licence (contrary to Section 7 (1) of the Fisheries (Conservation and Management Ordinance) 2007; and
- 2) Possession of Prohibited fishing gear contrary to Section 6 (2) of the Fisheries (Conservation and Management) Ordinance 2007.

On 5<sup>th</sup> June 2014 the vessel was fined £9,000 for the first offence and £700 for the second, in addition it was also ordered to pay £300 costs, it was given 20 days to pay. The fine has not been paid, we will therefore forward details to the IOTC Secretariat and request that the vessel is placed on the list of IUU vessels unless action is taken by Sri Lanka against the vessel, under our bilateral agreement, and the fine is paid.

Yours sincerely



On behalf of Dr C.C. Mees  
Head of UK-OT Delegation

Note No : 161

Our Ref : MAN/F

154  
Hand by 10/07/14  
WSD

The British High Commission presents its compliments to the Ministry of Foreign Affairs of the Republic of Sri Lanka and has the honour to request assistance in the enforcement of the marine protected area of the British Indian Ocean Territory (BIOT).

The British High Commission wishes to express its grave concern at the continued illegal, unregulated and unreported (IUU) fishing activities of Sri Lankan flagged vessels within the BIOT marine protected area. We draw to the attention of the Ministry of Foreign Affairs that, since the declaration of the marine protected area in April 2010, 26 Sri Lankan vessels have been arrested fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). As partners in the regional fight against IUU, and responsible members of the Indian Ocean Tuna Commission we understand that the Republic of Sri Lanka will be aware that these vessels are also in breach of IOTC Resolution 11/03 as they have carried out IUU fishing in the IOTC area of competence ('Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels').

We welcome the apparent reduction in these incursions with the introduction of the bilateral agreement between the Sri Lankan Authorities and BIOT in 2011, and the actions taken by the Sri Lankan Authorities against vessels convicted of illegal fishing as part of that agreement. However BIOT has noted a recent increase in illegal activity and we seek assurances that the Republic of Sri Lanka continues with IOTC Resolution 07/01 'To promote compliance by nationals of contracting parties and cooperating non-contracting parties with IOTC conservation and management measures'.

To this end we kindly request the assistance of the Republic of Sri Lanka in securing progress in four prosecutions for illegal fishing activity by Sri Lankan vessels in the BIOT marine protected area within the last four months. The four cases are as follows:

- The fishing vessel Sulara 2, owned by Mr Nainabaduge Sumith Fernando (also known as N B Lal Fernando) of 512A, Galle Road, Wadakahawela, Beruwala was arrested for illegal fishing offences on 18 March 2014. According to the IOTC Record of Authorised Vessels it is recorded as IMULA0341KLT and IOTC reference number IOTC011118, and we note that it is registered only to fish within the Sri Lankan EEZ. On 5 June 2014, the BIOT Court found Mr Fernando guilty of illegal fishing offences, and he was fined GBP £10,000. We have not received payment or any further communication from Mr Fernando within the 20 day deadline set by the court and we kindly ask for the assistance of the Republic of Sri Lanka in securing the fine in full.

Contd .../(2)

Hand by 02/07/2014



- The fishing vessel Imasha 2, owned by Mr Gammanan Arachchige Pristan Tiran of St Visenthi Road, Maggona was arrested for illegal fishing offences on 18 April 2014. According to the IOTC Record of Authorised Vessels it is recorded as IMULA0352KLT and IOTC reference number IOTC015411, and we note that it is registered only to fish within the Sri Lankan EEZ. A summons to appear at BIOT Court, send written representations, or appear at a court in London was issued to Mr Tiran on 28 April 2014. No response has been received to this summons and we kindly ask for the assistance of the Republic of Sri Lanka in locating the owner, formally serving this summons which is enclosed, and ensuring cooperation with the Court.
- The fishing vessel Thiwanka 5 was arrested for illegal fishing offences on 21 June 2014 and we wish to issue a summons to appear at BIOT Court to the owner. The Captain of the vessel, Mr G A Samantha of Abeditiya, Beruwala with date of birth 28 December 1979 has been able to identify the owner only as "Tiwanka". According to the IOTC Record of Authorised Vessels it is recorded as IMUL: IMULA0086MTR and IOTC reference number: IOTC011479 and is registered to the following owner; GPT. WEERASURIYA of 34/14, WATSON PEIRIS MAWATHA, MORATUWA, SRI LANKA). We kindly request the assistance of the Republic of Sri Lanka in fully identifying and locating the current owner, and subsequently in issuing a summons to him or her to attend Court.

The fishing vessel Stef Ania Duwa was arrested for illegal fishing offences on 21 June 2014 and we wish to issue a summons to appear at BIOT Court to the owner. The Captain of the vessel, Mr G Danushka of Bubullantha, Beruwala with date of birth 25 July 1986 has been able to identify the owner only as Mr S.A.D Ajith Siriwardana. According to the IOTC Record of Authorised Vessels it is recorded as IMUL: IMULA0374KLT and IOTC reference number: IOTC010130 and is registered to the following owner; PPRN. FERNANDO of 38/5, ST. SEBASTHIAN ROAD, KATUKURUNDA, SRI LANKA. We kindly request the assistance of the Republic of Sri Lanka in locating the current owner, and subsequently in issuing a summons to him to attend Court.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of Sri Lanka enjoy in respect of the regional effort to prevent IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission. We look forward to discussing, following these cases, how our current bilateral arrangement in respect of IUU by Sri Lankan vessels might evolve to include such assistance in enforcing our marine protected area on a routine basis and we note that the marine protected area provides significant environmental benefits to the entire region.

The British High Commission avails itself of the opportunity to offer the Ministry of Foreign Affairs of the Republic of Sri Lanka the assurances of its highest consideration.

BRITISH HIGH COMMISSION

COLOMBO 7

2 July 2014



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தொலைபேசி } (3 lines)  
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Mr Soper  
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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

දිනය }  
திகதி } 23/07/2014  
Date }

HE The High Commissioner,  
British High Commission,  
Colombo 07.

Your Excellency,

**Request for assistance in the enforcement of the marine protected area of the British Indian Ocean Territory (BIOT)**

The Department of Fisheries and Aquatic Resources presents its compliments to the British High Commission Sri Lanka, and refer to the self-explanatory note sent through the Ministry of External Affairs of Sri Lanka on the above subject.

We take this opportunity to extend our sincere appreciation to the BIOT authorities for assisting this Department to control Illegal, Unregulated and Unreported (IUU) fishing activities involved by the Sri Lankan fishing vessels.

We wish to inform that the Government of Sri Lanka is in the process to deter, eliminate and prevent IUU fishing activities in the High seas in complying with the international and regional treaties. The Government of Sri Lanka has also taken a number of measures to combat IUU fishing activities including amendment of the existing Fisheries Act, the objective of this amendment is to introduce severe punitive measures against the IUU fishing in the High seas.

I would like to inform you that actions have been already made to communicate with the BIOT authorities in securing the progress of the four persecutions in BIOT for the illegal fishing activity by Sri Lankan vessels, by confirming the following details of the vessels.

Name of the vessel	Vessel Registration number	Name of the owner	Address of the Owner
Sulara 02	IMUL-A-0341 KLT	Mr. N. Lal Fernando	No.5/2/A, Galle Road Wadakahawela, Beruwala
Imasha 2	IMUL-A- 0352 KLT	Mr. G. A. P. Tiran	St. Vincenti Road, Dyalagoda, Maggona
Thiwanka 05	IMUL-A-0086 MTR	Mr.G.P.T. Weerasooriya	34/14, Watson Peris Mawatha, Moratuwa
Stef Ania Duwa	IMUL-A-0374 KLT	(i) Mr. S.A.D A. Siriwardane (ii)Ms.S.A.D. Depika Kumari	Bubulalanda, Kanandagoda, Beruwala

This Department has taken actions to suspend Vessel Registration and the Fishing Operation License of these vessels with immediate effect and to call the above vessel owners for an inquiry in the Department Head Office. The Assistant Directors in-charge of the relevant Districts and the Sri Lanka Navy have been informed to make arrangement to anchor the vessels at the nearest fishing port and to be vigilant on the activities of these vessels until future actions taken on this matter.

We would like to stress that Government of Sri Lanka is having a close bilateral communication with the BIOT authorities regarding the IUU fishing activities involved by the Sri Lankan fishing vessels in respect of the regional effort to prevent IUU fishing in the Indian Ocean, and our respective membership of the Indian Ocean Tuna Commission.

Your bilateral cooperation in this regard is highly appreciated.

Thanking You  
Yours sincerely



Nimal Hettiarachchi  
Director General

Cc:

1. Secretary, Ministry of External affairs
2. Secretary, Ministry of Fisheries and Aquatic Resources Development

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Office of Director General | 472187

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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புதிய செயலகம், மாளிகாவத்து, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

දිනය  
திகதி | 28/07/2014  
Date

Mr. John Pearce  
MRAG Ltd.  
18, Queen Street  
London  
United Kingdom

Dear Dr. Pearce

**Bi-lateral communication on illegal fishing by Sri Lankan vessel "Sulara 03" (IMUL-A-0341 KLT) in the British Indian Ocean Territory waters.**

This refers to your letter dated 10<sup>th</sup> July 2014 on illegal fishing by the Sri Lankan vessel "Sulara 03" (IMUL-A-0341 KLT) in the British Indian Ocean Territory waters.

I wish to inform you that the Department of Fisheries and Aquatic Resources of Sri Lanka has taken following actions against this illegal fishing activity of the vessel as per the annex (i) attached hereto and submitted for your kind perusal.

Thanking You  
Yours sincerely

  
Nihal Hettiarachchi  
Director General

Cc - Dr. C. C. Mees/Head of the Delegation to IOTC - For information



Vessel Name	Reg.No.	IOTC No.	Actions Taken	Date	Related Documents
Sulara 03	IMUL-A-0341 KLT	IOTC011118	1. Deregistration of the vessel and suspension of the high seas operation license and prohibit use of the vessel for fishing by the owner.	14.07.2014	Annex (ii)-a Annex (ii)-b
			2. Informed IOTC Authorized Vessels Unit to remove the vessel from AFV list.	14.07.2014	-
			3. The Owner called to the DFAR and conducted an inquiry. The owner made aware on the international laws and the obligations of high seas fishing and the consequence of been listed in IUU vessels list of IOTC. Further he has been informed to take actions to pay the fine imposed by the Courts of BIOT courts at earliest.	23.07.2014	Annex (iii) a Annex (iii) b Annex (iii) c Annex (iii) d Annex (iii) e



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 தலைநகரம்  
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 தொலைபேசி } 446183  
 Telephone } (3 lines)



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 புதிய செயலகம் மலிசாவத்த, கொழும்பு 10,  
 New Secretariat, Maligawatta, Colombo 10

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
 Web : www.fisheriesdept.org

தேதி  
 திகதி } 14/07/2014  
 Date

Assistant Director  
 District Fisheries Office  
 Kalutara

Suspension of Vessel Registration and Fishing Operation Licence of the Vessel "Sulara 2" (IMUL-A-0341KLT)

Department of Fisheries & Aquatic Resources has taken action to suspend the Vessel Registration and the Fishing Operation License of the vessel "Sulara 2" (IMUL-A-0341KLT) with effect from 14/07/2014 due to engage in IUU fishing in BIOT waters based on the proven records provided by BIOT.

You are hereby informed to act accordingly and make arrangements to anchor the vessels at nearest port and report to DFAR Head Quarters as early as receiving of this letter.

Further you are advised to be vigilant on the activities of these vessels until future actions taken on this regard.

Nimal Hettiarachchi  
 Director General

- |  |   |
|--|---|
| Cc - 1) Commander/Sri Lanka Navy Head Quarters<br>2) Area Commander/Kalutara/Sri Lanka Navy<br>3) Vessel Registration Unit/Management Division | } To stop fishing activities by the vessel<br>- For deregistration and report to IOTC |
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கடற்பொழிவு, நீரியல் வளத்துறை திணைக்களம்

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 11th Secretariat, Maligawatta, Colombo 10,  
 New Secretariat, Maligawatta, Colombo 10.

දිනය 14/07/2014  
 திகதி 14/07/2014  
 Date 14/07/2014

ENGLISH TRANSLATION

REGISTERED POST

Mr. N. Lal Fernando  
 No.5/2/A, Galle Road  
 Wadakahawela  
 Beruwala

**Suspension of Vessel Registration and Fishing Operation Licence of the Vessel "Sulara 2" (IMUL-A-0341KLT)**

This is to inform you that the Vessel Registration and the Fishing Operation Licence of the vessel "Sulara 2" (IMUL-A-0341KLT) is suspended with effect from 14<sup>th</sup> July 2014 due to being engaged in IUU fishing in British Indian Ocean Territory waters (BIOT).

The BIOT Authorities have provided the records of the investigation to this Department for further proceeding in this regard. The officer in charge of the Kalutara district has been informed to take actions to anchor the vessel at the nearest fishing port.

You are hereby informed to report to the Department Head Office in Colombo on 23<sup>rd</sup> July 2014 at 10 a. m, with the skipper and the crew members of the vessel given below for an inquiry.

A. Priyantha (skipper)	47/2, Galhena, Beruwala
Chaminka Sulalith	47/2, Galhena, Beruwala
Atula Taranga	47/2, Galhena, Beruwala
Nishanthna Prematilaka	Potolagoda, Beruwala
Tharidu Udera	25/15, Katugasrota, Kandy

  
 Nirup Hettiarachchi  
 Director General

Cc - Assistant Director, District Fisheries Office, Kalutara - For necessary action

**Outcome of the inquiry held on the vessel owner of "Sulara 3 (IMUL-A- 0341KLT) on the illegal fishing activities carried-out in the BIOT waters.**

The inquiry was conducted at the Department of Fisheries and Aquatic Resources Head Office, Colombo on 23<sup>rd</sup> July 2014 in front of a panel of officers chaired by Director General Mr. Nimal Hettiarachchi.

The vessel owner Mr. N. Lal Fernando attended to the inquiry. The captain and the crew members were not present due to been engaged in a fishing voyage. However arrangement have made to arrest the captain and the crew members and handover to this Department as soon as they reached to the harbour.

The vessel owner has been made aware the seriousness of the illegal fishing activity convicted by the captain and the crew members. Further he has been made aware the consequence of been reported on IUU fishing and listed in the IUU vessels list of IOTC. He was cross questioned to find out whether he has been, indirectly involved in this illegal activity by giving instructions and guidance for this offence.

He mentioned that the vessel depart for High seas fishing, but the captain and the crew has engaged in this illegal fishing activity in the BIOT waters without his knowledge. He admit the fault of not carrying on board the operation license issued to his name by the district fisheries office Kalutara, after the boat transferred to him from Mr. Sumith Fernando, the previous vessel owner.

The vessel owner has been informed on the self-explanatory note received to this Department through the British High Commission and informed to take immediate actions to pay the fine ordered by the Court of BIOT Authorities.

The vessel owner of Sulara 3, Mr. Lal Fernando, pleaded for his innocence and complaint the captain of the vessel for putting him in to a trouble. He forwarded some bank documents showing his difficult financial situation. However Director General Department of Fisheries, thoroughly informed Mr. N. Lal Fernando to take actions to pay the fine imposed by BIOT courts and forward the relevant documents to this Department at earliest. A letter is issued to Mr. N. Lal Fernando on this regard is annexed.(Annex(iii-e) ). Mr, Fernando was asked for his contacts such as telephone, Fax or E- mail and he provide the mobile phone number +94342277113 (Land)+940773509256 (Mobile).









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புதிய செயலகம், மலிகாவத்த, கொழும்பு 10  
New Secretariat, Maligawattia, Colombo 10.

கடற்பொழிவு, நீரியல் வளத்துறை திணைக்களம்

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

දිනය 2014/07  
දිනය 2014/07  
Date

**ලියාපදිංචි තැපෑල**

ඒන්. ලාල් ප්‍රනාන්දු මහතා  
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දිසානායක ආර්ථික (BIOT) මුහුදු සීමාවේ නීති විරෝධී ධීවර කටයුතු වල යෙදීම නිසා නීතියෙන් වරදකරුවී දඩ මුදල් ගෙවීම පැහැර හැරීම

"සුලාර 2" ((IMUL-A-0341KLT) යාත්‍රාව යොදාගනිමින් දිසානායක ආර්ථික (BIOT) අයත් මුහුදු සීමාවේ ධීවර කටයුතු වල යෙදීම සම්බන්ධයෙන් වරදකරු වීම නිසා එරට අධිකරණය විසින් ඔබ හට 2014/06/05 දින මුහුණපත් පවුම් දසදහසක (GBP £ 10,000) දඩ මුදලක් දින 20ක් ඇතුළත ගෙවීමට නියෝග කෙරෙහි ඇති බවත්, මේ වන තෙක් ඔබ එම නියෝගයට අනුව කටයුතු කර නොමැති බවත් ශ්‍රී ලංකාවේ මුහුණපත් මත කොමසාරිස් කාර්යාලය විසින් විදේශ කටයුතු අමාත්‍යාංශය මගින් මෙම දෙපාර්තමේන්තුවට දැනුම් දී ඇත.

උත්තර දඩ මුදල් ගෙවීම සඳහා වහාම කටයුතු කෙරෙහි අදාළ ලිපි ලේඛන මෙම ලිපිය ලැබීමත් ඇතුළත මෙම දෙපාර්තමේන්තුව වෙත ඉදිරිපත් කරන ලෙස මෙයින් දන්වා සිටිමි. එසේ කිරීමට අපොහොසත් වුවහොත් ඔබ විසින් කර ඇති නීතිවිරෝධී ක්‍රියාව සම්බන්ධයෙන් 2013 අංක 35 දරණ ධීවර හා ජලජ සම්පත් පනතේ විධිවිධාන යටතේ කටයුතු කිරීමට පියවර ගන්නා බවද නවදුරටත් දන්වමි.

  
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2014/07/23  
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Telephone



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Your No.

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Office of Director General } 472187

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புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

கடற்பொழியல், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

දිනය  
திகதி } /07/2014  
Date

E-mail : [depfish@diamond.lanka.net](mailto:depfish@diamond.lanka.net)  
Web : [www.fisheriesdept.org](http://www.fisheriesdept.org)

Translation

Registered Post

Mr. N. Lal Fernando  
No.5/2/A, Galle Road  
Wadakahawela  
Beruwala

Non- payment of the fine imposed by the BIOT courts for found guilty on illegal fishing activities in BIOT waters

The British High Commission has informed this Department that you have found guilty on Illegal fishing in BIOT waters using the fishing vessel "Sulara 3 (IMUL-A- 0341) through the Ministry of External Affairs Sri Lanka. It is mentioned that the BIOT Courts has ordered you to pay a fine of GBP £10,000 within 20 days of the date of 5<sup>th</sup> June 2014.

We here by inform you to take immediate actions to pay the above fine imposed by the Court of BIOT ad submit the relevant documents to this Department within one month receiving this letter to you. In failing to do so, this Department will take legal actions, as per the provisions of the Fisheries and Aquatic Resources Act No. 35 of 2013, against this illegal activity.

Nimal Hettiarachchi  
Director General

Cc -Assistant Director, District fisheries Office, Kalutara - For information

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

10 November 2014

Dear Mr. Hettiarachchi

**Bilateral communication on illegal fishing by vessels Sulara 2 (IMUL-A-0341 KLT), Imasha 2 (IMUL-A-0352 KLT), Thiwanka 5 (IMUL-A-0086 MTR), Stef Ania Duwa (IMUL-A-0374 KLT), Niroda Putha (IMUL-A-0543 KLT), Dulari (IMUL-A-713KLT) and Seawish (IMUL-A-0608-KLT) in British Indian Ocean Territory (BIOT) waters.**

This refers to your letter of 18/09/2014 summarising details for the first 6 cases referenced above, to your email correspondence of 23/09/14 on the case of Dulari, and to BIOT-A's letter of 9 October on the case of Seawish.

The BIOT Administration continues to treat the management of its Marine Protected Area as a priority. Effective prosecution of individuals suspected to be engaged in illegal fishing remains central to this. Recent cases have underlined the value of our cooperation, in terms both of bringing cases to court and enforcing penalties imposed by the BIOT court. With concern, however, we note that the incidence of IUU fishing by Sri Lankan flagged vessels in BIOT waters remains high, as does that of failure by Sri Lankan nationals to pay fines imposed by the BIOT Court. Nevertheless, we welcome your declaration of commitment to cooperate with IOTC and other contracting parties in deterring and eliminating IUU, and look forward to developing further our mutually-supportive partnership.

Besides providing an update on the status of outstanding cases, your correspondence raises two broader issues. Your email of 23/09/14 asks which Authority should take legal action (in the case of Dulari), and your letter of 18/09/14 questions the guilt of the owner and/or master (in the case of Sulara 2). Please see below our response of these issues and, at appendix 1, a further update on the status of current cases.

The Administration acknowledges that there are a number of permutations with regards to who can bring prosecutions for offences allegedly committed on the High Seas. Where Sri Lankan flagged vessels are concerned, the BIOT Administration recognises that Sri Lanka has the right to institute criminal proceedings. However, where such vessels are alleged to have fished illegally within BIOT waters, we would ask that the Sri Lankan authorities continue to support measures taken by the BIOT Administration, and refrain from instituting separate legal proceedings, until the BIOT Court has handed down its judgement. In the case of Dulari, please note that the BIOT Administration will be commencing proceedings against the owner. The BIOT Administration approach will be the same in respect of all vessels of any flag State that break BIOT law; the Administration shall seek to enforce its laws and shall not as a rule ask the flag State to do so on our behalf.

In respect of who should be prosecuted for suspected illegal fishing, the BIOT prosecution policy is flexible. This allows that the charging decision be informed and formed by evidence, as to whom can be shown to be culpable in the circumstances of the offence. Prosecutions may therefore be brought against masters when their conduct renders that appropriate. Whilst the BIOT Administration is mindful of owners' responsibilities and liabilities, with regard to activities undertaken by those in their employ, this policy


ensures that prosecutions are fact sensitive. With reference to the conviction of the owner of vessel Sulara 2, I would inform you that there is no provision within the BIOT legislation for this decision to be reversed.

In relation to both of these matters, we recognise that Sri Lanka, as a flag State, is obliged under IOTC to take '*effective action in response to... IUU fishing activities... including, inter alia, prosecution and imposition of sanctions of adequate severity*'. Where satisfaction on this point, and/or a recommendation for IUU listing under IOTC, is concerned, the BIOT Administration would prefer to resolve these cases bilaterally in advance of the Compliance Committee meeting in April next year (i.e. no later than 6 February 2015, which is 70 days before the current dates set for the meeting). To achieve this, we would be grateful, as above, for the continued assistance of the Sri Lankan authorities in ensuring that criminal penalties of the BIOT Court are enforced. Thereafter, we will wish to understand whether further penalties will be applied by Sri Lanka under flag state legislation, before we can agree that penalties applied reflect adequate severity.

We also note, and look forward to the full application of, the additional measures referred to in your letter of 18/09/14. We would urge you to proceed with these at an accelerated pace, and to include within the scope of these measures all Sri Lankan flagged vessels authorised to fish beyond the Sri Lankan EEZ.

Thank you, once again, for your cooperation and assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

Dr C.C. Mees  
Head of UK-OT Delegation

## **Appendix 1: The current status of the 7 active cases of alleged IUU in BIOT waters by vessels flagged to Sri Lanka**

### **Sulara 2.**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. Evidence including details of the court outcome have already been forwarded to you. Owner has not paid fine.

**Next Actions:** Sri Lanka to provide details of actions taken.

As set out above, the BIOT Administration is unable to withdraw its case against the vessel owner, who has already been found guilty. We note, from paragraph 1.ii of your letter dated 18/09/14, that you are awaiting a response from your Attorney General on whether it is appropriate for the Sri Lanka authorities to file a case 'for the same offense' under FARA,35,2013, while the court decision of BIOT is valid. We await the details of any further actions taken by the Sri Lankan authorities, before we can decide whether sanctions of adequate severity have been applied, and whether recommendation need be made to IOTC to IUU list the vessel.

Please note that, under our bilateral arrangement, we have previously agreed that Sri Lanka will provide its response on actions taken within 30 days of notification by BIOT. Where this is not possible, the final deadline under IOTC 11/03 is that the flag state must respond 30 days before the Compliance Committee meeting each year. In the absence of a bilateral response from you by 70 days before this meeting, BIOT will submit details of the vessel for IUU listing. The same chronology applies to all other cases.

### **Imasha 2**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and for possession of prohibited fishing gear. Evidence, including details of the court outcome, has already been forwarded to you. Owner has not paid fine, due 6 October. The court will be concluding this matter in due course, now that mitigation has been supplied to the court by the owner. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome.

### **Thiwanka 5**

**Status:** BIOT court case adjourned until 3 November 2014 – Owner has requested a further adjournment. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.

### **Stef Ania Duwa**

**Status:** BIOT court case adjourned until 18 November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.



### **Niroda Putha**

**Status:** BIOT court case heard on 30 October 2014. Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. A fine is due to be paid by 29<sup>th</sup> November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to provide Sri Lanka with the final outcome of the court case and supporting documentation.

### **Dulari**

**Status:** Proceedings to be commenced. We note that the vessel is anchored in Beruwala Harbour (your email of 28/09/14) and that the skipper and the owner were informed to report to DFAR Head office Colombo for an enquiry on 30th September 2014.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the case.

### **Seawish**

**Status:** The Master admitted the offence and was issued a Fixed Penalty Notice and acknowledged that he and the owner of the fishing boat are liable for the amount of the fixed penalty which was due by 30 October 2014 and has not yet been received. Details were provided to DFAR on 9/10/14. Please confirm receipt of that letter.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome settlement of the FPN, which if not paid could result in a criminal prosecution being commenced.

### IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 2011/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in the British Indian Ocean Territory, Marine Protected Area (UK (OT)).

#### A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	Thiwanka 5
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	IMUL-A-0086-MTR IOTC: 011479
e	Photo	See Appendix 3
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr G P T Weerasuriya
h	Operator (previous operator/s, if any) and Master/Fishing Master	n/a
i	Date of alleged IUU fishing activities	Between 23 <sup>rd</sup> May 2014 and 22 <sup>nd</sup> June 2014.
j	Position of alleged IUU fishing activities	06° 23.8'S 071° 41.7'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence and fishing with prohibited gear (See Appendix 1 for details).
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<b>Coastal State Actions:</b>  Vessel was released on 3 <sup>rd</sup> July 2014 and tried <i>in absentia</i> in court in BIOT. On 15 <sup>th</sup> December 2014 it was found guilty on both charges and fined £10,500 for fishing without a licence and £2,000 for fishing with prohibited gear (wire trace). It was also ordered that £200 costs be paid and the fishing gear held in Diego Garcia be seized by the crown. Given 20 days to pay.

Item	Definition	Indicate
		(See Appendix 2 for details)  <b>Flag State Actions:</b> Vessel Anchored at Beruwala Harbour Harbour managers have been informed to avoid to deploy the accused skippers in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to deploy employing these skippers in their fishing vessels. Owner instructed to comply with BIOT Court
m	Outcome of Actions taken	Fine not paid (as of the 5 <sup>th</sup> January 2015). Gear forfeited and flag States actions taken (Sri Lanka).

## B. Details of IOTC Resolution Elements Contravened

*(Indicate with a "X" the individual elements of IOTC Resolution 2011/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)*

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input type="checkbox"/>
b	Harvest tuna or tuna-like species in the IOTC area of competence, when their flag State is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	<input type="checkbox"/>
c	Do not record or report their catches made in the IOTC area of competence in accordance with IOTC reporting requirements, or make false reports	<input type="checkbox"/>
d	Take or land undersized fish in contravention of IOTC conservation measures	<input type="checkbox"/>
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	<input type="checkbox"/>
f	Use prohibited fishing gear in contravention of IOTC conservation measures	<input type="checkbox"/>
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	<input type="checkbox"/>
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC area of competence without authorisation and/or infringes the coastal State's laws and regulations	<input checked="" type="checkbox"/>
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	<input type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input type="checkbox"/>

### C. Associated Documents

Statement of Evidence (Appendix 1)  
Court Proceedings (Appendix 2)  
Identification Photographs (x3) (Appendix 3)

<b>Supporting Documentation in Compendium</b>
20140702_NV BIOT
20140723_SL reply to BHC
20140731_Letter from DG(DFAR)_Response 20140801
20140828_Bilateral_5_vessel_IUU_28Aug14
20140918_SL IUU response
20141110_BIOTA_IUUResponse_DFAR

### D. Recommended Actions

<b>Recommended Actions</b>	<b>Indicate</b>
a Notification to IOTC Secretariat only. No further action is recommended.	<input type="checkbox"/>
b Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	<input checked="" type="checkbox"/>
c Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

## Appendix 1: Statement of Evidence



### 1. BIOT POLICE

#### WITNESS STATEMENT

(CJ Act 1967, S.9; MC Act 1980, SS.5A (3a) and 5B; MC Rules 1981, r70)

Statement of: <b>Robert Samuel Clark</b>	
Age if under 18: <b>'Over 18'</b>	Occupation: <b>Senior Fisheries Protection Officer BIOT</b>
<p>This statement (consisting of <b>3</b> pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.</p>	
Signature:	Dated the: <b>Thursday 26th June 2014</b>

I am the above named person, currently contracted as the Senior Fisheries Protection Officer for the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone (FCMZ), for the Foreign and Commonwealth Office. I have 61 months field experience, which includes 32 months in my current role of Senior Fishery Protection Officer (SFPO) within BIOT. My current tour of duty commenced on the 28<sup>th</sup> January 2014.

#### SITUATION

At 03:02, on Saturday 21<sup>st</sup> June 2014, whilst conducting Outer Island Sovereignty Patrol (OISP), recorded as BritOps 154 the BIOT Patrol Vessel (BPV), 'Pacific Marlin' was conducting a routine transit of Inner Sector 6, the officer on watch (OOW) Mr Gill requested that I attend the bridge to examine a potential target vessel that had been acquired on RADAR. I immediately identified the signature as a potential target. I requested that the suspect vessel be placed under remote observation to assess its behaviour.

At 03:05, the radar signature was plotted; the vessel target was located at position 06° 23.8S 071° 41.7E, 63nm North West of Diego Garcia and in the South West of the area known as the Great Chagos Bank. The BPV's bearing and range to the target was 013.8° True and 5.4nm; the target was making a speed of between 0.1 and 0.9kts and course of 228°. This is behaviour indicative of a small FV hanging on its fishing gear and therefore I asked the BPV to head towards the suspected illegal, unlicensed and unregulated (IUU) vessel to intercept, which she did.

At 04:47hrs, at approximately 4.2nm distance from the target the BPV stopped and the Pacific 24 (PAC24) was launched with me, one Fisheries Protection Officer (FPO), two Royal Marines Commandoes and Regional Overseas Police Officer (ROPO) number 1, Mr Caddle on board. Upon my instruction the PAC 24 headed to the vessel.

At 05:00 At high speed I arrived at the location of the suspect vessel, however, due to conditions of complete darkness it could not be identified. I requested that FPO De Sylva



shout to the crew on board the FV and request that the vessel lights be ignited. This instruction was followed and the lights came on. Immediately, it was observed that the FV had a fishing net, consistent with Sri Lankan design Gill Net, which I have observed on many occasions, deployed from its forward port side gunwale and was identified as a Sri Lankan, style multi day boat.

At 05:04, I Requested FPO, Mr De Sylva to instruct the Captain of the FV to come forward and a Mr G. A. Samantha, who gave, DOB 27<sup>th</sup> December 1979 presented himself to the starboard side of the vessel. I asked FPO Mr De Sylva to enquire with Mr Samantha for the name of his vessel, as the livery could not be seen in the darkness. I was informed that the name of the vessel was Thiwanka No5.

Due to poor sea conditions the vessel was not boarded.

AT 05:05 Mr Samantha was cautioned that his vessel, Thiwanka No5 and crew were being detained for Fishing without a licence, contrary to; the Fisheries (Conservation and Management) Ordinance 2007 (as amended), Regulation 7 (1).

At 05:08 Mr Samantha was instructed to recover his fishing gear and retain all catch on the deck of the FV until instructed otherwise.

At 05:09 I left the scene of interception in order to pursue a second target vessel that had been detected some 4.0nm from this location as the BPV radioed that the second vessel had suddenly picked up speed and begun to sail away from its location, behaviour consistent with an FV cutting its gear and fleeing.

At 09:05 I returned to Thiwanka No.5 and continued to observe the FV hauling in its nets. I asked the Captain, Mr Samantha the following questions.

Do you have a fishing licence? He replied; "no"

Who is the owner of this vessel? He replied "Thiwanka".

Is that Mr or Mrs Thiwanka and do you know the full name? He replied; "only know Mr Thiwanka".

I then requested FPO, Mr De Sylva to collect the names, addresses and dates of birth for all 5 men on the vessel, the following details were given;

Captain

Mr G.A. Samantha of Abepitiya, Beruwala DOB 28<sup>th</sup> December 1979

Crew

Mr Mohamad Irshad of No.7 Mardana Road, Beruwala DOB 01<sup>st</sup> January 1979

Mr G.K. Chanaka Rasanka of Abepitiya, Beruwala DOB 18<sup>th</sup> July 1984

Mr G.M. Bandara of No312 Missala, Beruwala DOB 22<sup>nd</sup> September 1980

Mr S.D. Ruchera of Abepitiya, Beruwala DOB 04<sup>th</sup> April 1981

I continued with the administration of the detention by asking the Captain the following questions;

Do you have any weapons on board this vessel? He replied, "no".

Do you have any explosives on board this vessel? He replied, "no".

Do you have any poisons on board this vessel? He replied, "no".

Are there any medical problems? He replied, "we have one boy with a water on the brain and is taking tablets but he is not serious, he is OK".

Do you have any infestation on the vessel such as spiders, cockroaches? He replied, "cockroaches."

Do you have any spiders? He replied, no.

At 09:20 I instructed the Captain of Thiwanka No5 to proceed to the location of the BPV and wait their ready to follow it to Diego Garcia. I also handed the Captain a hand held VHF radio, set to channel 8 and he was instructed on how to use it by FPO, Mr De Sylva.

At 12:20 The Captain of the FV was instructed to follow the BPV to Diego Garcia

At 10:20 on Sunday 22<sup>nd</sup> June 2014 FV Thiwanka No5 was escorted past buoys 1 and 2 at Diego Garcia by two Royal Marine craft of which I was deployed in the lead craft.

At 09:42, on Monday 23<sup>rd</sup> June 2014 FV Thiwanka No5 was handed over to ROPO 03 Miss Robertson and ROPO 08 – Mr Traynor of the BIOT Police assumed control of the situation following a brief from me.

### **COLLECTION OF EVIDENCE**

No evidence was collected

Exhibit No.	Description of Exhibit

Between 10:35hrs and 11:35hrs on the 24<sup>th</sup> June 2014, I was present in my capacity as a subject matter expert (SME) when the following catch was off loaded from the Thiwanka No5 by its crew under the direction of the BIOT Police Crime Scene Investigator (CSI), Mr Boxall (ROPO 02). I identify the catch as;

### **CATCH**

- 2 Juvenile Scalloped Hammer Head, Sharks of 55 and 59cm
- 4 Tiger Sharks of between 1.13m and 3.56m
- 16 Silver Tip Reef sharks of between 51 and 85cm
- 14 Black Tip Reef Sharks of between 44 and 110cm
- 9 White Tip Reef Sharks of between 58 and 94cm
- 1 Sail Fish, dressed
- 44 assorted Snappers of approximately 1.5kg average
- 20 assorted reef fish of approximately 1.0kg average
- 64 assorted Tunas of approximately 1.5kg average
- 4 plastic bags of dried Manta Gills of approximately 1.2kgs

Total estimated weight of catch: 950.00 kg

### **FISHING GEAR / EQUIPMENT**

Fishing gear Estimated value £4,100.00

Fishing vessel: Estimated value £15,000.00

On Thursday 26<sup>th</sup> June 2014 I searched the Indian Ocean Tuna Commission (IOTC), Positive List using the following details as reference.

Name of vessel: Thiwanka No5

Registration Number: IMULA0086MTR (As shown on the Starboard side of the FV's wheelhouse)

My findings were that the vessel with the above IMUL number has been assigned IOTC reference number IOTC011479 and is registered to the following owner; GPT. WEERASURIYA of 34/14, WATSON PEIRIS MAWATHA, MORATUWA, SRI LANKA

The information held of the IOTC Positive List is therefore inconsistent with the details of ownership provided by the FV Captain and it is therefore my expert opinion that this vessel should be held in detention until a positive identification of the vessel owner can be made.

This concludes my Statement of Evidence.

## Appendix 2: Court Proceedings



Office of the Commissioner's Representative  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: +246 370 3506  
Fax: +246 370 3943  
Internet: Kerry.cunningham.uk@fe.navy.mil

15 December 2014

For Attention Of:

Mr G.P.T Weerasuriya,

Please find enclosed the Record of Proceedings from the BIOT Magistrates court held Monday 15<sup>th</sup> December 2014 and a letter containing the FCO's bank details.

You were found guilty of the following charges:

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

You have been fined **10,500 GBP** for the charge of Fishing without a Licence and **2,500 GBP** for the charge of being in possession of prohibited fishing gear and **200 GBP** for Court costs. The fishing gear recovered from fishing vessel Thiwanka 5 has been forfeited to the Crown for disposal.

The Magistrate decided that you would have 21 days to pay the fine. Therefore, your deadline to pay is 5<sup>th</sup> January 2015.

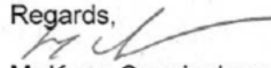
You are to pay the fine into the FCO bank account detailed in the enclosure.

You have the right to appeal the decision by the Magistrate by submitting a letter of appeal to me. This will then be passed on to the Commissioner for consideration.

If you require any more information please liaise directly with me but I cannot offer you any legal advice.

Please acknowledge receipt of this letter by emailing me at the address provided.

Regards,

  
Mr Kerry Cunningham  
Clerk of the Court  
HQBF BIOT  
Diego Garcia





**Magistrates Court  
Diego Garcia  
British Indian Ocean Territory**

**RECORD OF PROCEEDINGS 15<sup>th</sup> December 2014**

Name: Mr G.P.T. Weerasuriya, Owner of Thiwanka 5,

The court case was held in the Magistrates Court on the **fifteenth day of December 2014** on the following charge:

**STATEMENT OF OFFENCE**

Fishing without a licence in BIOT waters contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**PARTICULARS OF OFFENCE**

1. That you, Mr G.P.T. Weerasuriya were the Owner of fishing vessel 'Thiwanka 5' on which on the 21<sup>st</sup> day of June 2014 was found prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory contrary to 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

and

2. That you, Mr G.P.T. Weerasuriya, being the Owner of the fishing vessel 'Thiwanka 5', which did between 23<sup>rd</sup> day of May 2014 and the 22<sup>nd</sup> day of June 2014 fish in the fishing waters of the British Indian Ocean Territory without a licence contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Mr G.P.T. Weerasuriya pleaded Not Guilty to Fishing without a licence in BIOT waters and also pleaded not guilty to Possession of prohibited Fishing Gear in BIOT waters. Mr G.P.T. Weerasuriya was found guilty on both charges and was sentenced to:



Pay a fine of **10,500 GBP** for Fishing without Licence  
Pay a fine of **2,500 GBP** for being in possession of prohibited fishing gear  
Pay Court costs of **200 GBP**  
Fishing Gear to be forfeited to the Crown for disposal.

Payment is to be made within 21 days. If payment has not been received by the 5<sup>th</sup> January 2015 Mr G.P.T. Weerasuriya will be summoned to re-appear in court for non-payment of fine.

If you wish to appeal the sentence you can do so by contacting myself or [BIOTAdmin@fco.gsi.gov.uk](mailto:BIOTAdmin@fco.gsi.gov.uk) before the 5<sup>th</sup> January 2015



Mr Kerry Cunningham  
Clerk of the Magistrates Court  
British Indian Ocean Territory



**Appendix 3 Photographs – Thiwanka No. 5**



*Figure 1 Port side photograph – Thiwanka No. 5*



*Figure 2 Starboard side photograph - Thiwanka No. 5*



*Figure 3 Stern photograph – Thiwanka No. 5*

Note No : 161

Our Ref : MAN/F

154  
Hand by 10/07/14  
WSD

The British High Commission presents its compliments to the Ministry of Foreign Affairs of the Republic of Sri Lanka and has the honour to request assistance in the enforcement of the marine protected area of the British Indian Ocean Territory (BIOT).

The British High Commission wishes to express its grave concern at the continued illegal, unregulated and unreported (IUU) fishing activities of Sri Lankan flagged vessels within the BIOT marine protected area. We draw to the attention of the Ministry of Foreign Affairs that, since the declaration of the marine protected area in April 2010, 26 Sri Lankan vessels have been arrested fishing illegally within it, contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). As partners in the regional fight against IUU, and responsible members of the Indian Ocean Tuna Commission we understand that the Republic of Sri Lanka will be aware that these vessels are also in breach of IOTC Resolution 11/03 as they have carried out IUU fishing in the IOTC area of competence ('Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels').

We welcome the apparent reduction in these incursions with the introduction of the bilateral agreement between the Sri Lankan Authorities and BIOT in 2011, and the actions taken by the Sri Lankan Authorities against vessels convicted of illegal fishing as part of that agreement. However BIOT has noted a recent increase in illegal activity and we seek assurances that the Republic of Sri Lanka continues with IOTC Resolution 07/01 'To promote compliance by nationals of contracting parties and cooperating non-contracting parties with IOTC conservation and management measures'.

To this end we kindly request the assistance of the Republic of Sri Lanka in securing progress in four prosecutions for illegal fishing activity by Sri Lankan vessels in the BIOT marine protected area within the last four months. The four cases are as follows:

- The fishing vessel Sulara 2, owned by Mr Nainabaduge Sumith Fernando (also known as N B Lal Fernando) of 512A, Galle Road, Wadakahawela, Beruwala was arrested for illegal fishing offences on 18 March 2014. According to the IOTC Record of Authorised Vessels it is recorded as IMULA0341KLT and IOTC reference number IOTC011118, and we note that it is registered only to fish within the Sri Lankan EEZ. On 5 June 2014, the BIOT Court found Mr Fernando guilty of illegal fishing offences, and he was fined GBP £10,000. We have not received payment or any further communication from Mr Fernando within the 20 day deadline set by the court and we kindly ask for the assistance of the Republic of Sri Lanka in securing the fine in full.

Contd .../(2)

Hand by 02/07/2014



- The fishing vessel Imasha 2, owned by Mr Gammanan Arachchige Pristan Tiran of St Visenthi Road, Maggona was arrested for illegal fishing offences on 18 April 2014. According to the IOTC Record of Authorised Vessels it is recorded as IMULA0352KLT and IOTC reference number IOTC015411, and we note that it is registered only to fish within the Sri Lankan EEZ. A summons to appear at BIOT Court, send written representations, or appear at a court in London was issued to Mr Tiran on 28 April 2014. No response has been received to this summons and we kindly ask for the assistance of the Republic of Sri Lanka in locating the owner, formally serving this summons which is enclosed, and ensuring cooperation with the Court.
- The fishing vessel Thiwanka 5 was arrested for illegal fishing offences on 21 June 2014 and we wish to issue a summons to appear at BIOT Court to the owner. The Captain of the vessel, Mr G A Samantha of Abeditiya, Beruwala with date of birth 28 December 1979 has been able to identify the owner only as "Tiwanaka". According to the IOTC Record of Authorised Vessels it is recorded as IMUL: IMULA0086MTR and IOTC reference number: IOTC011479 and is registered to the following owner; GPT. WEERASURIYA of 34/14, WATSON PEIRIS MAWATHA, MORATUWA, SRI LANKA). We kindly request the assistance of the Republic of Sri Lanka in fully identifying and locating the current owner, and subsequently in issuing a summons to him or her to attend Court.

The fishing vessel Stef Ania Duwa was arrested for illegal fishing offences on 21 June 2014 and we wish to issue a summons to appear at BIOT Court to the owner. The Captain of the vessel, Mr G Danushka of Bubullantha, Beruwala with date of birth 25 July 1986 has been able to identify the owner only as Mr S.A.D Ajith Siriwardana. According to the IOTC Record of Authorised Vessels it is recorded as IMUL: IMULA0374KLT and IOTC reference number: IOTC010130 and is registered to the following owner; PPRN. FERNANDO of 38/5, ST. SEBASTHIAN ROAD, KATUKURUNDA, SRI LANKA. We kindly request the assistance of the Republic of Sri Lanka in locating the current owner, and subsequently in issuing a summons to him to attend Court.

This request is made on the basis of the strong continuing partnership the British Indian Ocean Territory and the Republic of Sri Lanka enjoy in respect of the regional effort to prevent IUU fishing in the Indian Ocean, and our respective memberships of the Indian Ocean Tuna Commission. We look forward to discussing, following these cases, how our current bilateral arrangement in respect of IUU by Sri Lankan vessels might evolve to include such assistance in enforcing our marine protected area on a routine basis and we note that the marine protected area provides significant environmental benefits to the entire region.

The British High Commission avails itself of the opportunity to offer the Ministry of Foreign Affairs of the Republic of Sri Lanka the assurances of its highest consideration.

BRITISH HIGH COMMISSION

COLOMBO 7

2 July 2014





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த. பெட்டி }  
P. O. Box }  
දුරකථනය } 446183  
தொலைபேசி } (3 lines)  
Telephone }



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rc'd 31/7  
Mr Soper  
9/1/8

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

### DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

දිනය }  
திகதி } 23/07/2014  
Date }

HE The High Commissioner,  
British High Commission,  
Colombo 07.

Your Excellency,

### Request for assistance in the enforcement of the marine protected area of the British Indian Ocean Territory (BIOT)

The Department of Fisheries and Aquatic Resources presents its compliments to the British High Commission Sri Lanka, and refer to the self-explanatory note sent through the Ministry of External Affairs of Sri Lanka on the above subject.

We take this opportunity to extend our sincere appreciation to the BIOT authorities for assisting this Department to control Illegal, Unregulated and Unreported (IUU) fishing activities involved by the Sri Lankan fishing vessels.

We wish to inform that the Government of Sri Lanka is in the process to deter, eliminate and prevent IUU fishing activities in the High seas in complying with the international and regional treaties. The Government of Sri Lanka has also taken a number of measures to combat IUU fishing activities including amendment of the existing Fisheries Act, the objective of this amendment is to introduce severe punitive measures against the IUU fishing in the High seas.

I would like to inform you that actions have been already made to communicate with the BIOT authorities in securing the progress of the four persecutions in BIOT for the illegal fishing activity by Sri Lankan vessels, by confirming the following details of the vessels.

Name of the vessel	Vessel Registration number	Name of the owner	Address of the Owner
Sulara 02	IMUL-A-0341 KLT	Mr. N. Lal Fernando	No.5/2/A, Galle Road Wadakahawela, Beruwala
Imasha 2	IMUL-A- 0352 KLT	Mr. G. A. P. Tiran	St. Vincenti Road, Dyalagoda, Maggona
Thiwanka 05	IMUL-A-0086 MTR	Mr.G.P.T. Weerasooriya	34/14, Watson Peris Mawatha, Moratuwa
Stef Ania Duwa	IMUL-A-0374 KLT	(i) Mr. S.A.D A. Siriwardane (ii)Ms.S.A.D. Depika Kumari	Bubulalanda, Kanandagoda, Beruwala

This Department has taken actions to suspend Vessel Registration and the Fishing Operation License of these vessels with immediate effect and to call the above vessel owners for an inquiry in the Department Head Office. The Assistant Directors in-charge of the relevant Districts and the Sri Lanka Navy have been informed to make arrangement to anchor the vessels at the nearest fishing port and to be vigilant on the activities of these vessels until future actions taken on this matter.

We would like to stress that Government of Sri Lanka is having a close bilateral communication with the BIOT authorities regarding the IUU fishing activities involved by the Sri Lankan fishing vessels in respect of the regional effort to prevent IUU fishing in the Indian Ocean, and our respective membership of the Indian Ocean Tuna Commission.

Your bilateral cooperation in this regard is highly appreciated.

Thanking You  
Yours sincerely



Nimal Hettiarachchi  
Director General

Cc:

1. Secretary, Ministry of External affairs
2. Secretary, Ministry of Fisheries and Aquatic Resources Development

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

28 August 2014

Dear Mr. Hettiarachchi

**Bilateral communication on illegal fishing by the Sri Lankan vessels Sulara 2 (IMUL-A-0341 KLT) Imasha 2 (IMUL-A-0352 KLT), Thiwanka 5 (IMUL-A-0086 MTR) Stef Ania Duwa (IMUL-A-0374 KLT) and Niroda Putha (IMUL-A-0543 KLT) in British Indian Ocean Territory (BIOT) Waters**

Firstly we thank-you for your flexibility and continued cooperation in jointly addressing the above referenced cases in order to combat IUU as it occurs in BIOT waters.

This letter is in response to your bilateral communications dated 31/7/14 (Imasha 2; Thiwanka 5 and Stef Ania Duwa) and 20/08/14 (Sulara 2) and to our email exchanges on the vessel Niroda Putha on 17/07/14. Each of these cases is at a different stage, and as they have been handled differently than has been the case in the past under our bilateral arrangement, we are writing to inform you of the current status of each case and the expectations of the BIOT Authority.

**Sulara 2.**

I confirm that the owner, Mr Lal Fernando, has not paid the fine imposed by the court on Diego Garcia which was due by 25<sup>th</sup> June 2014. As indicated in your letter of 20/08/14, in due course please provide details of the legal action taken under the provisions of the Fisheries and Aquatic Resources Act No 35, 2013, Sri Lanka against the owner. Please also indicate the action against the vessel operator once the vessel is apprehended.

Thank you for the explanation of why the vessel remains at sea. In future for other vessels we will inform you earlier so that they may be recalled to port and detained pending finalisation of the investigations.

**Imasha 2, Thiwanka 5, Stef Ania Duwa.**

Thank you for providing details of the actions already taken in respect of these vessels (your communication of 31/7/14). We request that you immediately recall these vessels to port and detain them pending conclusion of the investigations.

For your information the Court on Diego Garcia will hear these cases as follows:

Imasha 2:	Date released: 22nd April 2014	Court date: 10th September 2014
Thiwanka 5:	Date released: 3rd July 2014	Court date: 18th September 2014
Stef Ania Duwa:	Date released: 3rd July 2014	Court date: 17th September 2014

We will inform you of the outcomes once the court has reached a verdict in each case, indicating the settlement of any penalty due by the owners as appropriate. We will submit to you the usual IOTC Resolution 11/03 IUU reporting form for each case.

**Niroda Putha**

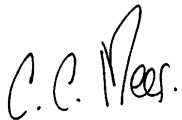
This vessel was detained for alleged illegal fishing on Saturday 12th July 2014 inside the BIOT MPA. Details of the ownership of the vessel have been confirmed by your office. The vessel was released on 18th July 2014 and the Court date has been set for 23rd September 2014.

We request that you immediately recall this vessel to port and detain it pending conclusion of the investigation.

We will inform you of the outcome once the court has reached a verdict indicating the settlement of any penalty due by the owner as appropriate. We will submit to you the usual IOTC Resolution 11/03 IUU reporting form for this case.

Your continued cooperation in these cases is highly appreciated, thank you.

Yours sincerely



Dr C.C. Mees  
Head of UK-OT Delegation

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தொலைபேசி } 446183  
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Office of Director General } 472187



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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

Dr.C.C.Mees  
Head UK Delegation to IOTC  
18, Queen Street  
London, W 1J 5PN  
United Kingdom

Dear Dr. Mees

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New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } 18/09/2014  
Date }

**Bi-lateral communication on illegal fishing by Sri Lankan vessels “Sulara 02” (IMUL-A-0341 KLT), Imasha 2 (IMUL-A-0332 KLT) , Thiwanka 5 (IMUL-A-0086 MTR), Stef Ania Duwa (IMUL-A-0374 KLT), Nirodha putha (IMUL-A-0543 KLT) and Dulari (IMUL-A-713KLT) in the British Indian Ocean Territory waters.**

This refer to your letters dated 28<sup>th</sup> August 2014 and the 10<sup>th</sup> September 2014 on the above.

At the outset, We extend our sincere thanks to the BIOT authority for the patience and the understanding of our situation in handling the recently reported cases of illegal fishing activities of Sri Lankan vessels in BIOT waters. I would like to report the present status of our investigations on the above vessels.

#### 1. Sulara 2

- (i) The vessel was apprehended on 29/08/2014 and now anchored at Weligama harbour at Matara. (Annex - i)
- (ii) As you are aware this Department has been in developing bilateral cooperation with you for last couple of years in order to eliminate IUU fishing involved by Sri Lankan flagged vessels in the BIOT waters. Accordingly after we have been informed of the illegal fishing activity of the vessel Sulara 2 in BIOT waters, We tried every effort to urge the vessel owner to pay the fine and settle this case with the BIOT authorities in a satisfactory manner. However, considering the written submission sent by the vessel owner to the BIOT Magistrate with a copy to this Department, it is understood that Mr. Lal Fernando the vessel owner, is not in a position to pay the fine and he has submitted an appeal, explaining his inability to pay such a big amount of fine due to his economic constraints.

However in response to your inquiry on the future actions in this regard by the Sri Lankan authorities, We would like to mention that, We have already sought legal advise from the Attorney General Department for the proceedings of this case.



At the same time we further inquired the possibility of filing a case for the same offence under the Fisheries and Aquatic Resources Act No.35, 2013(FARA,35, 2013) of Sri Lanka, while the court decision of BIOT is still valid. We are still awaiting a reply from Attorney General in this regard.

However the vessel owner Mr. Lal Fernando was called to the DFAR, Head office on 1<sup>st</sup> September 2014 for the second time and further, inquiries were made regarding this matter. His final request is to punish the skipper, not him who committed the offence. The inquiry panel paid great concern on this matter. Therefore in the event of your withdrawal of the case against the vessel owner in the courts of BIOT, DFAR will draw attention to take legal actions against the skipper of the vessel under the High Seas regulations made under section 61(t) of FARA, No.35, 2013.

- (iii) Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed at the harbours and fisheries offices, warning vessel owners not to deploy this skipper in their fishing vessels. (Annex – ii)

## **2. Imasha 2, Thiwanka 5, Stef Ania Duwa.**

- (i) The three vessels are now anchored at Beruwala harbour.
- (ii) Harbour managers have been informed to avoid to deploy the accused skippers in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to deploy employing these skippers in their fishing vessels. (Annex –ii)
- (iii) The owners of the vessels Imasha 2, Thiwanka 5, Stef Ania Duwa have been formally informed to appear or forward written submission to the Courts of Diago Gacia on the dates given.

## **3. Niroda putha**

- (i) The vessel is deregistered and the high seas operation license has been suspended with effect from 1<sup>st</sup> September 2014. It has been informed to the IOTC to remove the vessel from Authorized Fishing vessels list. (Annex iii a, iii b)
- (ii) The Owner called at the DFAR on 1<sup>st</sup> September 2014 for an inquiry and he was made aware of the International Laws and the Obligations of High Seas fishing and the consequence of been listed in IUU vessels list of IOTC. (Annex iva, iv-b)
- (iii) At the inquiry, He mentioned that the vessel departed for high seas fishing, but the skipper had engaged in this illegal activity in BIOT waters without his knowledge. Further, He said that the fishing operation licence and the vessel registration was carried on board but the skipper as not provided these to the BIOT authorities at the time of inspection. Copies annexed (Annex v).

- (iv) Mr. Mr. W.A.D.P. Prageeth has been informed to appear before the Magistrate of Court in Diego Gacia, or forward written submissions to the Court as appropriate on the date of 23<sup>rd</sup> September 2014 as informed by the BIOT authorities. (Annex vi-a, vi- b)
- (v) Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners to prevent from employing this skipper in their fishing vessels. (Annex – ii)
- (vi) The vessel is now being anchored at Beruwala harbour.(Annex vii)
- (vii)The contact details of the vessel owner, Mr. W.A.D.P. Prageeth are +94342279494 and +94077717695.

#### 4. Dulari

1. We confirm the following information as true and correct for the identification of the vessel.

	Present	Previous
Vessel Registration No	IMUL-A- 0713KLT	IMULA-0124- KLT
Vessel Name	Dulari	Sulara
Owner of the vessel	W.M.A.Ajantha Palin No. 01, Samapura Hettimulla Tel:	
Skipper	Ivan Priyantha Badde Liyanage Don, Idirilla, Galle Road, Maggona	

1. The relevant port authorities, Fisheries Officers and the Sri Lanka Navy have been informed to apprehend the vessel and the skipper as soon as the vessel Dulari (IMUL-A- 0713KLT) lands in any harbour in Sri Lanka. The Assistant Director of Kalutara District is instructed to anchor the vessel at the nearest fishing port and direct the Skipper and the owner of the vessel for an inquiry in the Head office immediately after the arrival of the vessel. (Annex viii-a, viii-b)
2. Vessel registration and the Suspension of fishing vessel “Dulari” will be informed to the relevant parties once the vessel reach Sri Lanka.
3. Harbour managers have been informed to avoid to deploy the accused skipper in other boats and notices are displayed on the harbours and fisheries offices warning vessel owners not to employing this skipper in their fishing vessels. (Annex – ii)

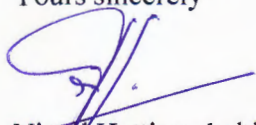
I would like to mention that some of our fishing vessels engage in illegal fishing in BIOT waters and this is a special concern to us too. Hence the following measures are being implemented with a view to prevent the re-occurrence of illegal fishing activities in BIOT territory waters.

1. Expedite the issuance of skipper licences for high seas operating skippers. Progress Annexed. (Annex- ix)
2. Initial steps taken to comply with the proposed scheme of "innocent passage" vessels passing through BIOT waters. (Annex-x-a. x-b)
3. High seas fishing regulation gazette and published on 1<sup>st</sup> September 2014, giving provisions to take legal actions against the vessel owners and the skipper as well for any violations.
4. The National Plan of Action against IUU fishing (NPOA-IUU) was adopted and being implemented since March 2013.
5. Implementation of the Vessel Monitoring System is delayed due to slow progress of the project proponent. However DFAR has already identified fifty high seas operating boats in the first phase of implementation

Summing up, we hereby reaffirm our commitment to cooperate with IOTC and the relevant coastal states with our determination and obligation to prevent, deter and eliminate illegal, unreported and unregulated activities in the Indian Ocean and take utmost efforts to control IUU activities involved by vessels of Sri Lanka with your assistance.

Your continuous cooperation in this regard is highly appreciated.

Thanking You  
Yours sincerely



Nimal Hettiarachchi  
Director General

**Nimal Hettiarachchi**  
Director General  
Department of Fisheries & Aquatic Resources  
Maligawatta, Colombo 10.





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 எனது இல } DFAR/FM/K/IOTC/JUL/2014  
 My No.  
 ඔබේ අංකය  
 உமது இல }  
 Your No.

අධ්‍යක්ෂ ජනරාල් කාර්යාලය  
 இயக்குனரின் அலுவலகம், மலிගுவட்டி  
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**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

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දිනය  
 தேதி } 2014/08/28  
 Date

**ලියාපදිංචි කැපල**

ධබ, ඒ.ඩී.පී. ප්‍රගීත් මහතා  
 83/01, ශාන්ත මාරියා පාර  
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"නිරෝධ පුනා / රුහන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

"නිරෝධ පුනා / රුහන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාව දියාගේ භාෂිඤාවට (BIOT) අයත් මුහුදු සීමාවේ 12/07/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාවේ නියමුවා සහ හැනියන් 18/07/2014 දින නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

නවද මෙම යාත්‍රාව සාකච්ඡාකර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංඝනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

1. යාත්‍රාවේ IMUL-A-0341KLT සහ IMUL-A-0086KLT යනුවෙන් ලියාපදිංචි අංක දෙකක් සටහන් කිරීම.
2. යාත්‍රාවේ නිරෝධ පුනා සහ රුහන් පුනා යනුවෙන් නම් දෙකක් සටහන් කිරීම.
3. පරීක්ෂා කරන අවස්ථාවේ සාකච්ඡාකර මුහුදේ ධීවර කර්මාන්තයට අදාළ නියෝගුකුල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

උක්ක කාරුණි සැලකිල්ලට ගනිමින් මෙම යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය 2014/09/01 දින සිට ක්‍රියාත්මක වන පරිදි අත්හිටුවූ බව මෙයින් දන්වා සිටිමි. මෙම යාත්‍රාව වහාම අත්අඩංගුවට ගෙන ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස කලකර දිස්ත්‍රික් ධීවර සහකාර අධ්‍යක්ෂවරයා වෙත දැනුම් දී ඇත.

මේ සම්බන්ධයෙන් පරීක්ෂණයක් පැවැත්වීම සඳහා 2014/09/01 දින පෙ.ව.10.00 ට අදාළ යාත්‍රා නියමුවා සමඟ ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුවේ ප්‍රධාන කාර්යාලයට පැමිණෙන මෙන් කාරුණිකව දන්වා සිටිමි.

නිමල් හෙට්ටිආරච්චි  
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පිටපත - (1) සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, කලුතර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලැම සඳහා  
 (2) නාවික හමුදා මුලස්ථාන - යාත්‍රාව භාරයට ගැනීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට  
 (3) යාත්‍රා ලි.ප. ඒකකය/ධි.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.පු.මහා. වාර්තා කිරීම සඳහා



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මගේ අංකය }  
 எனது இல. } DFAR/FM/K/IUU/Local/2014  
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 உமது இல. }  
 r No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය }  
 பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
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**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

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ENGLISH TRANSLATION

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
 புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
 New Secretariat, Maligawatta, Colombo 10.

දිනය }  
 திகதி } 28/08/2014  
 Date }

REGISTERED POST

Mr. W.A.D.P.Prageeth  
 83/01, St.Mary's Road  
 Kuda Payagala  
 Payagala

**Suspension of Vessel Registration and Fishing Operation Licence of the Vessel**  
**"Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT)**

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel "Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 12/07/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 18/07/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- Display two registration numbers (IMUL-A-0341KLT and IMUL-A-0086KLT) on the vessel.
- Display two names (Nirodha Putha and Rushan Putha) on the vessel.
- The essential documents for high seas fishing were not onboard.

Taking the above factors into consideration this Department suspended the Vessel Registration and the Fishing Operation Licence of the vessel "Nirodha Putha/Rushan Putha" (IMUL-A-0543KLT) with effect from 01/09/2014 and informed to the Assistant Director, Kalutara to apprehend and anchor the vessel at the nearest port.

You are hereby informed to report to the Department Head Office in Colombo on 01<sup>st</sup> September 2014 at 10 a. m. with the skipper of the vessel for an inquiry.

Nimal Hettiarachchi  
 Director General

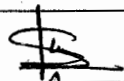



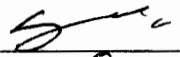
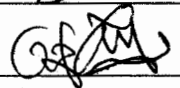

- Cc – 1. Assistant Director, District Fisheries Office, Kalutara – To apprehend and anchor the vessel  
 2. Commander, Naval Headquarters - Inform area commander to apprehend  
 3. Vessel Registry Unit of DFAR - For deregistration and report to IOTC

(iv)<sup>a</sup>

**Discussion on Bilateral Communication on Illegal Fishing by the Sri Lankan Vessels  
in British Indian Ocean Territory (BIOT) Waters**

**Attendant Sheet**

**2014/09/01**

Name of the Participants	Position	Address	Signature
① Nimal Hettiarachchi			
A.G.L.A. Sumath Kumara	Assistant Director	District office - Matara	
N. LAL FERNANDO	Pro/owner - IMUL-A-0341 KLT	NO-5/2/A, GALLE Rd, BERUWALA	
G.P.H. Rehman	Neerlooper IMUL-A-0341 WELIGAMA KLT	Weligama.	
M.G.N. Jayakodye.	Asst. Director.	District Fisheries Office Kalutara	
W.A.D.P. Pragoth	Owner - IMUL-A-0543 KLT	St Marys Road Kula Payagaha 034-2279494, 0777176955	
U.A. Hettimachchi.	F.I. H/O	DFAR / Colombo - 10	
K. Srujan Chandrakumara	FRMA / Mgt / DFAR	DFAR Colombo	
W.G.I. Lakshmi	DO	DFAR Colombo-10	

S.P. Premawarden

F.I

DFAR









Licence No: 14HS0331KLT

Department of Fisheries and Aquatic Resources  
Colombo, Sri Lanka.  
T.P./ Fax No: +94 112449170  
email: depfish@fisheries.gov.lk

## FISHING OPERATIONS LICENCE FOR HIGH SEAS FISHING

Licence for engaging in fishing operations in high seas is hereby granted to **Mr..warnakula Arachchige Don Prasanna** of **Kuda Payagala, Payagala** from **2014 01 01** to **2014 12 31** in terms of the provisions of UN Law of the Sea Convention 1982, UN Fish Stock Agreement 1995 and Resolutions of IOTC, and the Specific Conditions of this license. (For Specific Conditions Please see overleaf)

1. Registration number of the boat for which License is issued: **IMUL - A - 0543KLT**
2. Length of the fishing boat : 40'6"
3. Authorized Fishing Operations under the Licence:

Authorized fishing gear	Length of fishing nets & Mesh size (Maximum length should be 2.5 km)	No. of hooks, Length of the floating line & Length of the branch lines	Authorized species of fish	Area of fishing in high seas
GILL NET	2.5 Km 6"		Skip jack tuna Tuna Sharks	In the high seas of the Indian ocean out side the EEZs of another coastal state
LONG LINE		400 15m 24m	Sharks Tuna Skip Jack Tuna	

4. Home port landing : Beruwala

5. Fishing duration: .....

Taking , keep in possession, transporting and transshipping of Marine mammals, Turtles, Thresher Sharks, species of Sea birds are totally prohibited. No fishing operation should be conducted within the radius 01 km of the data buoys installed in high seas.

2014/01/10

Date

(This permit should be carried onboard in each and every fishing trip and is not transferable .)  
( PG)

M. G. N. JAYAKODY  
Assistant Director  
Director General / Licensing Officer  
District Office,  
Kalutara.  
Department of Fisheries & Aquatic Resources

තැ. පෙ. } 531  
த. பெட்டி. }  
P. O. Box }  
දුරකථනය } 446183  
தொலைபேசி }  
Telephone } (3 lines)



මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
எனது இல. }  
My No. }  
මගේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187  
තැක්ස් අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**


**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail : depfish@diamond.lanka.net

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/   
திகதி }  
Date }

**ලියාපදිංචි තැපෑල**

ඩබ්. ඒ.ඩී.පී. ප්‍රගීන් මහතා  
83/01, ශාන්ත මාරියා පාර  
කුඩා පයාගල  
පයාගල


"නිරෝධ පුනා / රුෂාන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාවේ ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

නිරෝධ පුනා / රුෂාන් පුනා " ((IMUL-A-0543KLT) යාත්‍රාව දියාගේ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 12/07/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාව, නියමුවා සහ ගැනියන් 18/07/2014 දින එරට අධිකරණය හමුවේ පෙනී සිටීමේ කොන්දේසි මත නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

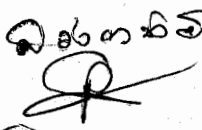
තවද මෙම යාත්‍රාව ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංගනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

1. යාත්‍රාවේ IMUL-A-0341KLT සහ IMUL-A-0086KLT යනුවෙන් ලියාපදිංචි අංක දෙකක් සටහන් කිරීම.
2. යාත්‍රාවේ නිරෝධ පුනා සහ රුෂාන් පුනා යනුවෙන් නම් දෙකක් සටහන් කිරීම.
3. පරීක්ෂා කරන අවස්ථාවේ ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයට අදාළ නීත්‍යානුකූල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

එබැවින් 2014/09/23 වන දින එරට අධිකරණය හමුවේ ඒ සඳහා කරුණු ඉදිරිපත් කරන ලෙස මෙයින් දන්වමි.

  
නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්

පිටපත - සහකාර අධ්‍යක්ෂ දිස්ත්‍රික් ධීවර කාර්යාලය, කලුතර - යාත්‍රාව භාරයට ගෙන නැංගුරම්ලෑම සඳහා

  
(මුද්‍රණ)  
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த. பெட்டி }  
P. O. Box }  
දුරකථනය } 446183  
தொலைபேசி } (3 lines)  
Telephone }

මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
எனது இல. } My No.  
මගේ අංකය }  
உமது இல. } Your No.

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் } 472187  
Office of Director General }

ෆැක්ස් අංකය } 449170  
தொலை நகல் } Fax No.

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

**ENGLISH TRANSLATION**

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය } 2014/09/  
திகதி } Date }

**REGISTERED POST**

W.A.Prageeth  
83/01, St Mary,s Road  
Kuda payagala  
Payagala

**Suspension of Vessel Registration and Fishing Operation Licence of the Vessel  
“Norodha Putha/Rushan Putha” (IMUL-A-0543KLT)**

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel “Nirodha Putha/Rushan Putha” (IMUL-A-0543KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 12/07/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 18/07/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- (i) Display two registration numbers (IMUL-A-0341KLT and IMUL-A-0086KLT) on the vessel.
- (ii) Display two names (Nirodha Putha and Rushan Putha) on the vessel.
- (iii) The essential documents for high seas fishing were not onboard.

Therefore You are hereby informed to appear before the Magistrate of Court in Diego Gacia, or forward written submissions to the Court as appropriate on the date of 23<sup>rd</sup> September 2014 as informed by the BIOT authorities.

Nimal Hettiarachchi  
Director General

Cc – 1. Assistant Director, District Fisheries Office, Kalutara – To apprehend and anchor the vessel



කු. පෙ. } 531  
த. பெட்டி }  
P. O. Box }  
දුරකථනය } 446183  
தொலைபேசி }  
Telephone } (3 lines)



මගේ අංකය } DFAR/FM/K/IOTC/IUU/2014  
எனது இல. }  
My No. }  
මගේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187  
දුරකථන අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

දිනය } 2014/09/11  
திகதி }  
Date }

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

**ලියාපදිංචි තැපෑල**

සහකාර අධ්‍යක්ෂ  
දිස්ත්‍රික් ධීවර කාර්යාලය  
කලුතර

"දුලාරි " ((IMUL-A-0713KLT) යාත්‍රාව අත්අඩංගුවට ගැනීම , ලියාපදිංචිය සහ ධීවර මෙහෙයුම් බලපත්‍රය අත්හිටුවීම

"දුලාරි " ((IMUL-A-0713KLT) යාත්‍රාව දියාගෝ ගාමියාවට (BIOT) අයත් මුහුදු සීමාවේ 07/09/2014 දින අනවසර ලෙස ධීවර කටයුතු වල යෙදීම හේතුවෙන් අත්අඩංගුවට ගෙන නඩු පවරන ලද බවත් මෙම යාත්‍රාවෙහි නියමුවා සහ ගැනියන් 10/09/2014 දින නිදහස් කොට පිටත්කර එවා ඇති බවත්, එම බලධාරීන් විසින් මෙම දෙපාර්තමේන්තුව වෙත දැනුම් දී ඇත.

තවද මෙම යාත්‍රාව ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයේදී පිළිපැදිය යුතු නීතිරීති උල්ලංඝනය කරමින් පහත සඳහන් වැරදි සිදුකර ඇති බවට එම බලධාරීන් විසින් වැඩිදුරටත් දන්වා ඇත.

- 1. යාත්‍රාවේ IMUL-A-0713KLT සහ 9-7810KLT යනුවෙන් අංක දෙකක් සටහන් කර තිබීම.
- 2. පරීක්ෂා කරන අවස්ථාවේ ජාත්‍යන්තර මුහුදේ ධීවර කර්මාන්තයට අදාළ නීත්‍යානුකූල ලිපි ලේඛන යාත්‍රාවේ නොතිබීම.

මෙම යාත්‍රාව ශ්‍රී ලංකාවේ ධීවර වරායකට පැමිණි වහාම අත්අඩංගුවට ගෙන ආසන්නතම ධීවර වරායේ නැංගුරම් ලන ලෙස දන්වා සිටිමි. තවද යාත්‍රාවේ නියමුවා සහ හිමිකරු මේ සම්බන්ධයෙන් පරීක්ෂණයක් පැවැත්වීම සඳහා ප්‍රධාන කාර්යාලයට යොමු කරන ලෙස මෙයින් දන්වා සිටිමි.

  
නිමල් ජනවර්ධන විජේසේන  
අධ්‍යක්ෂ ජනරාල්

- පිටපත - (1) ඩබ්. එම්. ජී. පාලින් මහතා, නො.01, සාමදුර, හෙට්ටිමුල්ල, බේරුවල - යාත්‍රාව පැමිණි වහාම නියමුවා සමඟ ඉදිරිපත් වීම  
(2) නාවික හමුදා මූලස්ථානය යාත්‍රාව භාරයට ගැනීම සඳහා අදාළ අනුබන්ධය භාර නිලධාරීන්ට දැනුම්දීමට  
(3) යාත්‍රා ලි.ප. ඒකකය/ඩී.ප. දෙ - යාත්‍රා ලි.ප. අවලංගු කිරීමට සහ ඉ.ස.වු.කො. වාර්තා කිරීම සඳහා  
(4) තත්වපාලන අංශය/ ඩී.ප.දෙ - ඇල්ලීමේ සහතික නිකුත් නොකිරීම සඳහා



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தொலைபேசி } (3 lines)  
Telephone }



මගේ අංකය } DFAR/FM/K/IUU/Local/2014  
எனது இல. }  
My No. }  
ඔබේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170  
பணிப்பாளர் நாயகத்தின் அலுவலகம் }  
Office of Director General } 472187

තුනස් අංකය } 449170  
தொலை நகல் }  
Fax No. }

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

**கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்**

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail : depfish@diamond.lanka.net

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } /09/2014  
Date }

*ENGLISH TRANSLATION*

REGISTERED POST

Assistant Director  
District Fisheries Office  
Kalutara

**Apprehend and Suspension of Vessel Registration and Fishing Operation Licence of the Vessel "Dulari" (IMUL-A-0713KLT)**

The Diego Garcia (BIOT) Authorities have informed to this Department that the fishing vessel "Dulari" (IMUL-A-0713KLT) has been arrested due to engage in illegal fishing activities within the BIOT waters on 07/09/2014. It has been reported that after filing a case in the court of Diego Garcia the skipper and the crew has been released on 10/09/2014.

The Authorities of Diego Garcia has also reported that this vessel violated the following high seas fishing conditions.

- (i) Display two registration numbers IMUL-A-0713KLT and 9-7810KLT on the vessel.
- (ii) The essential documents for high seas fishing were not onboard.

You are hereby informed to apprehend the vessel and the crew at once the vessel lands in any port of Sri Lanka and anchor the vessel at the nearest fishing port. Further you are instructed to direct the the skipper and the vessel owner to the Head Office of DFAR for an inquiry.

Nimal Hettiarachchi  
Director General

Cc - Assistant Director, District Fisheries Office, Kalutara - For necessary action

- Cc - 1. Mr. W.M.A.Ajantha Palin, No. 01, Samapura, Hettimulla: To attend an inquiry with the skipper  
2. Commander, Naval Headquarters - Inform area commander to apprehend  
3. Vessel Registry Unit of DFAR - For deregistration and report to IOTC

**SKIPPER LICENCE PROGRESS AS AT 04-09-2014**

<b>DISTRICT</b>	<b>NO. OF ISSUED SKIPPER LICENCE</b>
Matara	365
Negombo	2
Kalutara	165
Colombo	0
Chilaw	180
Puttalm	6
Tangalle	22
Kalmunai	0
Galle	48
Trincomalee	10
<b>TOTAL</b>	<b>798</b>

**\*Skipper licences have issued to fishermen who have participated for interviews only.**



Handwritten notes in Sinhala and Tamil, including 'අමතර' and '24/9'.

කැ.පෙ. 531  
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பணிப்பாளர் நாயகத்தின் அலுவலகம் 472187  
Office of Director General



ෆැක්ස් අංකය 449170  
தொலை நகல் 449170  
Fax No.

මගේ අංකය 1/17/1- 42  
எனது இல. My No.

ඔබේ අංකය  
உமது இல. Your No.

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය  
திகதி  
Date

2014/09/05



සහකාර අධ්‍යක්ෂ  
දිස්ත්‍රික් කාර්යාලය

(අත්සන)

දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපය හරහා ජාත්‍යන්තර මුහුදු කරා යෑම / රීම්

ශ්‍රී ලංකා ධිවර යාත්‍රා දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපය හරහා ජාත්‍යන්තර මුහුදු වලට අවතීර්ණයකින් තොරව පිවිසීමට හා නැවත පැමිණීමට අවශ්‍ය කටයුතු සලසා දීම සඳහා එම නිලධාරීන් සමග කරන ලද සාකච්ඡාවලදී පහත අවශ්‍යතා සපුරාලන යාත්‍රාවලට පමණක් 2014/10/01 දින සිට අවකාශ ලබාදීම සඳහා සලකා බලන බව දැනුම් දී ඇත.

ඒ අනුව මේ සමග එවා ඇති පෝරමය පුරවා දින 03කට ප්‍රථම මෙම දෙපාර්තමේන්තුවේ සෝදිසි මෙහෙයුම් අංශය වෙතට හෝ පෞද්ගලිකවම එවා ඇති පෝරමයේ සඳහන්ව ඇති පහත සඳහන් විද්‍යුත් ලිපිනයට හෝ ෆැක්ස් අංකයට යැවීමට කටයුතු කල යුතුවේ.

අදාල අවසරය ලබා ගැනීම සඳහා පූර්ව වාර්තාව දියාගෝ ගර්භිෂා දුපත්හි අනන්‍ය ආර්ථික කලාපයට ඇතුලු වීමට දින 03කට පෙර (සෑම සිකුරාදා දිනකම 12.00 පැයට පෙර) මෙම දෙපාර්තමේන්තුවේ සෝදිසි මෙහෙයුම් අංශයට හෝ පැය 48 කට නොඅඩු කාලයක් ඇතුලත සාප්‍රචම දියාගෝ ගර්භිෂා බලධාරීන්ට දැන්විය යුතු බැවින්, ඉහත පරිදි කටයුතු කලයුතු බව අවධාරණය කරමි.

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව :- ෆැක්ස් අංකය - 0112431448  
:- විද්‍යුත් තැපෑල -: mcs@fisheries.gov.lk

බලධාරී - දියාගෝ ගර්භිෂා - ෆැක්ස් අංකය :- +870356301560  
:- විද්‍යුත් තැපෑල -: pacific.marine@swireships.com

සම්පූර්ණ කර එවිය/යැවිය යුතු අයදුම් පත්‍රයේ පිටපතක් මේ සමග අමුණා ඇත.

Handwritten signature

නිමල් හෙට්ටිආරච්චි  
අධ්‍යක්ෂ ජනරාල්  
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Annex (x)-b

කු. පෙ. }  
த. பெட்டி } 531  
P. O. Box }  
දුරකථනය }  
தொலைபேசி } 446183  
Telephone } (3 lines)



මගේ අංකය }  
எனது இல. } DFAR/FM/K/IUU/Local/2014  
My No. }  
ඔබේ අංකය }  
உமது இல. }  
Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය }  
பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
Office of Director General } 472187

ෆැක්ස් අංකය }  
தொலை நகல் } 449170  
Fax No. }

ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10  
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } /09/2014  
Date }

*English Translation*

Assistant Director  
District Fisheries Office  
(All Districts).....

**Transit through Innocent passage of Territory waters of Diego Garcia (BIOT).**

As result of the communications with the BIOT authorities, it is informed to this Department that they will make transit arrangements for the fishing vessels to go to the high seas without any inconvenience those who provide the information given in the transit form attached hereto subjected the conditions of the Innocent passage declared in the Convention of the Law of the Sea (UNCLOS).

Therefore it is required to send the completed transit form to the E-mail and fax numbers of the Monitoring Control and Surveillance (MCS) unit of this Department or the BIOT authorities given below.

The completed transit forms send to DFAR should submit , 03 days prior to entering in to the BIOT Territory waters (on Fridays before 12.00 a.m.), while those directly send the completed transit form to BIOT authorities will have to do so not les than 48 hours before entering in to the BIOT Territory waters.

Contact numbers of MCS Unit/DFAR :- Fax No : 0112431448  
E-mail : [mcs@fisheries.gov.lk](mailto:mcs@fisheries.gov.lk)

Contact numbers of BIOT authorities :- Fax No : +870356301560  
E-mail : [pacific.marine@swireships.com](mailto:pacific.marine@swireships.com)

Nimal Hettiarachchi  
Director General

Mr. Nimal Hettiarachchi  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

10 November 2014

Dear Mr. Hettiarachchi

**Bilateral communication on illegal fishing by vessels Sulara 2 (IMUL-A-0341 KLT), Imasha 2 (IMUL-A-0352 KLT), Thiwanka 5 (IMUL-A-0086 MTR), Stef Ania Duwa (IMUL-A-0374 KLT), Niroda Putha (IMUL-A-0543 KLT), Dulari (IMUL-A-713KLT) and Seawish (IMUL-A-0608-KLT) in British Indian Ocean Territory (BIOT) waters.**

This refers to your letter of 18/09/2014 summarising details for the first 6 cases referenced above, to your email correspondence of 23/09/14 on the case of Dulari, and to BIOT-A's letter of 9 October on the case of Seawish.

The BIOT Administration continues to treat the management of its Marine Protected Area as a priority. Effective prosecution of individuals suspected to be engaged in illegal fishing remains central to this. Recent cases have underlined the value of our cooperation, in terms both of bringing cases to court and enforcing penalties imposed by the BIOT court. With concern, however, we note that the incidence of IUU fishing by Sri Lankan flagged vessels in BIOT waters remains high, as does that of failure by Sri Lankan nationals to pay fines imposed by the BIOT Court. Nevertheless, we welcome your declaration of commitment to cooperate with IOTC and other contracting parties in deterring and eliminating IUU, and look forward to developing further our mutually-supportive partnership.

Besides providing an update on the status of outstanding cases, your correspondence raises two broader issues. Your email of 23/09/14 asks which Authority should take legal action (in the case of Dulari), and your letter of 18/09/14 questions the guilt of the owner and/or master (in the case of Sulara 2). Please see below our response of these issues and, at appendix 1, a further update on the status of current cases.

The Administration acknowledges that there are a number of permutations with regards to who can bring prosecutions for offences allegedly committed on the High Seas. Where Sri Lankan flagged vessels are concerned, the BIOT Administration recognises that Sri Lanka has the right to institute criminal proceedings. However, where such vessels are alleged to have fished illegally within BIOT waters, we would ask that the Sri Lankan authorities continue to support measures taken by the BIOT Administration, and refrain from instituting separate legal proceedings, until the BIOT Court has handed down its judgement. In the case of Dulari, please note that the BIOT Administration will be commencing proceedings against the owner. The BIOT Administration approach will be the same in respect of all vessels of any flag State that break BIOT law; the Administration shall seek to enforce its laws and shall not as a rule ask the flag State to do so on our behalf.

In respect of who should be prosecuted for suspected illegal fishing, the BIOT prosecution policy is flexible. This allows that the charging decision be informed and formed by evidence, as to whom can be shown to be culpable in the circumstances of the offence. Prosecutions may therefore be brought against masters when their conduct renders that appropriate. Whilst the BIOT Administration is mindful of owners' responsibilities and liabilities, with regard to activities undertaken by those in their employ, this policy


ensures that prosecutions are fact sensitive. With reference to the conviction of the owner of vessel Sulara 2, I would inform you that there is no provision within the BIOT legislation for this decision to be reversed.

In relation to both of these matters, we recognise that Sri Lanka, as a flag State, is obliged under IOTC to take '*effective action in response to... IUU fishing activities... including, inter alia, prosecution and imposition of sanctions of adequate severity*'. Where satisfaction on this point, and/or a recommendation for IUU listing under IOTC, is concerned, the BIOT Administration would prefer to resolve these cases bilaterally in advance of the Compliance Committee meeting in April next year (i.e. no later than 6 February 2015, which is 70 days before the current dates set for the meeting). To achieve this, we would be grateful, as above, for the continued assistance of the Sri Lankan authorities in ensuring that criminal penalties of the BIOT Court are enforced. Thereafter, we will wish to understand whether further penalties will be applied by Sri Lanka under flag state legislation, before we can agree that penalties applied reflect adequate severity.

We also note, and look forward to the full application of, the additional measures referred to in your letter of 18/09/14. We would urge you to proceed with these at an accelerated pace, and to include within the scope of these measures all Sri Lankan flagged vessels authorised to fish beyond the Sri Lankan EEZ.

Thank you, once again, for your cooperation and assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

Dr C.C. Mees  
Head of UK-OT Delegation

## **Appendix 1: The current status of the 7 active cases of alleged IUU in BIOT waters by vessels flagged to Sri Lanka**

### **Sulara 2.**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. Evidence including details of the court outcome have already been forwarded to you. Owner has not paid fine.

**Next Actions:** Sri Lanka to provide details of actions taken.

As set out above, the BIOT Administration is unable to withdraw its case against the vessel owner, who has already been found guilty. We note, from paragraph 1.ii of your letter dated 18/09/14, that you are awaiting a response from your Attorney General on whether it is appropriate for the Sri Lanka authorities to file a case 'for the same offense' under FARA,35,2013, while the court decision of BIOT is valid. We await the details of any further actions taken by the Sri Lankan authorities, before we can decide whether sanctions of adequate severity have been applied, and whether recommendation need be made to IOTC to IUU list the vessel.

Please note that, under our bilateral arrangement, we have previously agreed that Sri Lanka will provide its response on actions taken within 30 days of notification by BIOT. Where this is not possible, the final deadline under IOTC 11/03 is that the flag state must respond 30 days before the Compliance Committee meeting each year. In the absence of a bilateral response from you by 70 days before this meeting, BIOT will submit details of the vessel for IUU listing. The same chronology applies to all other cases.

### **Imasha 2**

**Status:** Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and for possession of prohibited fishing gear. Evidence, including details of the court outcome, has already been forwarded to you. Owner has not paid fine, due 6 October. The court will be concluding this matter in due course, now that mitigation has been supplied to the court by the owner. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome.

### **Thiwanka 5**

**Status:** BIOT court case adjourned until 3 November 2014 – Owner has requested a further adjournment. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.

### **Stef Ania Duwa**

**Status:** BIOT court case adjourned until 18 November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the court case.



### **Niroda Putha**

**Status:** BIOT court case heard on 30 October 2014. Owner found guilty of fishing within the waters of the British Indian Ocean Territory without a licence and possession of prohibited fishing gear. A fine is due to be paid by 29<sup>th</sup> November 2014. We note that the vessel is anchored in Beruwala Harbour, that Sri Lanka has applied administrative actions, and that restrictive measures have been applied in respect of the vessel's Master.

**Next Actions:** BIOT to provide Sri Lanka with the final outcome of the court case and supporting documentation.

### **Dulari**

**Status:** Proceedings to be commenced. We note that the vessel is anchored in Beruwala Harbour (your email of 28/09/14) and that the skipper and the owner were informed to report to DFAR Head office Colombo for an enquiry on 30th September 2014.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome of the case.

### **Seawish**

**Status:** The Master admitted the offence and was issued a Fixed Penalty Notice and acknowledged that he and the owner of the fishing boat are liable for the amount of the fixed penalty which was due by 30 October 2014 and has not yet been received. Details were provided to DFAR on 9/10/14. Please confirm receipt of that letter.

**Next Actions:** BIOT to inform Sri Lanka of the final outcome settlement of the FPN, which if not paid could result in a criminal prosecution being commenced.