

## THE IOTC PROVISIONAL IUU VESSELS LIST

Prepared by IOTC Secretariat, 06 May, 2016

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 tables. The Provisional IUU Vessels List is provided for the consideration of the Compliance Committee at its 13<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.

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## IOTC IUU VESSELS LIST (MAY 2015)

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
ANEKA 228	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
ANEKA 228; KM.	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
CHI TONG	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
FU HSIANG FA 18	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
FU HSIANG FA NO. 01	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 02	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 06	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 08	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 09	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 11	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 13	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 17	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 20	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
FU HSIANG FA NO. 21 <sup>1</sup>	Unknown	Not Available	IOTC-2013-CoC10-07 Rev1	OTS 024 or OTS 089	Unknown	Unknown	Contravention of IOTC Resolution 07/02	May 2013
FU HSIANG FA NO. 21 <sup>1</sup>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 23	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 26	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FU HSIANG FA NO. 30	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
FULL RICH	Unknown (Belize)	Not Available	IOTC-2013-CoC10-08a	HMEK3	Noel International LTD (Noel International LTD)	Unknown	Contravention of IOTC Resolution 07/02	May 2013
GUNUAR MELYAN 21	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 07/02	June 2008
HOOM XIANG 101	Unknown (Malaysia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
HOOM XIANG 103	Unknown (Malaysia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
HOOM XIANG 105	Unknown (Malaysia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
HOOM XIANG II	Unknown (Malaysia)	Not Available	IOTC-S14-CoC13-Add1	No Info	Hoom Xiang Industries Sdn. Bhd.	Unknown	Contravention of IOTC Resolution 09/03	March 2010
KIM SENG DENG 3	BOLIVIA	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
KUANG HSING 127	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015

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

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
<b>KUANG HSING 196</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>KUNLUN (TAISHAN)</b>	Equatorial Guinea	7322897	IOTC CIRCULAR 2015–004	3CAG	Stanley Management Inc	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>MAAN YIH HSING</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>OCEAN LION</b>	Unknown (Equatorial Guinea)	7826233	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 02/04, 02/05, 03/05.	June 2005
<b>SAMUDERA PERKASA 11</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SAMUDRA PERKASA 12</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SHUEN SIANG</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014 and May 2015
<b>SIN SHUN FA 6</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SIN SHUN FA 67</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SIN SHUN FA 8</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SIN SHUN FA 9</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SONGHUA (YUNNAN)</b>	Unknown (Equatorial Guinea)	9319856	IOTC CIRCULAR 2015–004	3CAF	Eastern Holdings	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>SRI FU FA 168</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014



Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/ IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Date included on IOTC IUU Vessels List
<b>SRI FU FA 18</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 188</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 189</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 286</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 67</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>SRI FU FA 888</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
<b>TIAN LUNG NO.12</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 106</b>	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 116</b>	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 16</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 3</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YI HONG 6</b>	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YONGDING (JIANFENG)</b>	Equatorial Guinea	9042001	IOTC CIRCULAR 2015–004	3CAE	Stanley Management Inc.	Unknown	Contravention of IOTC Resolution 11/03	May 2015

<b>Current name of vessel (previous names)</b>	<b>Current flag (previous flags)</b>	<b>Lloyds/ IMO number</b>	<b>Photo</b>	<b>Call sign (previous call signs)</b>	<b>Owner / beneficial owners (previous owners)</b>	<b>Operator (previous operators)</b>	<b>Summary of IUU activities</b>	<b>Date included on IOTC IUU Vessels List</b>
<b>YU FONG 168</b>	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
<b>YU MAAN WON</b>	Unknown (Georgia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 07/02	May 2007

## IOTC Provisional IUU VESSELS LIST (2016)

No.	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
1	<b>BENAI AH</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	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 UK(OT).
2	<b>BOSIN</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	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 UK(OT).
3	<b>CARMAL MATHA</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	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 UK(OT).
4	<b>DIGNAMOL 1</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	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 UK(OT).

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5	DIGNAMOL II	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Unknown	Mr F Britto	Fishing without a licence in the waters of the UK(OT).
6	GREESHMA I	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Titus K. Of S/O. Kastheen, 3/17b Chinnathurai, Thoothoor Post, Kanyakumari District, Tamilnadu	Mr T (Tony) Resolin	Fishing without a licence in the waters of the UK(OT).
7	KING JESUS	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Unknown	Bibi S. R. Paul Miranda S	Fishing without a licence in the waters of the UK(OT).
8	ST MARY'S I	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	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 UK(OT).
9	ST MARY'S II	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	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 UK(OT).

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10	<b>BEO HINGIS</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Nasians. P S/O (son of) Peter.	hibu Stephen (Master)	Fishing without a licence and in possession of prohibited gear.
11	<b>JOSHVA</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Mr. Salvadason S/O Rayappan	A Shiji	Fishing without a license and possession of illegal gear
12	<b>JOSHVA NO.1</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Mr. Salvadason S/O Rayappan	A Shiji	Fishing without a license and possession of illegal gear
13	<b>SACRED HEART</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Metlan s/o (son of) Paniyadim	P. Newton (Master)	Fishing without a license
14	<b>VACHANAM</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Satril T	J Robinson (Master)	Fishing without a license and use of prohibited gear
15	<b>WISDOM</b>	INDIA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Lowerence	Lawrence V (Master)	Fishing without a license and use of prohibited gear

No.	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
16	IMASHA 2	SRI LANKA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Mr Gammanan Arachchige Pristan Tiran of St, Visenthi Road, Maggona	Unknown	Fishing without a licence and fishing with prohibited gear.
17	KAVIDYA DUWA	SRI LANKA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Hewarathnasinghage Ranga Harshapriya. Silva of 53, Temple Road, Berwula, Sri Lanka	Mr. Kumara	Fishing without a licence and fishing with prohibited gear
18	NIRODA PUTHA	SRI LANKA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Wadp Prageeth 83/1, St Mariya Road, Kuda Payagala, Payagala, Sri Lanka	Mr Ravindra Priyas hantha 12/20W Ganayaramba, Beruwala,	Fishing illegally in UK(OT) and possession of prohibited fishing gear.
19	OTTO 2	SRI LANKA	Not Applicable	Not Available	Yes. Refer to report in this circular	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
20	SULARA 2	SRI LANKA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Mr Nainaboaduge Sumith Fernando	Unknown	Fishing without a licence and fishing with prohibited gear
21	THIWANKA 5	SRI LANKA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Mr G P T Weerasuriya	Unknown	Fishing without a licence and fishing with prohibited gear

<b>No.</b>	<b>Current name of vessel (previous names)</b>	<b>Current flag (previous flags)</b>	<b>Date first included on IOTC IUU Vessels List</b>	<b>Lloyds/ IMO number</b>	<b>Photo</b>	<b>Call sign (previous call signs)</b>	<b>Owner / beneficial owners (previous owners)</b>	<b>Operator (previous operators)</b>	<b>Summary of IUU activities</b>
22	<b>YASIRU PUTHA NO. 1 – IMUL-A-0648-KLT</b>	SRI LANKA	Not Applicable	Not Available	Yes. Refer to report in this circular	Not Available	Mr Sandaradura Athula Jayamal Silva	amarathunga Muhandi Ramlage Don Victor (Master)	Fishing without a license and possession of prohibited fishing gear.
23	<b>NAHAM 4 (DER HORNG 569)</b>	PANAMA (OMAN)	Not Applicable	Not Available	Yes. Refer to report in this circular	A4DK6 ( V3DG)	Hsu Te Chuan/ Al Naham	Tsai Chang Yen	Misrepresentation and fraudulent document Fishing log book not onboard during inspection



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 David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

1<sup>st</sup> March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Dr Ansy Mathew, Fisheries Research and Investigation Officer, Government of India.

Dear Dr Wilson,

**IOTC Circular 2015-107 (18/11/15): Concerning the nine Indian flagged vessels on the provisional IUU list: GREESHMA 1; BOSIN; BENAI AH; CARMAL MATHA; DIGNAMOL I; DIGNAMOL II; KING JESUS; ST MARYS I; ST MARYS II**

In respect of the intersessional process for CPCs to decide whether or not to support the above vessels being included on the IOTC IUU Vessels List the IOTC Circular 2015-107 indicated that due the lack of a quorum in response to its Circular 2015-091, the vessels should remain on the IOTC Provisional IUU Vessels List.

UK(OT) responded to IOTC Circular 2015-091 on 23 October 2015 (appended for ease of reference). This letter provides additional information, namely a Note Verbale from India dated 21 October 2015 committing to provide inspection reports on these vessels.

Paragraph 10 (Resolution 11/03) describes the information that the flag State must provide and paragraph 11 indicates that where no evidence has been provided by the flag State, the recommendation to the Commission is that the vessel be included on the IUU vessel list.

UK(OT) is pleased to see improving bilateral cooperation by the Indian Authorities at national level to address and manage this IUU threat, and we look forward to this continuing, driving heightened engagement by India in respect of these cases within the IOTC process and Conservation Management Measures.

At the time of writing, while we note our support for the continued practical work undertaken by the Indian authorities at national level to tackle the IUU problem, in the absence of specific evidence from the flag State demonstrating that it has yet taken effective action or imposed sanctions of adequate severity [11/03, para 10(b)] on the vessels or vessel owners in question, we maintain our recommendation that all nine vessels are included on the IOTC IUU Vessels list.

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

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees', is written in a cursive style.

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

Enclosed: UK(OT) response to IOTC 2015-091, dated 23 October 2015  
Details provided by India on 21<sup>st</sup> October 2015



Mr Rondolph Payet  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

23<sup>rd</sup> October 2015

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Dr Ansy Mathew, Fisheries Research and Investigation Officer, Government of India.

Dear Rondolph,

**IOTC Circular 2015-091 (28/09/15): Concerning the nine Indian flagged vessels on the provisional IUU list: GREESHMA 1; BOSIN; BENAIAH; CARMAL MATHA; DIGNAMOL I; DIGNAMOL II; KING JESUS; ST MARYS I; ST MARYS II**

The Commission AGREED that the above vessels shall be kept on the IOTC Provisional IUU Vessels list for CPCs to decide inter-sessionally whether or not to support them being included on the IOTC IUU Vessels List on the basis of additional information provided by the CPCs concerned (Resolution 11/03 Para 14). Paragraph 10 (Resolution 11/03) describes the information that the flag State must provide and paragraph 11 indicates that where no evidence has been provided by the flag State, the recommendation to the Commission is that the vessel be included on the IUU vessel list.

UK(OT) supports all nine vessels being included on the IOTC IUU Vessels list as detailed below.

**Vessels Greeshma 1 and Bosin:**

Both these vessels were found guilty by the BIOT Court of “Fishing without a licence” i.e. illegal fishing in BIOT waters. The fines have not been paid in respect of either vessel (see IOTC-2015-CoC12-07[E], dated 13 April; IOTC-2015-CoC12-07 Add\_2[E]; and IOTC Circular 2015-091).

We have seen no additional information provided by the flag state to IOTC within the 150 days exceptionally allowed (para 63, S19) (IOTC Circular 2015-091) and it is a matter of regret that it is not possible for UK (OT) to therefore reasonably say that India has taken effective action in response to these cases of IUU fishing, or to have imposed sanctions of adequate severity (Resolution 11/03 para 10b).

UK(OT) sees no reasonable alternative but to support these two vessels being included on the IOTC IUU list.

**Vessels Benaiah; Carmal Matha; Dignamol I; Dignamol II; King Jesus; St Marys I; St Marys II**

In respect of these seven vessels the Compliance Committee accepted the evidence for IUU fishing in BIOT waters presented by UK(OT) (see IOTC-2015-CoC12-07[E], dated 13 April; IOTC-2015-CoC12-07 Add\_2[E]), placing them on the Provisional IUU list. Additional information was submitted in IOTC Circular 2015-091.

These seven vessels failed to return to Diego Garcia and therefore to make themselves available for inspection and investigation, and fled BIOT waters. The flag State, India, did not, in those instances, cooperate in the most timely or adequate manner with the BIOT Administration and did not respond to our requests for information prior to the Compliance Committee meeting in 2015. India responded to our diplomatic correspondence of 21 May 2015 on 5 October 2015 (appended, below), which, though welcome did not provide all the information sought, and was received after the 150 days deadline exceptionally granted by IOTC (28 September 2015).

We regret that the flag State has not provided any additional information to IOTC within the 150 days exceptionally allowed (para 63, S 19) (IOTC Circular 2015-091) and has been unable to therefore demonstrate that these vessels did not take part in any IUU activities (Resolution 11/03 para 10a); or to present evidence that it has taken effective action in response to the IUU fishing by these vessels, or that it has imposed sanctions of adequate severity (Resolution 11/03 para 10b).

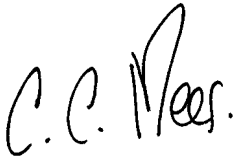
UK(OT) therefore sees no alternative but to support these seven vessels being included on the IOTC IUU list.

UK(OT) is keen to see improved bilateral cooperation by the Indian Authorities to address and manage this IUU threat, and heightened engagement by India in respect of these cases within the IOTC process and Conservation Management Measures.

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

Enclosed: Details provided by India on 5<sup>th</sup> October 2015



विदेश मंत्रालय, नई दिल्ली  
MINISTRY OF EXTERNAL AFFAIRS  
NEW DELHI

No. WI(A)/415/07/2015

The Ministry of External Affairs, Republic of India presents its compliments to the British High Commission in New Delhi and has the honour of referring to its Note Verbale CH/376/15 dated 21 May 2015.

The ownership details and technical information of the 12 fishing vessels as received from the Government of Tamil Nadu are enclosed for information. The electronic versions of the inspection reports undertaken by the relevant port authorities are awaited from the Government of Tamil Nadu and the same will be shared with the British High Commission subsequently.

The Ministry of External Affairs of the Republic of India avails itself of this opportunity to renew to the esteemed British High Commission the assurances of its highest consideration.

New Delhi, 5 October 2015

British High Commission  
Shantipath  
Chanakyapuri  
New Delhi-110021





⑤ 0+6

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**OWNERSHIP AND TECHNICAL DETAILS OF THE FISHING VESSELS**

Sl. No	Mechanised Fishing Boat Details	Owner Details	Measurement Hull Length/ Breadth/ Depth (in Metre)	Engine Details (Brand/ Engine No./ Capacity)
1.	Boat Name : St.Marys-I MPEDA Reg.No. : TN2/FV/01644/12 Dated:07.11.2012	Thiru. Peter S/o.Antonyadimai St.Thomas Street, Thoothoor.	L:19.90m B: 5.80m D: 2.70m	Ashok Leyland/ CVEM-102451/ 122 H.P
2.	Boat Name : St.Marys-II MPEDA Reg.No. : TN2/FV/00819/09 Dated:05.02.2009 Old Reg.No. : TN/15/MFB-597 U.O.R. : Nil	Thiru. Peter s/o.Antonyadimai St.Thomas Street, Thoothoor.	L:19.92m B: 5.70m D: 3.50m	Ashok Leyland/ CVEM-056650/ 120 H.P
3.	Boat Name : KING JESUS MPEDA Reg.No. : TN2/FV/01606/12 Dated:18.07.2012 U.O.R. : IND-TN-15-MM-403	Thiru.Bibin S.R.Paul Miranda S/o.Stephen Nearby Govt.Hospital, Thoothoor.	L:19.00m B: 6.00m D: 2.30m	Ashok Leyland/ CXEM-101760/ 120 H.P
4.	Boat Name : DIGNAMOL-I MPEDA Reg.No. : TN2/FV/00872/09 Dated:20.03.2009 U.O.R. : IND-TN-15-MM-125	Thiru.Jelvis S/o.Dicostan 7/103,K.R.Puram, Thoothoor.	L:19.96m B: 5.49m D: 3.35m	Ashok Leyland/ PWEM-058715/ 120 H.P
5.	Boat Name : DIGNAMOL-II MPEDA Reg.No. : TN2/FV/01662/13 Dated:12.02.2013	Thiru.Dicosthan S/o.Mariyanipillai St.Thomas Street, Thoothoor.	L:19.90m B: 6.50m D: 3.00m	Ashok Leyland/ UXEM-086229/ 122 H.P
6.	Boat Name : CARMEL MATHA MPEDA Reg.No. : TN2/FV/01675/13 Dated:26.03.2013 U.O.R. : Nil	Thiru.Antony S/o.Joseph 111-7-28, St.Thomas Street, Thoothoor.	L:19.20m B: 5.68m D: 3.20m	Ashok Leyland/ CSEM-102995/ 122 H.P
7.	Boat Name : BENAI AH MPEDA Reg.No. : TN2/FV/01699/13 Dated:19.09.2013 U.O.R. : IND-TN-15-MM4473	Thiru.Raju S/o.JohnRose 11- 4/137,K.R.Puram Thoothoor Chinnathurai	L:19.60m B: 6.10m D: 2.50m	Greaves Cotton Company/ 1205061302059/ 148 H.P
8.	Boat Name : BEOHINGIS U.O.R. : IND-KL-04-MM-1617	Thiru.Nasiyans S/o.Peter Thoothoor .	L:22.00m B:6.30m D:3.00m -	Dong Feng MDE/ G110H -06759/ 240 H.P

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⑥ of 6

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9.	Boat Name : JOSHVA MPEDA Reg.No. : TN2/FV/00353/07 U.O.R. : IND-AN-SA-MM-2	Thiru.Selvadhson S/o.Rajappan, Thoothoor	L:18.95m B:5.25M D:2.85m	Ashok Leyland/ YBF-333487
10	Boat Name : JOSHVA I U.O.R. :IND-TN-15-MM-4598	Thiru.Selvadhason S/o.Rajappan 16/46A, K.R.Puram, Thoothoor.	L:18.80m B:6.20m D:2.75m	Ashok Leyland/ CYE-222106/ 106 H.P
11	Boat Name : THANK YOU JESUS Dept. Reg.No. : IND-TN-15-MM-4311	Thiru.Ignacious Loyola S/o.Stephen. 16-413B, St.Thomas Nagar, Thoothoor	L:19.72m B:6.57m D:3.06m	Ashok Leyland/ VFE-427118/ 120 H.P
12	Boat Name : VACHANAM MPEDA Reg.No. :TN2/FV/01256/10	Thiru.Satrin S/o.Joseph Krusadi Vilagam Eraviputhanthurai. Thoothoor.	Not known	Not known



No. WI(A)/415/07/2015

Note Verbale

The Ministry of External Affairs, Republic of India, presents its compliments to the British High Commission in New Delhi and has the honour of referring to its Note Verbale CH/376/15 dated 21 May 2015 and this Ministry's Note Verbale No. WI(A)/415/07/2015 dated 05 October 2015 attaching therewith the ownership details and technical information of the 12 fishing vessels received from the Government of Tamil Nadu, India.

In this connection, it is informed that there is no operational fishing harbor facility in Kanyakumari District and due to this most of the mechanized fishing boats of Kanyakumari District are operating from fishing bases in Kerala and other States. The fishing vessels reportedly go out for fishing from some fishing base in Kerala or other States when they are sighted and apprehended by British Indian Ocean Territory (BIOT) authorities. The mechanized fishing vessels on which the British Foreign and Commonwealth (FCO) had requested for inspection reports, have not yet reported to the authorized officer of the Government of Tamil Nadu. The concerned authorized officer of Tamil Nadu Government have issued summons to the owners of those fishing vessels to appear before them and subject their vessels to inspection. This process would take about a minimum of 4 months time to complete and furnish the inspection report.

The Ministry of External Affairs of the Republic of India avails of this opportunity to renew to the esteemed British High Commission the assurances of its highest consideration.

New Delhi, 21 October

British High Commission  
Shantipath  
Chanakyapuri  
New Delhi-110021



FAO  
Tom  
Moody



Dr David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

3rd March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Mr. M. C. L Fernando, Director General, Department of Fisheries and Natural Resources, Sri Lanka.

Dear Dr Wilson,

**Resolution 11/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged Vessels Dulari and Jane.**

The Commission at its 19<sup>th</sup> Session in May 2015 considered the cases for the Sri Lankan flagged vessels Dulari and Jane (IOTC-2015- COC12-07) and agreed to defer them to the next Compliance Committee (IOTC-2015-S19-RE, para 64).

**Dulari (IMUL-A-713-KLT):** This case was heard in the BIOT Court on 7 July 2015. The owner of the vessel was not found guilty of illegal fishing but guilty of possession of prohibited fishing gear contrary to Section 6 (2) of the BIOT Fisheries (Conservation and Management) Ordinance 2007. The vessel owner was fined and has started making payments in instalments. This offence does not qualify for IUU listing under Resolution 11/03. The BIOT Administration is satisfied that the Administrative actions taken by Sri Lanka, included in its monthly report for December 2015 (IOTC Circular 2015-117) were adequate. The vessel is not presented again for IUU listing in 2016

**Jane (IMUL-A-0524KLT):** The owner of this vessel was found guilty by the BIOT Court on Diego Garcia of possession of prohibited fishing gear contrary to Section 6 (2) of the BIOT Fisheries (Conservation and Management) Ordinance 2007. The vessel owner was fined and the fine has been paid in full. This offence does not qualify for IUU listing under Resolution 11/03. The vessel is not presented again for IUU listing in 2016.

However, we would like to highlight for the attention of the Compliance Committee the following: We note that Sri Lanka's monthly report for December 2015 (IOTC Circular 2015-117) indicates that this vessel has been fitted with VMS and is restricted to fishing only within Sri Lanka's EEZ. It is therefore with concern that we also note that the same vessel, bearing the same ID number (IMUL-A-0524KLT, No IOTC Number), subsequently renamed the Chuti Kumari, re-entered our waters on 17 January 2016 where it was again arrested on suspicion of illegal fishing. We are pleased that Sri Lankan authorities have now indicated they have begun prosecution of the owner of this vessel, and it is a measure of our cooperation that we were able to discontinue our own prosecution of the owner as a result. We hope to see better management of VMS on such vessels in future, and eagerly await the outcome of the prosecution, after which point we may wish to present a case for IUU listing to the Committee again.

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

Dr David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

3rd March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Mr. M. C. L Fernando, Director General, Department of Fisheries and Natural Resources, Sri Lanka.

Dear Dr Wilson,

**IOTC Circular 2015-107 (18/11/15): Concerning the six Sri Lankan flagged vessels on the IOTC Provisional IUU vessel list (SULARA 2, IMASHA 2, NIRODA PUTHA, THIWANKA 5, OTTO 2, KAVIDYA DUWA)**

In respect of the intersessional process for CPCs to decide whether or not to support the above vessels being included on the IOTC IUU Vessels List the IOTC Circular 2015-107 indicated that due the lack of a quorum in response to its Circular 2015-076, the vessels should remain on the IOTC Provisional IUU Vessels List.

UK(OT) responded to IOTC Circular 2015-076 on 11 August 2015 which was circulated by the Secretariat on 26 August 2015 (IOTC Circular 2015-080). At the time of writing, the most recent monthly report by Sri Lanka on vessels identified as having carried out IUU fishing activities in the IOTC area of competence is that for December 2015 (IOTC Circular 2015-117), which is also relevant.

Correspondence between the BIOT Principal Legal Advisor and the Sri Lankan Authorities dated 22 December 2015 and 13 January 2016, in respect of four of the vessels listed (SULARA 2, IMASHA 2, NIRODA PUTHA, THIWANKA 5) confirms (as referred to in the monthly report IOTC 2015-117) that Sri Lanka will hold trials in respect of these cases on 5 February 2016. For OTTO 2 and KAVIDYA DUWA Sri Lanka indicates in its monthly report IOTC 2015-117 that cases have been filed in the Magistrates Court under the provisions of Fisheries and Aquatic Resources Act No 35 of Sri Lanka.

At the time of writing, The BIOT Administration can confirm:

- That the owner of Thiwanka 5 paid a single instalment towards their fine on 4 January 2016 (1 of 18, monthly). No payment was received in February and none to date in March.
- That no fines have been received in respect of any of the remaining five vessels.
- That we have received no further update on the outcome of court cases held in Sri Lanka in respect of any of these six vessels.

In light of the failure of the vessel owners to pay their fines it has been necessary to re-evaluate our position contained in our submission circulated on 26 August 2015 (IOTC Circular 2015-080). We remain confident that the Sri Lankan Authorities have taken effective control of the vessels, which are anchored in Beruwala Harbour, but in respect of their owners we urge the Sri Lankan Authorities to provide details on the outcome of each court case to be evaluated against the requirements of Resolution 11/03 Para 10b. Our decision on whether to IUU list these vessels will be made in the light of that evidence during review at the



next Compliance Committee Meeting in May 2016.

We also take the opportunity to note the continuing effective bilateral arrangement between the Sri Lankan Authorities and the British Indian Ocean Territory Administration working together to resolve the outstanding issues in respect of the above referenced vessels.

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

කු. පෙ. } 531  
த. பெட்டி }  
P. O. Box }  
දුරකථන }  
தொலைபேசி } 446183  
Telephone } (3 lines)  
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Office of Director General } 472187



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தொலை நகல் } 449170  
Fax No. }

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எனது இல. } DFAR/FM/K/IOTC/2015  
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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES  
E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

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புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } 11-04-2016  
Date }

Executive Secretary  
Indian Ocean Tuna Commission (IOTC)  
PO Box 1011, Victoira, Mahe  
Seychelles  
Copy: Mr. Hermino Tembe, Chair of the Compliance Committee

Dear Sir

### IOTC CIRCULAR 2016/041

SUBJECT : DRAFT IOTC /IUU VESSELS LIST

#### 1. Status of six Sri Lankan vessels SULARA 2, IMASHA 2, NRODHA PUTHA, THIWANKA 5, OTTO 2 and KAVINDYA DUWA , listed from No. 16 to 21 of the draft IUU vessels list of 2016

BIOT authorities proposed to list above Sri Lankan vessels in the IUU vessels list under the provisions of Resolution 11/03 on *establishing a list of vessels presumed to have carries out illegal, unregulated and unreported fishing in the IOTC area* at the 12<sup>th</sup> Compliance Committee meeting.

These vessels were found guilty on Fishing in BIOT waters without valid license and possessing prohibited gears on board after trial conducted by the Courts of Diego Garcia. The BIOT authorities have apprehended these vessels in year 2014 and after conducting an investigation the crew and the vessel have been released on pending trials in the BIOT Courts. The trial has been conducted in absentia of the vessel owners and a fine has been imposed to the vessel owners once convicted.

Department of Fisheries and Aquatic Resources (DFAR) of Sri Lanka corporate with BIOT Authorities to act against the IUU fishing activities by vessels of Sri Lanka through bilateral communications in a view to prevent IUU fishing in the region. Further DFAR suspend the vessel registration and the fishing operation license of the above vessels and anchored in the Beruwala harbor under the custody of Coast Guards Department from the date of the arrival of to Sri Lanka. The vessels are still anchored in the Beruwala harbor and up to date it is more than one years' period. **Since the legal proceedings ahead these six vessels were listed in the provisional list of IUU during the 12<sup>th</sup> Compliance Committee meeting in 2015.**

DFAR tried every effort to urge the, vessel owners to pay the fine, the vessel owners repeatedly expressed their financial incapability to settle the fines, imposed by fined by the Courts of Diego Garcia. Although the fined by the Courts of Diego Garcia made arrangements to pay the fine in monthly installments on the request of the vessel owners except for two others do not comply to that. In the meantime BIOT Authorities insisted to make arrangements to settle the fines.

In Sri Lanka administration there is no legal basis to compel the vessel owners to pay the fine imposed by foreign courts. As such the only means of charging the fine is that prosecute the offenders under Sri Lanka law and if convicted, the verdict shall in a way that able to settle the fine (confiscate/auction of the vessel ). The principal legal advisor of BIOT also contacted DFAR of Sri Lanka on this regard and the communication is attached hereto. (Annex- i)



DFAR filed cases against these vessels under the provisions of the Fisheries and Aquatic Resources Act No.35 of 2013, Initially to the four vessels SULARA 2, IMASHA 2, NRODHA PUTHA, THIWANKA 5 at the Magistrate courts of Kalutara and the OTTO 2 AND KAVINDYA DUWA was followed.

Certified copies of the investigation reports and the case records has not received from the BIOT authorities as requested by Sri Lanka. However the legal proceedings initiated with the guidance of Attorney Generals Department of Sri Lanka on 5<sup>th</sup> May 2015 and three trials conducted. It was ordered to call witness from BIOT authorities. As such it was decided to summon the Senior Fisheries Protection Officer who involved in the investigations as witness and the trial date fixed to 5<sup>th</sup> February 2016. However it was further ordered by the Courts to amend the witnesses list by including the interpreters attended at the investigation conducted by BIOT authorities.

Due to this amendments, the summon order for the Senior Fisheries Protection Officer has not send to BIOT Authorities as reported in the last monthly report submitted to IOTC which was circulated in January 2016. Hence the next trial date fixed to 29<sup>th</sup> April 2016.

In the meantime, Principal Legal Adviser for British Indian Ocean Territories informed her visit to Sri Lanka in the third week of March to discuss with Officials of DFAR, AG's Dept and other stakeholders in a view to arrive to an agreed solutions to ensure effective conclusion over the prevailing IUU issues. However the dates postponed and Sri Lanka proposed the dates at end of April and hope to resolve outstanding issues and report to the 13<sup>th</sup> Compliance meeting of IOTC.

## **2. Status of the vessel Yasiru Putha No.01 (IMUL-A- 0648KLT) listed under No. 22 of the draft IUU vessels list of 2016**

This vessel found guilty on Fishing in BIOT waters without valid license and keep in possession of prohibited gears on board in 29<sup>th</sup> May 2015. The owner has been fined by the Courts of Diego Garcia and the vessel owner has paid the fine. The vessel has been anchored until settle the fine. The vessel is included to the monthly reporting to IOTC. The owner agreed to the conditions imposed by the DFAR and granted permission to fish only within the EEZ of Sri Lanka after installation of VMS on board.

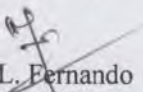
Sri Lanka at present well equipped with legal framework to combat IUU fishing and all high seas operating vessels are fixed with operational VMS onboard. Strict boat inspections are being conducted at departure and arrival points by the officials of DFAR, Coast guard and NAVY. As such in 2015 only one Sri Lankan vessels reported on illegal entering to BIOT waters (Yasiru Putha 01) and this was bilaterally resolved. The management of VMS is further strengthen by Issuing circular by including inspection of operational status of the VMS at departure point.

By providing above information Sri Lanka do not agree with inclusion of the six vessels SULARA 2, IMASHA 2, NRODHA PUTHA, THIWANKA 5, OTTO 2 and KAVINDYA DUWA to the IUU list, Since actions of adequate severity are being taken (ongoing) and Hence, **requested to be remained in the provisional list of IUU until the legal actions completed.**

With regard to the vessel Yasiru Putha 01, Sri Lanka disagree with inclusion of this vessel in IUU list since the owner has respected the law of Diego Garcia and agreed with the conditions imposed by DFAR Sri Lanka and already included to the monthly reporting of IOTC.

It would be appreciated that if could circulate this letter for the information of the Compliance Committee.

Thank You  
Yours sincerely

  
M. C. L. Fernando  
Director General  
Department of Fisheries and Aquatic Resources  
Sri Lanka



තැ. පෙ. } 531  
த. பெட்டி }  
P. O. Box }  
දුරකථන }  
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  
Fax No. }

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

දිනය }  
திகதி } 13/01/2016  
Date }

Ms. Denise Bradshaw  
Solicitor  
Principal Legal Adviser  
Head of Prosecution  
British Indian Ocean Territory

Dear Madam

**Re: Sri Lankan Criminal Prosecutions in respect of the following vessels:**

**Imasha 02, Thiwanka 05, Nirodha Putha, Sulara 02**

This is reference to your letter dated 22<sup>nd</sup> December send to this Department on the above.

I would like to bring to your kind notice that ten (10) Sri Lanka vessels have been apprehended by the BIOT Authorities for being engaged in Illegal Unreported Unregulated (IUU) fishing activities in the Marine protected area of BIOT waters and prosecuted by BIOT Courts, in year 2014.

Department of Fisheries and Aquatic Resources (DFAR) of Sri Lanka assisted BIOT authorities through bilateral communications for the investigations by confirming the ownership of the vessels those arrested, in a view to combat IUU fishing activities in the region. Further DFAR Sri Lanka suspended the Vessel Registration and the operation license and kept the vessels in the Custody of Coast Guard Department until settle down the case by paying the fines imposed by the courts of BIOT.

Out of the 10 vessel owners, two vessel owners ( Vessels Seawish and Jane) have paid the fine imposed by the Magistrate of BIOT. The 8 remaining boats are still being anchored at Beruwala fishery harbor in Sri Lanka. The Department of Fisheries and Aquatic Resources tried every effort to urge the vessel owners to pay the fines, the vessel owners repeatedly expressed their financial incapability to pay the fine imposed by Magistrate Courts of BIOT.



Although the BIOT Courts made arrangements to pay the fine in monthly installments on the request of the vessel owners, except for one vessel owner (Vessel Dulari) others do not respect for it. In the meantime BIOT Authorities insisted DFAR to make arrangements to settle the fine.

In Sri Lankan administration there is no legal basis to compel the vessel owners, to pay the fine imposed by foreign courts. In the meantime Sri Lanka is not taking administrative measures against violations of High Seas fishing after the enactment of the Fisheries and Aquatic Resources Act No 35 of 2013.

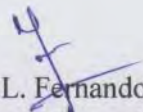
As such the only means of charging the fine is that prosecute the offenders under Sri Lanka law and if convicted, the verdict shall in a way that (confiscate the vessel and auction) able to settle the fine. Based on this platform DFAR filed cases against the vessel owners of Imasha 02, Thiwanka 05, Nirodha Putha, Sulara 02 those that BIOT authorities has provided the investigation and the case records as per the instructions of the Attorney General Sri Lanka. Therefore it is required the officers and the interpreters who carry out the investigations of the suspected vessels to be appeared in the Courts as the witness during the Trial.

Further I would like to inform you that DFAR initiated to file cases against the remaining three vessel owners ( Otto2, Kavinda Duwa, Stef and Ania Duwa) those who have not paid the fine and the same procedure will apply to the said three vessel owners also. The owner of the vessel "Dulari" who agreed to pay the fine in monthly installments has already paid the first installment in January 2015.

Under the above circumstances we are not in a position to take administrative measures as you proposed against the vessel owners found guilty on IUU fishing. However, I appreciate your assistance towards Sri Lanka on this regard.

In conclusion I would like to reaffirm our commitment to cooperate the IOTC and the relevant Coastal States to deter and elimination of IUU fishing in the region.

Thanking You  
Yours Sincerely

  
M.C.L. Fernando  
Director General

**M. Christy Lal Fernando**  
**Director General**  
Department of Fisheries & Aquatic Resources

CC: Mr. John Moir Clark-Senior Consultant BIOT Delegation  
Dr C.C.Mees ; BIOT Delegate to IOTC

Dr David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

3<sup>rd</sup> March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Dr Ansy Mathew, Fisheries Research and Investigation Officer, Government of India.

Dear Dr Wilson,

**Resolution 11/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Indian Flagged Vessel Beo Hingis**

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting the presumption of IUU fishing activity for the Indian flagged vessel Beo Hingis. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

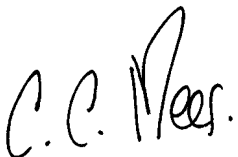
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see photos and Statement of Evidence - kawakawa and dogtooth);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains the case);
- That the BIOT Administration has kept the Indian Authorities fully informed of the progress on each case;
- That the Indian Authorities have provided details of vessel ownership and in October 2015 committed to provide an inspection report on the vessel – at the time of writing none has been received.

At the time of writing, while we note our support for the continued practical work undertaken by the Indian authorities at national level to tackle the IUU problem, in light of the above facts and in the absence of any evidence from the flag State demonstrating that it has taken effective action or imposed sanctions of adequate severity [11/03, para 10(b)] in respect of this specific case, we recommend that the vessel is included on the IOTC IUU list.

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

Enclosed: IOTC Reporting form for Illegal Activity, Beo Hingis

### 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

#### 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)	Beo Hingis
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
e	Photo	Yes, see Appendix I
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Nasians. P S/O (son of) Peter.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Shibu Stephen (Master)
i	Date of alleged IUU fishing activities	19/04/2015
j	Position of alleged IUU fishing activities	05° 08.4'; 072° 39.6'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a license 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	Owner found guilty of fishing without a license and use of illegal gear. No action taken by Flag state
m	Outcome of Actions taken	Fine not paid

## 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)

Appendix I - Photographs

Appendix II – Boarding report

Appendix III – Letter to India – Requesting ownership details

Appendix IV – Record of proceedings

Appendix V – Letter to India – Record of court proceedings

Appendix VI – Letter to India – Non-payment of fine

Appendix VII – Response from India to NV – Ownership details

Appendix VIII – NV from India (No. WI(A)/415/07/2015

## 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 type="checkbox"/>
c Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>



Appendix I - Photographs



**BOARDING REPORT**

**DATE:** 19<sup>th</sup> April, 2015  
**VESSEL:** Beo Hingis  
**REGISTRATION N°:** IND-KL-04-MM-1617  
**MASTER:** Shibu Stephen  
**SFPO:** Thomas Franklin  
**FPO:** Ashok and ROPO1 Mark Hart  
**BOARDING PURPOSE:** Inspection followed various sightings and possible illegal fishing in BIOT waters.  
**OUTCOME:** Detained for fishing in BIOT without a license and possession of prohibited fishing gear (wire trace). Escorted to Diego Garcia.

**1. Introduction**

On the 19<sup>th</sup> of April, 2015, The BIOT patrol vessel “Pacific Marlin” (BPV) was on an Offshore Island Sovereignty Patrol (OISP). Following the reported sighting of a possible fishing vessel in or near Salomon Islands by recreational yacht crew on 17/04, and the sighting and photographing of two probable Indian fishing vessels apparently anchored near Blenheim Reef by a surveillance flight on 18/04, the BPV, was on patrol in the vicinity of these sightings in inner sector 1.

During this patrol, the BPV detected, intercepted and boarded the Indian flagged multipurpose fishing vessel, *Beo Hingis*. The vessel was subsequently detained for having fished without a license in BIOT waters and possession of prohibited fishing gear.

**19/04/2015:** At 13:45, the SFPO sighted two possible targets on radar. After consulting with Captain Sandes and the OOW Emerson Santos, it was decided to alter course and investigate.

The details of the targets were as follows:

**Target 1:**

Position: 05° 08.4'; 072° 39.6'E.

Course: 048°

Speed: 1.2 knots.

Range: 8.92 nm.

Bearing: 068°.

**Target 2:**

Position: 05° 07.5'; 072° 40.6'E.

Course: 103°

Speed: 1.5 knots.

Range: 9.7 nm.

Bearing: 066°.

The speed and course of the vessels were consistent with fishing vessels hanging onto their gear. Their location, some 14nm NWW of Blenheim Reef was in deep water, suggesting if the vessels were fishing there, they were targeting either flying fish or other pelagic fish such as tuna.

At 14:05, both targets were sighted visually with the aid of binoculars and were of similar appearance to that sighted by the surveillance aircraft on 18/04/15 and were of similar description to the vessel seen by visiting yacht crew in Salomon Islands on the evening of 17/04/15. Both vessels appeared to be Indian type gill net / drift net fishing vessels.

At 14:20, the SFPO asked that the fisheries patrol pennant be raised.

At 14:30, as it appeared these boats were fishing vessels acting suspiciously in BIOT waters (not underway, and also having been sighted on Blenheim Reef and possibly around Salomon Islands), the SFPO asked the signals "Sierra Quebec Three", which signify "heave to, I intend to board you" be raised.

At 14:40 Contact with the vessels of VHF CH16 was attempted by the SFPO. No response was given.

At 14:48 the PAC (Pacific 24) was launched with SFPO Franklin, FPO Ashok, ROPO Hart, Sergeant Lucas, LCpl Brockhurst onboard and Mne Femson as Coxswain. The civilian passenger, Mr Luchmun remained onboard the BPV on standby as a potential translator.

At 14:52, the PAC circled target 1, allowing the SFPO to identify and photograph it. The vessel had the name *Thank You Jesus* on its bow and stern, and lettering on the bow, which although appeared to be in the format of an Indian fishing vessel registration number, could not be discerned due to its poor condition. In addition the vessel had the Indian flag flying from its bridge head and painted on its bow. The fishing vessel did not appear to be actively fishing, and was hanging off a sea anchor attached to its bowsprit. The SFPO recalled that a vessel with the name *Thank You Jesus* had been observed on the SE corner of Blenheim Reef by the surveillance flight at 1230 LT on 18/04/15.

During this time the BPV had radioed the PAC to inform it that the 2<sup>nd</sup> target had suddenly increased speed and was running in a NW direction at 6 to 7 knots. Subsequently, the SFPO asked that the PAC pursue this vessel, and that the BPV monitor the *Thank You Jesus*.

At 15:00 the PAC approached target 1, again circling the vessel to allow the SFPO to identify and photograph it. The vessel had the name *Beo Hingis* on the bow, with no name on the stern. The vessel also had an Indian flag flying from a forward mast. In addition the lettering KL-31788, IND-KL-04-MM-1617 and TN2/FV/01637/12 visible on the bridge bulkhead. The SFPO recalled that a vessel with the name *Beo Hingis* had been observed on the SE corner of Blenheim Reef by the surveillance flight at 1225 LT on 18/04/15. The SFPO gestured to the crew of the *Beo Hingis* to slow down.

## **2. Boarding Details**

At 15:05, once the *Beo Hingis* had slowed down and appeared to be cooperating with the inspection party, the PAC came alongside the portside of the fishing vessel, and the inspection party, including SFPO Franklin, FPO Ashok, ROPO Hart and LCpl Brockhurst, boarded the fishing vessel.

Upon boarding the SFPO asked for the Captain. A man at the wheel in the bridge, gestured to the SFPO that he was the Captain. The SFPO asked if he or any crew could speak English, to which the response was "Hindi". The SFPO then introduced himself by presenting his identification, pointing to his uniforms BIOT and United Kingdom badges, saying the words "BIOT" and "Fisheries Patrol", and stating he wished to inspect the fishing vessel. Upon heading to the bridge, the SFPO noted several hooks and lines were lying about the deck, some of which were baited and appeared ready to use,

and a monofilament gill net and drift net which were both stowed on the forward deck and did not appear to have been recently used.

The SFPO entered the Bridge with ROPO Hart in attendance while the rest of the inspection party stayed outside alongside the remainder of the crew. The SFPO, with the Captain, confirmed the FV's current position as 05° 05.6'S; 072° 41.9'E and the time of boarding as 15:05.

The SFPO asked to see the vessel and crew's paperwork. While the Captain did not speak much English, it was evident he had a basic understanding, and communication was achieved through sign language and use of basic terms. The Captain presented the SFPO with a copy of the *Certificate of Registry of a Fishing Boat*, issued by the Government of India (Kerala State) and a copy of the *Certificate of Registration for Fishing Vessels*, issued by the Marine Products Export Development Authority. The Certificate of Registry of Fishing Boat for the *Beo Hingis* included the following details:

- Registration number and date: IND-KL-04-MM-1617 & 27/12/2012
- Call sign: --
- Port and district where registered: Ernakulam & Ernakulam
- Name of the owner: Nasians. P S/O (son of) Peter.
- Permanent residence: St. Thomas Nagar. Thuthoor, P.O. Kanyakumari.
- Length: 22m.
- Year of make: 2012.
- Tonnage: 86GT.
- Engine make and Hp: Dong Feng Mde, 240Hp.
- Type of vessel: Gillnetter.
- Base of operation: Kochi

The certificate of Registration for Fishing Vessels included the following details:

- Number of the certificate of registration: TN2/FV/01637/12
- Date of the certificate of registration: 17/10/2012
- Name of the person to whom the Certificate of Registration is issued:  
Nasians. P. S/O Pethuru
- Address: St. Thomas Nagar, Thoothoor PO, K.K. Dist. -629  
176 Tamilnadu.
- Date: 17/10/2012
- Validity up to: 17/10/2014

The SFPO then asked to see the Captain's identification. This was presented as a duplicate copy of the Government of Tamilnadu Fishermen ID. The details included were:

- Name: Shibu
- Father's Name: Stephen
- Age: 33 (17-02-75)
- Address: 10/245 – Thoothoor, Vilavan code Tk. Kanya  
kumara. Dist.
- Nationality: Indian
- FCS Member no.: 1385
- Date of issue: 7-1-2009

And was signed by the Authorised Officer, asst. Director of Fisheries, Extension and Training Colachel. There were a total of 12 crew, including the Captain, all of Indian nationality.

The SFPO asked the Captain what sort of fishing he was doing. Initially the Captain did not understand, but after mentioning various types the captain said “no net, line”. Initially the SFPO understood this to be longline, and asked how long the longline was, and the Captain responded “not longline, deep line”. The SFPO understood this to mean handlines for bottom fishing which was consistent with observations of baited handlines lying on the deck.

The SFPO then then asked the Captain where he had last been fishing. The Captain showed the SFPO and ROPO Hart the coordinates 05°00’S; and 072° 00’E on the FV’s GPS. The SFPO knew this to be inside BIOT and located between Speakers Bank, Peros Banhos and Salomon Islands.

The SFPO subsequently asked what fish was on board and how much, showing the Captain various identification sheets, but the Captain did not understand, or chose not to respond.

At 15:25 the SFPO cautioned the Captain in the presence of ROPO Hart, and asked the Captain again to confirm where he had been fishing, using a map. The Captain, indicated the area, and countersigned the map showing the position of the boarding and the approximate location of his fishing activity. The SFPO then asked the Captain if he is aware he is in BIOT waters, pointing to the British and BIOT flag on his uniform, to which the Captain responded that “I am Indian this is Indian Ocean”. The SFPO asked again for the Captain to confirm he had been fishing in BIOT, by pointing at the map and asking “fishing?”. The Captain said yes, again saying “Indian Ocean for Indians”. The SFPO then asked if the other boat “*Thank You Jesus*” had also been fishing in the same area, to which the response was yes.

At 15:28 The SFPO entered the fish hold with the Captain. Within the fish hold, approximately 250 kg of various fish was observed in separate compartments under ice. This included a box of flying fish, various snappers groupers, emperors, 3 grey reef tip sharks, one dogtooth tuna, several barracuda, kawakawa and rainbow runners. Fish was fresh and appeared to have been caught within the last few days. Furthermore, all fish are commonly associated on or around shallow water reefs, and in the SFPO’s opinion, could only have been caught in BIOT given the distance to the next nearest shallow water reefs. This corroborated the Captain’s statement. The SFPO asked how these fish had been caught, and the Captain responded only line. The SFPO then asked how the Captain had caught flying fish, and the Captain responded with gillnet, but the flying fish is only used for bait. The SFPO asked if the flying fish was also “caught here”, and the Captain responded yes.

The SFPO then exited the fish hold and photographed the fishing gear. As previously noted there was a monofilament gillnet and drift net separately stowed on the forward deck, while several monofilament lines, buoys (unmarked) and hooks, some of which were baited, were lying about the deck. There was also some hooks on wire trace in the bridge.

At 15:35 the SFPO told the Captain the FV would be required to follow the BPV to Diego Garcia where it would be arrested for fishing without a license in BIOT waters and possession of prohibited fishing gear, namely wire trace. The SFPO asked if the Captain had understood to which the Captain gave no response. The SFPO then called the BPV on CH16 and asked that Mr Luchmun explain to the Captain that the fishing vessel is being ordered to follow the BPV to Diego Garcia. Mr. Luchmun then communicated to the SFPO that the Captain had understood. The SFPO then asked the Captain to call the *Thank You Jesus* and tell them to prepare to be boarded.

### **3. Recovery**

At 15:40 the inspection team then disembarked the FV and proceeded to the *Thank You Jesus*. At 16:00 the inspection of the *Thank You Jesus* was completed and the inspection team was recovered to the BPV at 16:02.

Both vessels initially appeared non-cooperative and were taking a NW course. The BPV then circled around behind them and then both FVs eventually started following the BPV towards Diego Garcia.

### **4. Subsequent actions**

At 22:15, while escorting the FVs to Diego Garcia, and in force 6-7 seas and squally conditions, the two FVs suddenly split away from each other with the *Beo Hingis* increasing speed to 6 knots, albeit maintaining its course, while the *Thank You Jesus* maintained its course and speed at 2-3 knots. Radio contact with the *Beo Hingis* was attempted with Mr Luchmun translating but with no response. The *Thank You Jesus* was then contacted with Mr Luchmun translating and responded that it was also unable to contact the *Beo Hingis*. The *Thank You Jesus* was asked to increase its speed but responded it was unable to due to the weather.

The BPV then went to chase down the *Beo Hingis* which was now 1.5 nm distant after ordering the *Thank You Jesus* to maintain its course and speed. The Captain was told that any significant changes or attempted escapes would be considered as obstruction of a Fisheries Officer and he would be charged as such. The Captain of the *Thank You Jesus* responded that he understood and he would maintain his course and speed.

Upon approaching the *Beo Hingis*, the FV was hailed using loud hailer. Radio contact was then re-established using CH12. The *Beo Hingis* stated that it was unable to maintain such a slow course and had to speed up. At this time, the *Thank You Jesus* suddenly changed course and increased speed, also not responding to radio communications. As chasing down both vessels, which were now 3nm distant from each other, risked losing both, particularly in the current sea state and low visibility, it was decided to maintain the escort of the *Beo Hingis* to Diego Garcia. The *Thank You Jesus* was last seen in the area of 05° 24'S; 072° 20'E, steaming NW at 6.5 knots. It is the SFPO's opinion that this was a coordinated action in order to allow one or both of the FVs to escape.

**Thomas Franklin**

**BIOT Senior Fisheries Protection Officer**

**20<sup>th</sup> April, 2015**

## Appendix III – Letter to India – Requesting ownership details



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)

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.  
Email: [jsfy@nic.in](mailto:jsfy@nic.in)

20 April 2015

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

Dear Dr Vundru and Dr Mathew,

### **Report on the investigation of the Indian vessel “BEO HINGIS” in British Indian Ocean Territory (BIOT) Waters**

The Indian flagged vessel Beo Hingis (Registration Number: IND-KL-04-MM-1617 (Dated: 27/12/2012) - No IOTC number) is 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 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
Government of India Certificate of Registry of Fishing Boat	Nasians. P S/O (son of) Peter. St. Thomas Nagar. Thuthoor, P.O. Kanyakumari.

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 27<sup>th</sup> April 2015). Thank you for your cooperation.

Yours sincerely

John Pearce

Principal Consultant

On behalf of Dr C.C. Mees

Head of UK-OT Delegation to IOTC





Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 481

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

## RECORD OF PROCEEDINGS 27<sup>th</sup> July 2015

To: P.Naisans S/O Peter.  
St.Thomas Nager,  
Thhothor-629176  
Kanyakumari Dist,  
Tamil Nadu,  
Indian

The following two charges which had been laid against you were heard by the British Indian Ocean Territory (BIOT) Magistrates Court on the **Twenty Seventh day of July 2015**.

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

**Which specifically alleged:**

That you, Mr. P Nasians S/O Peter, being the Owner of fishing boat Beo Hingis did, between the 9th April 2015 and the 19th April 2015, 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. Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**Which specifically alleged:**

That you, Mr. P Nasians S/O Peter, being the Owner of fishing boat Beo Hingis on which there was found within the fishing waters of the British Indian Ocean Territory on the between the 9th April 2015 and the 19th April 2015 found in possession of prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Following your recent correspondence with the Clerk of the Magistrates' Court, the court recorded pleas of **GUILTY** on your behalf, in respect of each of the charges alleged against you. The evidence concerning the particulars of your case was then read out by the prosecution. Having heard all of that evidence the





Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

Magistrate found that the charges against you proved and accordingly the following verdicts have been recorded:

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

**GUILTY**

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

**GUILTY**

Mr. P Nasians S/O Peter was then 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
- Fishing gear to be forfeited to the crown for disposal
- To pay court costs of **90 GBP**

Payment must be made within **30 days**.

If payment has not been received by the **26<sup>th</sup> August 2015** these fines and costs will be passed to local enforcement agents for them to collect. Furthermore Mr. P Nasians S/O Peter may be re-summoned to explain to the court why payment has not been made by this date.

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

Given under my hand and the stamp of the Court, this 27<sup>th</sup> day of July 2015.

Mr Liam Hamilton  
Clerk of the Magistrates Court  
British Indian Ocean Territory



## Appendix V – Letter to India – Record of court proceedings



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

28 July 2015

Dear Dr Mathew,

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

The Indian flagged vessel Beo Hingis was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The owner of the vessel, Mr P Naisans S/O Peter (of St Thomas Nager, Thhothor-629176, Kanyakumari Dist. Tamil Nadu, India) entered guilty pleas to the following offences: (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) of the Fisheries (Conservation and Management) Ordinance 2007.

On 27<sup>th</sup> July 2015 the vessel owner was fined £10,000 for the first offence and £2,000 for the second offence (plus £90 costs) with fishing gear to be forfeited to the crown for disposal. 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

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

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

ENCL: Record of Court Proceedings

## Appendix VI – Letter to India – Non-payment of fine



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

27 August 2015

Dear Dr Mathew,

### **Bilateral Communication on the investigation of the Indian vessel Beo Hingis in British Indian Ocean Territory (BIOT) Waters**

As previously notified to you on 28<sup>th</sup> July 2015 the Indian flagged vessel Beo Hingis was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The owner of the vessel, Mr P Naisans S/O Peter (of St Thomas Nager, Thhothor-629176, Kanyakumari Dist. Tamil Nadu, India) entered guilty pleas to the following offences: (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) of the Fisheries (Conservation and Management) Ordinance 2007.

On 27<sup>th</sup> July 2015 the vessel owner was fined £10,000 for the first offence and £2,000 for the second offence (plus £90 costs) with fishing gear to be forfeited to the crown for disposal.

The BIOT Administration can confirm that the fine has **not** been paid by the due date of (27<sup>th</sup> August 2015).

We would request that India as flag State of the vessel provides to the BIOT Administration within 30 days (i.e. 26<sup>th</sup> September 2015) details of any actions taken in respect of the vessel, owner or master, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). We shall report the details to the IOTC Secretariat, including our recommendation with respect to IUU listing, after reviewing that the flag State actions indicated in your feedback are of adequate severity as required in Resolution 11/03 paragraph 10b, nominally after 26<sup>th</sup> September.

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

A handwritten signature in black ink that reads 'C.C. Mees'. The signature is written in a cursive, slightly slanted style.

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



Appendix VII – Response from India to NV – Ownership details

18/09 2015 02:43 FAX 04425677590

AH D&F DEPT

003

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**OWNERSHIP AND TECHNICAL DETAILS OF THE FISHING VESSELS**

Sl. No	Mechanised Fishing Boat Details	Owner Details	Measurement Hull Length/ Breath/ Depth (in Metre)	Engine Details (Brand/ Engine No./ Capacity)
1.	Boat Name : St.Marys-I MPEDA Reg.No. : TN2/FV/01644/12 Dated:07.11.2012	Thiru. Peter S/o.Antonyadimai St.Thomas Street, Thoothoor.	L:19.90m B: 5.80m D: 2.70m	Ashok Leyland/ CVEM-102451/ 122 H.P
2.	Boat Name : St.Marys-II MPEDA Reg.No. : TN2/FV/00819/09 Dated:05.02.2009 Old Reg.No. : TN/15/MFB-597 U.O.R. : Nil	Thiru. Peter s/o.Antonyadimai St.Thomas Street, Thoothoor.	L:19.92m B: 5.70m D: 3.50m	Ashok Leyland/ CVEM-056650/ 120 H.P
3.	Boat Name : KING JESUS MPEDA Reg.No. : TN2/FV/01606/12 Dated:18.07.2012 U.O.R. : IND-TN-15-MM-403	Thiru.Bibin S.R.Paul Miranda S/o.Stephen Nearby Govt.Hospital, Thoothoor.	L:19.00m B: 6.00m D: 2.30m	Ashok Leyland/ CXEM-101760/ 120 H.P
4.	Boat Name : DIGNAMOL-I MPEDA Reg.No. : TN2/FV/00872/09 Dated:20.03.2009 U.O.R. : IND-TN-15-MM-125	Thiru.Jelvis S/o.Dicostan 7/103,K.R.Puram, Thoothoor.	L:19.96m B: 5.49m D: 3.35m	Ashok Leyland/ PWEM-058715/ 120 H.P
5.	Boat Name : DIGNAMOL-II MPEDA Reg.No. : TN2/FV/01662/13 Dated:12.02.2013	Thiru.Dicosthan S/o.Mariyanipillai St.Thomas Street, Thoothoor.	L:19.90m B: 6.50m D: 3.00m	Ashok Leyland/ UXEM-086229/ 122 H.P
6.	Boat Name : CARMEL MATHA MPEDA Reg.No. : TN2/FV/01675/13 Dated:26.03.2013 U.O.R. : Nil	Thiru.Antony S/o.Joseph 111-7-28, St.Thomas Street, Thoothoor.	L:19.20m B: 5.68m D: 3.20m	Ashok Leyland/ CSEM-102995/ 122 H.P
7.	Boat Name : BENIAIAH MPEDA Reg.No. : TN2/FV/01699/13 Dated:19.09.2013 U.O.R. : IND-TN-15-MM4473	Thiru.Raju S/o.JohnRose 11- 4/137,K.R.Puram Thoothoor Chinnathurai	L:19.60m B: 6.10m D: 2.50m	Greaves Cotton Company/ 1205061302059/ 148 H.P
8.	Boat Name : BEOHINGIS U.O.R. : IND-KL-04-MM-1617	Thiru.Nasiyans S/o.Peter Thoothoor .	L:22.00m B:6.30m D:3.00m -	Dong Feng MDE/ G110H -06759/ 240 H.P



विदेश मंत्रालय, नई दिल्ली  
MINISTRY OF EXTERNAL AFFAIRS  
NEW DELHI

No. WI(A)/415/07/2015

Note Verbale

The Ministry of External Affairs, Republic of India, presents its compliments to the British High Commission in New Delhi and has the honour of referring to its Note Verbale CH/376/15 dated 21 May 2015 and this Ministry's Note Verbale No. WI(A)/415/07/2015 dated 05 October 2015 attaching therewith the ownership details and technical information of the 12 fishing vessels received from the Government of Tamil Nadu, India.

In this connection, it is informed that there is no operational fishing harbor facility in Kanyakumari District and due to this most of the mechanized fishing boats of Kanyakumari District are operating from fishing bases in Kerala and other States. The fishing vessels reportedly go out for fishing from some fishing base in Kerala or other States when they are sighted and apprehended by British Indian Ocean Territory (BIOT) authorities. The mechanized fishing vessels on which the British Foreign and Commonwealth (FCO) had requested for inspection reports, have not yet reported to the authorized officer of the Government of Tamil Nadu. The concerned authorized officer of Tamil Nadu Government have issued summons to the owners of those fishing vessels to appear before them and subject their vessels to inspection. This process would take about a minimum of 4 months time to complete and furnish the inspection report.

The Ministry of External Affairs of the Republic of India avails of this opportunity to renew to the esteemed British High Commission the assurances of its highest consideration.

New Delhi, 21 October

British High Commission  
Shantipath  
Chanakyapuri  
New Delhi-110021



FAO  
Tom  
Moody

Dr David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

3<sup>rd</sup> March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Dr Ansy Mathew, Fisheries Research and Investigation Officer, Government of India.

Dear Dr Wilson,

**Resolution 11/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Indian Flagged Vessel Joshva**

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting the presumption of IUU fishing activity for the Indian flagged vessel Joshva. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

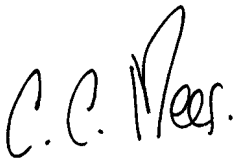
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Appendix IX - kawakawa and dogtooth tuna);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains the case);
- That the BIOT Administration has kept the Indian Authorities fully informed of the progress on each case;
- That the Indian Authorities have provided details of vessel ownership and in October 2015 committed to provide an inspection report on the vessel – at the time of writing none has been received.

At the time of writing, while we note our support for the continued practical work undertaken by the Indian authorities at national level to tackle the IUU problem, in light of the above facts and in the absence of any evidence from the flag State demonstrating that it has taken effective action or imposed sanctions of adequate severity [11/03, para 10(b)] in respect of this specific case, we recommend that the vessel is included on the IOTC IUU list.

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

Enclosed: IOTC Reporting form for Illegal Activity, Joshva



### 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

#### 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)	Joshva
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
e	Photo	Yes, see Appendix 1
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr. Salvadason S/O Rayappan
h	Operator (previous operator/s, if any) and Master/Fishing Master	A Shiji
i	Date of alleged IUU fishing activities	11/05/2015
j	Position of alleged IUU fishing activities	04°52.1S 072°13.1E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a license and possession of illegal gear
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	10/05/2015 Owner found guilty on both counts and fined £12,000 for fishing without a license and £2,500 for illegal gear. 27/06/2015 Master found guilty on both counts, fined £1,000 for fishing without a license and £200 for illegal gear. No actions taken by Flag state.

Item	Definition	Indicate
m	Outcome of Actions taken	Fine not paid by either party

## 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)*

Appendix I - Photographs

Appendix II – Boarding report

Appendix III – Letter to India – Requesting ownership details

Appendix IV – Letter to India – Vessel released pending investigation

Appendix V – Record of Proceedings – Vessel Owner

Appendix VI – Record of Proceedings – Vessel master

Appendix VII – Letter to India – Record of Proceedings

Appendix VIII – Letter to India – Non-payment of fine

Appendix IX – Joshva catch on board

Appendix X – Response from India to NV – Ownership details

Appendix XI – NV from India (No. WI(A)/415/07/2015



#### 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 type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

Appendix I - Photographs





## Appendix II – Boarding report

### BOARDING REPORT

**DATE:** 11<sup>th</sup> May 2015  
**VESSEL:** Joshva  
**REGISTRATION N°:** IND-AN-SA-MM-794P 02/12/2009  
**MASTER:** Unkown  
**SFPO:** David Hughes  
**FPO:** 3<sup>rd</sup> Officer mark Guirtan and Fernando Kurukulasuriya  
**BOARDING PURPOSE:** Inspection following radar contact  
**OUTCOME:** Detained for fishing in BIOT without a license / Escorted to Diego Garcia.

#### 1. Introduction

At 19:00 hours on the 10<sup>th</sup> May 2015 the BPV (Pacific Marlin) was on a routine BIOT patrol. SFPO David Hughes called to bridge to confirm to radar contacts showing two vessels operating at low speed in a manner consistent with vessels conducting fishing operations. The SFPO asked that the fisheries patrol pennant be raised and Sierra Quebec Three.

The targets are as follows.

#### **Target 1/2**

Position: Both boats in position 04°52.1S 072°13.1E

#### 2. Situation

19.47 hours workboat launched and intercepted the two fishing vessels (FV) the SFPO was able to identify the vessels names as Joshva and Joshva No1. Both vessels were photographed by the SFPO. The SFPO was able to identify visually that the two vessels intercepted were the two FV that had failed to comply with previous boarding instructions on the 3<sup>rd</sup> May 2015.

20.15 hours The SFPO accompanied by the FPO, s boarded the Joshva. On boarding fresh fish were seen on deck and photographed by the SFPO, some still alive.

The SFPO took the person purporting to be the captain to the bridge and with the aide of the FPO was able to agree with the captain of the FV his current position on the FV GPS unit. The captain was the shown a chart from the boarding forms and signed to show that he was aware of his current position.

The SFPO then cautioned the captain and informed him he was to follow our course to DG. The SFPO and FPO were then recovered by the workboat at 20.40 hours and proceeded to the other FV, Joshva No1.

During hours of darkness the FV Joshva kept taking evasive manoeuvres with the BPV, the SFPO monitored the situation threw the night and at 08.00 hours on the 11<sup>th</sup> May 2015 the workboat was

launched again to intercept and board FV Joshva. The boat was re-photographed in daylight to confirm its identity and subsequently boarded.

The SFPO instructed the captain to maintain a course set by the BPV and maintain a speed of 5 knots. SFPO recovered by work boat 08.06 hours.

The SFPO and workboat maintained a position to the sterns of both fishing vessels to make sure the boats followed the course set and returned to BPV at 09.22 hours.

## Appendix III – Letter to India – Requesting ownership details



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. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

5<sup>th</sup> May 2015

Dear Dr Mathew,

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

The Indian flagged vessel MPV Joshva (**IND-AN-SA-MM-794P 02/12/2009**) is currently the subject of an 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 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.

The BIOT Authorities request the assistance of India as the flag State of this vessel and would ask that the relevant Indian Authorities undertake a full inspection (as per IOTC Resolution 10/11) immediately when the vessels return to India and provide an electronic version of the inspection report (IOTC Resolution 10/11 – Annex 3) within three full working days as required under para 13 of IOTC Resolution 10/11.

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

Source	Owner Name / Address
Documentation onboard vessel	Selvadasan c/o Indian Sea Foods Junglighat Port Blair Port: South Andaman

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 12/05/2015). Thank you for your cooperation.

Yours sincerely

John Pearce

Principal Consultant

On behalf of Dr C.C. Mees

Head of UK-OT Delegation to IOTC



## Appendix IV – Letter to India – Vessel released pending investigation



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

22 July 2015

Dear Dr Mathew,

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

The Indian flagged vessel Joshva was reported as being ordered back to Diego Garcia for inspection on the 3<sup>rd</sup> May 2015 on suspicion of being involved in illegal activities, namely illegal fishing. This notification was made via the Note Verbale CH/376/15 from the British High Commission to the Ministry of External Affairs.

The vessel Joshva was detained again by the BIOT Authorities on the 10<sup>th</sup> May 2015 on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same. It was released on the 22<sup>nd</sup> May 2015 pending the outcome of that investigation and a decision with regard to what further action is to be taken.

The Master was instructed to leave BIOT waters directly and to return the FV to port. In respect of our commitment under IOTC to combat illegal fishing we would kindly request the assistance of the relevant Indian Federal and State Authorities, and request notification of any actions taken by any organisations in conducting a regulatory investigation into the activities of the vessel. Previous actions carried out by other flag States 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;
- Notification of the owner / master to comply with any FPN or 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 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

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

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

## Appendix V – Record of Proceedings – Vessel Owner



Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

Ocean Territory on the 10th day of May 2015 prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

### And:

That you, Mr. Salvadason S/O Rayappan, being the Owner of Indian FV, Joshva No1 on which there was found within the fishing waters of the British Indian Ocean Territory on the 10th day of May 2015 prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Following your recent correspondence with the Clerk of the Magistrates' Court, the court recorded pleas of **GUILTY** on your behalf, in respect of each of the charges alleged against you. The evidence concerning the particulars of your case was then read out by the prosecution. Having heard all of that evidence the Magistrate found that the charges against you proved and accordingly the following verdicts have been recorded:

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

### **GUILTY in both cases**

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

### **GUILTY in both cases**

Mr Salvadason S/O Rayappan was sentenced as follows:

- Pay a fine of **12,000 GBP** for fishing without licence (Joshva)
- Pay a fine of **12,000 GBP** for fishing without licence (Joshva 1)
- Pay a fine of **2,500 GBP** for being in possession of prohibited fishing gear (Joshva)
- Pay a fine of **2,500 GBP** for being in possession of prohibited fishing gear (Joshva 1)
- To pay court costs of **90 GBP** (Joshva)
- To pay court costs of **90 GBP** (Joshva 1)
- All fishing gear to be forfeited to the crown for disposal



---

Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

---

Payment must be made within **30 days**.

If payment has not been received by the **26<sup>th</sup> August 2015** these fines and costs will be passed to local enforcement agents for them to collect. Furthermore Mr. Salvadason S/O Rayappan may be re-summoned to explain to the court why payment has not been made by this date.

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

Given under my hand and the stamp of the Court, this 27<sup>th</sup> day of July 2015.

Mr Liam Hamilton  
Clerk of the Magistrates Court  
British Indian Ocean Territory





Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

## RECORD OF PROCEEDINGS 27<sup>th</sup> July 2015

To: A Shiji S/O Athanas  
11.5.13 Sy. Antony St. Chinna  
Thurai  
Kanyakumari  
Tamil Nadu  
India

The following two charges which had been laid against you were heard by the British Indian Ocean Territory (BIOT) Magistrates Court on the **Twenty Seventh day of July 2015**.

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

**Which specifically alleged:**

It is alleged that you, A. Shiji S/O Athanas, being the Master of Indian FV, Joshva No1 IND-TN\_15-MM-4598 did, between the 2nd day May 2015 and the 11th day of May 2015, 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. Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**Which specifically alleged:**

It is alleged that you, A. Shiji S/O Athanas, being the Master of Indian, FV, Joshva No1 IND-TN\_15-MM-4598 on which there was found within the fishing waters of the British Indian Ocean Territory on the 10th day of May 2015 prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007

Having received no correspondence from the defendant, the court recorded pleas of **NOT GUILTY** on your behalf, in respect of each of the charges alleged against you. The evidence concerning the particulars of your case was then read out by the prosecution. Having heard all of that evidence the Magistrate found



Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

that the charges against you proved and accordingly the following verdicts have been recorded:

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

**GUILTY**

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

**GUILTY**

Mr A. Shiji S/O Athanas was sentenced as follows:

- Pay a fine of **1,000 GBP** for fishing without licence
- Pay a fine of **200 GBP** for being in possession of prohibited fishing gear

Payment must be made within **30 days**.

If payment has not been received by the **26<sup>th</sup> August 2015** these fines and costs will be passed to local enforcement agents for them to collect. Furthermore Mr A. Shiji S/O Athanas may be re-summoned to explain to the court why payment has not been made by this date.

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

Given under my hand and the stamp of the Court, this 27<sup>th</sup> day of July 2015.

Mr Liam Hamilton  
Clerk of the Magistrates Court  
British Indian Ocean Territory





## Appendix VII – Letter to India – Record of Proceedings



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

28 July 2015

Dear Dr Mathew,

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

The Indian flagged vessel Joshva was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The owner of the vessel, Mr Salvadason S/O Rayappan pleaded guilty to the following offences: (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) of the Fisheries (Conservation and Management) Ordinance 2007.

The master of the vessel, L Bennito pleaded not guilty to the following offences (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) of the Fisheries (Conservation and Management) Ordinance 2007.

On 27<sup>th</sup> July 2015 the vessel owner was found guilty of both offences and fined £12,000 for the first offence and £2,500 for the second offence (plus £90 costs) with fishing gear to be forfeited to the crown for disposal. The master was found guilty of both offences and fined £1,000 for the first offence and £200 for the second offence. The owner and master of the vessel have 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

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

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

ENCL: Record of Court Proceedings (Owner) and Record of Court Proceedings (Master)

## Appendix VIII – Letter to India – Non-payment of fine.



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

27 August 2015

Dear Dr Mathew,

### **Bilateral Communication on the investigation of the Indian vessel Joshva in British Indian Ocean Territory (BIOT) Waters**

As previously notified to you on 28<sup>th</sup> July 2015 the Indian flagged vessel Joshva was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The owner of the vessel, Mr Salvadason S/O Rayappan pleaded guilty to the following offences:

- 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.

The master of the vessel, L Bennito pleaded not guilty to the following offences:

- 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 27<sup>th</sup> July 2015 the vessel owner was found guilty of both offences and fined £12,000 for the first offence and £2,500 for the second offence (plus £90 costs) with fishing gear to be forfeited to the crown for disposal. The master was found guilty of both offences and fined £1,000 for the first offence and £200 for the second offence.

The BIOT Administration can confirm that the fine has **not** been paid by the due date of (27<sup>th</sup> August 2015).

We would request that India as flag State of the vessel provides to the BIOT Administration within 30 days (i.e. 26<sup>th</sup> September 2015) details of any actions taken in respect of the vessel, owner or master, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). We shall report the details to the IOTC Secretariat, including our recommendation with respect to IUU listing, after reviewing that the flag State actions indicated in your feedback are of adequate severity as required in Resolution 11/03 paragraph 10b, nominally after 26<sup>th</sup> September. 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

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

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

## Appendix IX – Joshva catch on board

<b>Species</b>	<b>Number</b>	<b>Weight</b>
Bull Shark	7	2 Tons
Tiger Shark	20	800kg
Reef Shark	100	1 Ton
Hammer head Shark	5	300kg
Red Snapper	555	1720kg
Grouper	222	800kg
Strawberry Grouper	65	178kg
Mantaray	1	30kg
Lyretail Grouper	268	725kg
Job Fish	248	453kg
Shark Silvertip	31	6kg
KawKaw Tuna	1	5kg
Trevaley	8	35kg
Rainbow Runner	7	19kg
Softlipemperor	50	150kg
Emperor	2	10kg
Baracuda	33	70kg
Dog Tooth	1	10kg
Black Reef Grouper	23	92kg



Appendix X – Response from India to NV – Ownership details

18/09 2015 02:43 FAX 04425677590

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191

9.	Boat Name : JOSHVA MPEDA Reg.No. : TN2/FV/00353/07 U.O.R. : IND-AN-SA-MM-2	Thiru.Selvadhson S/o.Rajappan, Thoothoor	L:18.95m B:5.25M D:2.85m	Ashok Leyland/ YBF-333487
10	Boat Name : JOSHVA I U.O.R. :IND-TN-15-MM-4598	Thiru.Selvadhason S/o.Rajappan 16/46A, K.R.Puram, Thoothoor.	L:18.80m B:6.20m D:2.75m	Ashok Leyland/ CYE-222106/ 106 H.P
11	Boat Name : THANK YOU JESUS Dept. Reg.No. : IND-TN-15-MM-4311	Thiru.Ignacious Loyola S/o.Stephen. 16-413B, St.Thomas Nagar, Thoothoor	L:19.72m B:6.57m D:3.06m	Ashok Leyland/ VFE-427118/ 120 H.P
12	Boat Name : VACHANAM MPEDA Reg.No. :TN2/FV/01256/10	Thiru.Satrin S/o.Joseph Krusadi Vilagam Eraviputhanthurai. Thoothoor.	Not known	Not known



विदेश मंत्रालय, नई दिल्ली  
MINISTRY OF EXTERNAL AFFAIRS  
NEW DELHI

No. WI(A)/415/07/2015

Note Verbale

The Ministry of External Affairs, Republic of India, presents its compliments to the British High Commission in New Delhi and has the honour of referring to its Note Verbale CH/376/15 dated 21 May 2015 and this Ministry's Note Verbale No. WI(A)/415/07/2015 dated 05 October 2015 attaching therewith the ownership details and technical information of the 12 fishing vessels received from the Government of Tamil Nadu, India.

In this connection, it is informed that there is no operational fishing harbor facility in Kanyakumari District and due to this most of the mechanized fishing boats of Kanyakumari District are operating from fishing bases in Kerala and other States. The fishing vessels reportedly go out for fishing from some fishing base in Kerala or other States when they are sighted and apprehended by British Indian Ocean Territory (BIOT) authorities. The mechanized fishing vessels on which the British Foreign and Commonwealth (FCO) had requested for inspection reports, have not yet reported to the authorized officer of the Government of Tamil Nadu. The concerned authorized officer of Tamil Nadu Government have issued summons to the owners of those fishing vessels to appear before them and subject their vessels to inspection. This process would take about a minimum of 4 months time to complete and furnish the inspection report.

The Ministry of External Affairs of the Republic of India avails of this opportunity to renew to the esteemed British High Commission the assurances of its highest consideration.

New Delhi, 21 October

British High Commission  
Shantipath  
Chanakyapuri  
New Delhi-110021



FAO  
Tom  
Moody



Dr David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

3<sup>rd</sup> March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Dr Ansy Mathew, Fisheries Research and Investigation Officer, Government of India.

Dear Dr Wilson,

**Resolution 11/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Indian Flagged Vessel Joshva No. 1**

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting the presumption of IUU fishing activity for the Indian flagged vessel Joshva No. 1. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

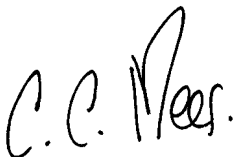
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see photos);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains the case);
- That the BIOT Administration has kept the Indian Authorities fully informed of the progress on each case;
- That the Indian Authorities have provided details of vessel ownership and in October 2015 committed to provide an inspection report on the vessel – at the time of writing none has been received.

At the time of writing, while we note our support for the continued practical work undertaken by the Indian authorities at national level to tackle the IUU problem, in light of the above facts and in the absence of any evidence from the flag State demonstrating that it has taken effective action or imposed sanctions of adequate severity [11/03, para 10(b)] in respect of this specific case, we recommend that the vessel is included on the IOTC IUU list.

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

Enclosed: IOTC Reporting form for Illegal Activity, Joshva No. 1

### 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.

#### 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)	Joshva 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
e	Photo	Yes, see Appendix 1
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr. Salvadason S/O Rayappan
h	Operator (previous operator/s, if any) and Master/Fishing Master	A Shiji
i	Date of alleged IUU fishing activities	11/05/2015
j	Position of alleged IUU fishing activities	04°52.1S 072°13.1E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a license and possession of illegal gear
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	10/05/2015 Owner found guilty on both counts and fined £12,000 for fishing without a license and £2,500 for illegal gear. 27/06/2015 Master found guilty on both counts, fined £1,000 for fishing without a license and £200 for illegal gear. No actions taken by Flag state.

Item	Definition	Indicate
m	Outcome of Actions taken	Fine not paid by either party

## 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)*

Appendix I - Photographs

Appendix II – Boarding report

Appendix III – Letter to India – Requesting ownership details

Appendix IV – Letter to India – Vessel released pending investigation

Appendix V – Record of Proceedings – Vessel Owner

Appendix VI – Record of Proceedings – Vessel master

Appendix VII – Letter to India – Record of Proceedings

Appendix VIII – Letter to India – Non-payment of fine

Appendix IX – Response from India to NV – Ownership details

Appendix X – NV from India (No. WI(A)/415/07/2015

#### 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 type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

Appendix I - Photographs







## Appendix II – Boarding report

### BOARDING REPORT

**DATE:** 11<sup>th</sup> May 2015  
**VESSEL:** Joshva No1  
**REGISTRATION N°:** IND-TN-15-mm-4598 &26/12/2014  
**MASTER:** A Shiji  
**SFPO:** David Hughes  
**FPO:** 3<sup>rd</sup> Officer mark Guirtan and Fernando Kurukulasuriya  
**BOARDING PURPOSE:** Inspection following radar contact  
**OUTCOME:** Detained for fishing in BIOT without a license / Escorted to Diego Garcia.

#### 1. Introduction

At 19:00 hours on the 10<sup>th</sup> May 2015 the BPV (Pacific Marlin) was on a routine BIOT patrol. SFPO David Hughes called to bridge to confirm to radar contacts showing two vessels operating at low speed in a manner consistent with vessels conducting fishing operations. The SFPO asked that the fisheries patrol pennant be raised and Sierra Quebec Three.

The targets are as follows

#### **Target 1/2**

Position: 04°52.1S 072°13.1E

#### 2. Situation

19.47 hours workboat launched and intercepted the two fishing vessels the SFPO was able to identify the vessels names as Joshva and Joshva No1. Both vessels were photographed by the SFPO. The SFPO was able to identify visually that the two vessels intercepted were the two FV that had failed to comply with previous boarding instructions on the 3<sup>rd</sup> May 2015.

20.45 hours The SFPO accompanied by the FPO, s boarded the Joshva. On boarding fresh fish were seen on deck and photographed by the SFPO, some still alive.

The SFPO took the person purporting to be the captain to the bridge and with the aide of the FPO was able to agree with the captain of the FV his current position on the FV GPS unit. The captain was the shown a chart from the boarding forms and signed to show that he was aware of his current position.

The SFPO then cautioned the captain and informed him he was to follow our course to DG. The SFPO and FPO were then recovered by the workboat and returned to the BPV.

During hours of darkness the FV Joshva No1 kept taking evasive manoeuvres with the BPV, the SFPO monitored the situation threw the night and at 08.00 hours on the 11<sup>th</sup> May 2015 the workboat was

launched again to intercept and board FV Joshva No1. The boat was re-photographed in daylight to confirm its identity and subsequently boarded.

The SFPO instructed the captain to maintain a course set by the BPV and maintain a speed of 5 knots. SFPO recovered by work boat 08.20 hours.

The SFPO and workboat maintained a position to the sterns of both fishing vessels to make sure the boats followed the course set and returned to BPV at 09.22 hours.

## Appendix III – Letter to India – Requesting ownership details



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

5<sup>th</sup> May 2015

Dear Dr Mathew,

### **Report on the investigation of the Indian vessel JOSHVA No. 1 in British Indian Ocean Territory (BIOT) Waters**

The Indian flagged vessel Joshva No. 1 (**IND-TN\_15-MM-4598 26/12/2014**) is currently the subject of an 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 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.

The BIOT Authorities request the assistance of India as the flag State of this vessel and would ask that the relevant Indian Authorities undertake a full inspection (as per IOTC Resolution 10/11) immediately when the vessels return to India and provide an electronic version of the inspection report (IOTC Resolution 10/11 – Annex 3) within three full working days as required under para 13 of IOTC Resolution 10/11.

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

Source	Owner Name / Address
Documentation onboard vessel	Owner: Salvadhason S/O Rayappan 16/46A K.R.Puram Thoothoor Port: Colachel & Kanyakumari

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 12/05/2015). Thank you for your cooperation.

Yours sincerely

John Pearce

Principal Consultant

On behalf of Dr C.C. Mees

Head of UK-OT Delegation to IOTC



## Appendix IV – Letter to India – Vessel released pending investigation



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

22 July 2015

Dear Dr Mathew,

### **Report on the investigation of the Indian vessel Joshva No.1 in British Indian Ocean Territory (BIOT) Waters**

The Indian flagged vessel Joshva No.1 was reported as being ordered back to Diego Garcia for inspection on the 3<sup>rd</sup> May 2015 on suspicion of being involved in illegal activities, namely illegal fishing. This notification was made via the Note Verbale CH/376/15 from the British High Commission to the Ministry of External Affairs.

The vessel Joshva No.1 was detained again by the BIOT Authorities on the 10<sup>th</sup> May 2015 on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same. It was released on the 22<sup>nd</sup> May 2015 pending the outcome of that investigation and a decision with regard to what further action is to be taken.

The Master was instructed to leave BIOT waters directly and to return the FV to port. In respect of our commitment under IOTC to combat illegal fishing we would kindly request the assistance of the relevant Indian Federal and State Authorities, and request notification of any actions taken by any organisations in conducting a regulatory investigation into the activities of the vessel. Previous actions carried out by other flag States 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;
- Notification of the owner / master to comply with any FPN or 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 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

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

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



## Appendix V – Record of Proceedings – Vessel Owner



Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

Ocean Territory on the 10th day of May 2015 prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

### And:

That you, Mr. Salvadason S/O Rayappan, being the Owner of Indian FV, Joshva No1 on which there was found within the fishing waters of the British Indian Ocean Territory on the 10th day of May 2015 prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Following your recent correspondence with the Clerk of the Magistrates' Court, the court recorded pleas of **GUILTY** on your behalf, in respect of each of the charges alleged against you. The evidence concerning the particulars of your case was then read out by the prosecution. Having heard all of that evidence the Magistrate found that the charges against you proved and accordingly the following verdicts have been recorded:

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

### **GUILTY in both cases**

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

### **GUILTY in both cases**

Mr Salvadason S/O Rayappan was sentenced as follows:

- Pay a fine of **12,000 GBP** for fishing without licence (Joshva)
- Pay a fine of **12,000 GBP** for fishing without licence (Joshva 1)
- Pay a fine of **2,500 GBP** for being in possession of prohibited fishing gear (Joshva)
- Pay a fine of **2,500 GBP** for being in possession of prohibited fishing gear (Joshva 1)
- To pay court costs of **90 GBP** (Joshva)
- To pay court costs of **90 GBP** (Joshva 1)
- All fishing gear to be forfeited to the crown for disposal



---

Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

---

Payment must be made within **30 days**.

If payment has not been received by the **26<sup>th</sup> August 2015** these fines and costs will be passed to local enforcement agents for them to collect. Furthermore Mr. Salvadason S/O Rayappan may be re-summoned to explain to the court why payment has not been made by this date.

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

Given under my hand and the stamp of the Court, this 27<sup>th</sup> day of July 2015.

Mr Liam Hamilton  
Clerk of the Magistrates Court  
British Indian Ocean Territory





Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

## RECORD OF PROCEEDINGS 27<sup>th</sup> July 2015

To: A Shiji S/O Athanas  
11.5.13 Sy. Antony St. Chinna  
Thurai  
Kanyakumari  
Tamil Nadu  
India

The following two charges which had been laid against you were heard by the British Indian Ocean Territory (BIOT) Magistrates Court on the **Twenty Seventh day of July 2015**.

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

**Which specifically alleged:**

It is alleged that you, A. Shiji S/O Athanas, being the Master of Indian FV, Joshva No1 IND-TN\_15-MM-4598 did, between the 2nd day May 2015 and the 11th day of May 2015, 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. Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**Which specifically alleged:**

It is alleged that you, A. Shiji S/O Athanas, being the Master of Indian, FV, Joshva No1 IND-TN\_15-MM-4598 on which there was found within the fishing waters of the British Indian Ocean Territory on the 10th day of May 2015 prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007

Having received no correspondence from the defendant, the court recorded pleas of **NOT GUILTY** on your behalf, in respect of each of the charges alleged against you. The evidence concerning the particulars of your case was then read out by the prosecution. Having heard all of that evidence the Magistrate found



Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

that the charges against you proved and accordingly the following verdicts have been recorded:

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

**GUILTY**

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

**GUILTY**

Mr A. Shiji S/O Athanas was sentenced as follows:

- Pay a fine of **1,000 GBP** for fishing without licence
- Pay a fine of **200 GBP** for being in possession of prohibited fishing gear

Payment must be made within **30 days**.

If payment has not been received by the **26<sup>th</sup> August 2015** these fines and costs will be passed to local enforcement agents for them to collect. Furthermore Mr A. Shiji S/O Athanas may be re-summoned to explain to the court why payment has not been made by this date.

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

Given under my hand and the stamp of the Court, this 27<sup>th</sup> day of July 2015.

Mr Liam Hamilton  
Clerk of the Magistrates Court  
British Indian Ocean Territory



## Appendix VII – Letter to India – Record of Proceedings



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

28 July 2015

Dear Dr Mathew,

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

The Indian flagged vessel Joshva 1 was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The owner of the vessel, Mr Salvadason S/O Rayappan pleaded guilty to the following offences: (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) of the Fisheries (Conservation and Management) Ordinance 2007.

The master of the vessel, A Shiji S/O Athanas pleaded not guilty to the following offences (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) of the Fisheries (Conservation and Management) Ordinance 2007.

On 27<sup>th</sup> July 2015 the vessel owner was found guilty of both offences and fined £12,000 for the first offence and £2,500 for the second offence (plus £90 costs) with fishing gear to be forfeited to the crown for disposal. The master was found guilty of both offences and fined £1,000 for the first offence and £200 for the second offence. The owner and master of the vessel have 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

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

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

ENCL: Record of Court Proceedings (Owner) and Record of Court Proceedings (Master)



## Appendix VIII – Letter to India – Non-payment of fine.



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

27 August 2015

Dear Dr Mathew,

### **Bilateral Communication on the investigation of the Indian vessel Joshva No. 1 in British Indian Ocean Territory (BIOT) Waters**

As previously notified to you on 28<sup>th</sup> July 2015 the Indian flagged vessel Joshva No. 1 was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The owner of the vessel, Mr Salvadason S/O Rayappan pleaded guilty to the following offences:

- 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.

The master of the vessel, A Shiji S/O Athanas pleaded not guilty to the following:

- 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 27<sup>th</sup> July 2015 the vessel owner was found guilty of both offences and fined £12,000 for the first offence and £2,500 for the second offence (plus £90 costs) with fishing gear to be forfeited to the crown for disposal. The master was found guilty of both offences and fined £1,000 for the first offence and £200 for the second offence.

The BIOT Administration can confirm that the fine has **not** been paid by the due date of (27<sup>th</sup> August 2015).

We would request that India as flag State of the vessel provides to the BIOT Administration within 30 days (i.e. 26<sup>th</sup> September 2015) details of any actions taken in respect of the vessel, owner or master, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). We shall report the details to the IOTC Secretariat, including our recommendation with respect to IUU listing, after reviewing that the flag State actions indicated in your feedback are of adequate severity as required in Resolution 11/03 paragraph 10b, nominally after 26<sup>th</sup> September. 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

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

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

Appendix IX – Response from India to NV – Ownership details

18/09 2015 02:43 FAX 04425677590

AH D&F DEPT

004

6 of 6

191

9.	Boat Name : JOSHVA MPEDA Reg.No. : TN2/FV/00353/07 U.O.R. : IND-AN-SA-MM-2	Thiru.Selvadhson S/o.Rajappan, Thoothoor	L:18.95m B:5.25M D:2.85m	Ashok Leyland/ YBF-333487
10	Boat Name : JOSHVA I U.O.R. :IND-TN-15-MM-4598	Thiru.Selvadhason S/o.Rajappan 16/46A, K.R.Puram, Thoothoor.	L:18.80m B:6.20m D:2.75m	Ashok Leyland/ CYE-222106/ 106 H.P
11	Boat Name : THANK YOU JESUS Dept. Reg.No. : IND-TN-15-MM-4311	Thiru.Ignacious Loyola S/o.Stephen. 16-413B, St.Thomas Nagar, Thoothoor	L:19.72m B:6.57m D:3.06m	Ashok Leyland/ VFE-427118/ 120 H.P
12	Boat Name : VACHANAM MPEDA Reg.No. :TN2/FV/01256/10	Thiru.Satrin S/o.Joseph Krusadi Vilagam Eraviputhanthurai. Thoothoor.	Not known	Not known



विदेश मंत्रालय, नई दिल्ली  
MINISTRY OF EXTERNAL AFFAIRS  
NEW DELHI

No. WI(A)/415/07/2015

Note Verbale

The Ministry of External Affairs, Republic of India, presents its compliments to the British High Commission in New Delhi and has the honour of referring to its Note Verbale CH/376/15 dated 21 May 2015 and this Ministry's Note Verbale No. WI(A)/415/07/2015 dated 05 October 2015 attaching therewith the ownership details and technical information of the 12 fishing vessels received from the Government of Tamil Nadu, India.

In this connection, it is informed that there is no operational fishing harbor facility in Kanyakumari District and due to this most of the mechanized fishing boats of Kanyakumari District are operating from fishing bases in Kerala and other States. The fishing vessels reportedly go out for fishing from some fishing base in Kerala or other States when they are sighted and apprehended by British Indian Ocean Territory (BIOT) authorities. The mechanized fishing vessels on which the British Foreign and Commonwealth (FCO) had requested for inspection reports, have not yet reported to the authorized officer of the Government of Tamil Nadu. The concerned authorized officer of Tamil Nadu Government have issued summons to the owners of those fishing vessels to appear before them and subject their vessels to inspection. This process would take about a minimum of 4 months time to complete and furnish the inspection report.

The Ministry of External Affairs of the Republic of India avails of this opportunity to renew to the esteemed British High Commission the assurances of its highest consideration.

New Delhi, 21 October

British High Commission  
Shantipath  
Chanakyapuri  
New Delhi-110021



FAO  
Tom  
Moody



Dr David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

3<sup>rd</sup> March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Dr Ansy Mathew, Fisheries Research and Investigation Officer, Government of India.

Dear Dr Wilson,

**Resolution 11/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Indian Flagged Vessel Sacred Heart**

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting the presumption of IUU fishing activity for the Indian flagged vessel Sacred Heart. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

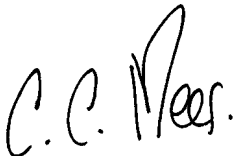
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see photos and Statement of Evidence);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains the case);
- That the BIOT Administration has kept the Indian Authorities at State and National level fully informed of the progress on each case.

At the time of writing, while we note our support for the continued practical work undertaken by the Indian authorities at national level to tackle the IUU problem, in light of the above facts and in the absence of any evidence from the flag State demonstrating that it has taken effective action or imposed sanctions of adequate severity [11/03, para 10(b)] in respect of this specific case, we recommend that the vessel is included on the IOTC IUU list.

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

Enclosed: IOTC Reporting form for Illegal Activity, Sacred Heart

### 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

#### 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)	Sacred Heart
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
e	Photo	Yes, see Appendix 1
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Metlan s/o (son of) Paniyadimai
h	Operator (previous operator/s, if any) and Master/Fishing Master	P. Newton (Master)
i	Date of alleged IUU fishing activities	06/10/2015
j	Position of alleged IUU fishing activities	04° 50.82'S; 072° 17.22'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a license
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	30/10/2015 Owner found guilty on both counts and fined £6,700 for fishing without a license (reduced from an initial £10,000) No actions taken by Flag state.
m	Outcome of Actions taken	Fine not paid by either party



## 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)

Appendix I - Photographs

Appendix II – Boarding report

Appendix III – Letter to India – Requesting ownership details

Appendix IV – Letter to India – Outcome of court proceedings

Appendix V – Record of Proceedings – Vessel master

Appendix VI – Certificate of conviction

## 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 type="checkbox"/>
c Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

Appendix I - Photographs





Appendix II – Boarding report

**BOARDING REPORT TF034**

**Summary**

Date of boarding	06/10/2015
Patrol type and number	BIOT492
Vessel name	Sacred Heart
Vessel type	HL / LL / DN
Vessel flag and home port	Indian - Eraviputhenthurai
Vessel identification number	IND-TN-15-MM-4874
Vessel identification type	Registration number
IOTC# (if registered)	N/A
Vessel Master name	P. Newton
SFPO	Thomas Franklin
FPO / FPOs	Agasthi Wijeweera
Boarding purpose	Inspection due to suspicious activity
Outcome	Detained

**Initial sighting details**

Date and time of first sighting	6 <sup>th</sup> October, 2015 16:05			
BPV position when target sighted	04° 52.3'S; 072° 18.1'E			
Sighted by	OOW Frando Golo	Radar		Visual X
Position of target	04° 50.82'S; 072° 17.22'E			
Course	172			
Speed	4.1 knots			
Range	6.8			
Bearing	346 °			
Comments: Sighted near another vessel. Both vessels with variable speed and course, indicative of a vessel hanging onto its gear.				
Time Fisheries Pennant and Sierra Quebec Three Raised			16:12	
Time Target requested to stop and prepare for boarding.			16:30	
Response to request for boarding	No response obtained. However, vessels are not fleeing from the BPV.			

**Launching of workboat**

Time workboat launched	16:54
Workboat crew	Bsn Jesus Gano and 2 <sup>nd</sup> Officer Frando Golo

Comments on the approach to the FV: Both vessels were static in the water with crew on deck. The Sacred Heart had its name written on both bows, and the ID IND-TN-MM-4814 on the bridge, again very faded.

Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	No

#### Boarding details

Date and time vessel boarded	16:58		
Position vessel boarded	04° 51.1'S; 072° 17.25'E		
Boarding party team	SFPO Franklin and FPO Wijeweera		
Language spoken	Crew did not speak English.		
Interpreter needed (Y/N)?	N	Name	N/A
Comments: Crew did not understand English. Communication was with a mix of sign language and repeating key words.			

#### Crew details

Vessel Master name	P. Newton (Father's name: Paniadimai)		
Vessel Master nationality	Indian		
Vessel Master address	2-46 Anbiyam 36 Eravi puthen thurai Vilavan code – TK KanyaKumari District Tamil Nadu India		
Vessel Master D.o.B	04/11/1987	(DD/MM/YY)	
Number of crew	12 including Captain		
Vessel crew nationality	Indian		
Observations Mixture of ID available, some photocopies, some originals. A total of 8 IDs presented. IDs seized as evidence.			
Photographic Evidence Collected (See Annex 1).	Captain ID	Yes	
	Other crew id	No	

#### Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	No
Fishing licence date of issue, expiry and issuing authority	N/A



FV owner name (as per licence)	N/A	
FV owner details (as per licence)	N/A	
Fishing logbook present (y/n) and number if relevant	No	
Issuing authority	N/A	
Date of last entry	N/A (DD/MM/YY)	
Position of last entry	N/A	
Other paperwork: Insurance paperwork presented which show the vessel owner to be Metlan s/o (son of) Paniyadimai of I-2/46, St. Joseph Colony, Eraviputhenthurai, Thoothoor Post.		
Comments: Paperwork seized.		
Photographic Evidence Collected (See Annex 1).	Licence	N/A
	Logbook	N/A
	Other	Yes, Insurance paperwork.

#### Interview with Captain

Time of interview	17:09
Captain's rights read and understood?	No. Not read as Captain does not understand English.
FV Port of departure	No information
Date of departure	No information (DD/MM/YY)
Travelling to or from fishing grounds?	No information
Amount of fish onboard (t)	No information
If fish onboard where caught?	No information
If fish onboard when caught?	No information
If fish onboard how caught?	No information
Destination	No information
Port of return	No information
Anticipated date of return	No information (DD/MM/YY)
Comments: The SFPO noted that the Fathers name was the same to the Father of the Captain. The SFPO asked the Captain "brother?". The Captain confirmed by saying yes. The Captain said only fishing in BIOT one day. Another crew member stated 3 days.	

#### Vessel inspection

Fishing gear type	HL
Comments: Handline in use, although large drift net on deck of vessel forward of the bridge.	

Catch onboard (estimated t)		4T	
IOTC species onboard (Y/N)	Y (Kawakawa and Dogtooth tuna)	Endangered species onboard (Y/N)	N
Description of catch Mostly reef fish, including red snapper, jobfish, lyretail, honeycomb, saddleback and redmouth groupers, trevally, kawakawa, dogtooth tuna and barracuda.			
Comments Some fish were still alive. About 250kg was above freshly caught above deck (including the kawakawa) while the rest (including the dogtooth tuna) was below in the hold and under ice.			
Photographic Evidence Collected (See Annex 1).	Gear	Y	
	Catch	Y	
	Hold	Y	

#### List of violations

##### BIOT ordinance violations

Fishing without a licence	Yes
Fishing with prohibited fishing gear	No
Possession of prohibited fishing gear	Yes
Obstruction of a fisheries patrol officer	No
Possession of sea cucumbers or molluscs	No
Traversing or landing on an SNR	No
Comments: Null	

##### IOTC CMM violations

Vessel not marked with name or callsign	Yes
Fishing gear not marked with name or callsign	Yes
No VMS (if relevant i.e., >15m)	Yes
VMS not tamperproof (if relevant i.e., >15m)	N/A
No state issued logbook (if relevant i.e., >24m)	N/A
No state issued licence	Yes
Possession of drift net over 2.5km.	Possibly
Not on the IOTC authorised list	Yes
Not on the IOTC Record Active Tuna / Swordfish	Yes
No turtle de hooker on board	Yes
Comments: Not on the IOTC register. While not targeting tuna, catching tuna as significant bycatch.	

**SFPO actions**

Vessel and Master detained and escorted to DG	Yes
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed (Res: 11/03)	Yes
Master given verbal warning and released/escorted out BIOT	No
No further action, vessel released	No
Comments: ROPO1 informed by email. ETA in DG 23:00 on 07/10	

**Disembarkation and recovery**

Time FV disembarked	17:34
Time Workboat recovered to the BPV	18:46
Comments: The Wisdom was boarded afterwards and also detained for fishing without a license. Both vessels are being escorted back to DG. Both vessels have had their navigational equipment and radio equipment seized. Both vessels have been given a hand held VHF radio for communications.	

Thomas Franklin  
BIOT Senior Fisheries Protection Officer  
06/10/2015

## Appendix III – Letter to India – Requesting ownership details



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)

Dr. S Vijayakumar I.A.S  
Secretary to Government,  
Animal Husbandry, Dairying and Fisheries Department,  
Secretariat, Chennai-600 009.  
E-mail: [ahsec@tn.gov.in](mailto:ahsec@tn.gov.in)

07 October 2015

cc. Dr Ansy Mathew

### **Confirmation of Ownership – SACRED HEART**

Dear Dr Vijayakumar

The Indian flagged vessel SACRED HEART (IND-TN-15-MM-4874), a multipurpose fishing vessel, approximately 50ft in length was detained on the 6<sup>th</sup> October 2015 in the BIOT Marine Protected Area (MPA) on suspicion of illegal fishing.

At this stage we request the assistance of the Animal Husbandry, Dairying and Fisheries Department of the Government of Tamil Nadu in confirming the identity and the ownership of the vessel. From paperwork retrieved from the vessel the owner is Metlan s/o (son of) Paniyadimai of I-2/46, St. Joseph Colony, Eraviputhenthurai, Thoothoor Post, Tamil Nadu, India.

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

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

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

## Appendix IV – Letter to India – Outcome of court proceedings



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

11 November 2015

cc. Dr S. Vijayakumar

Dear Dr Mathew,

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

The Indian flagged vessel Sacred Heart (IND-TN-15-MM-4874) was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The Master of the vessel, Mr P Newton S/O Paniadimai (of 2-46 Anbiyam 36, Eravi Puthen Thurai, Vilavan code – TK, Kanya Kumari District, Tamil Nadu, India) entered a guilty plea to the following offence: (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.

On 30<sup>th</sup> October 2015 the vessel Master was fined £6,700 for the offence (plus £120 costs). The Master of the vessel has 90 days to pay the fines.

The vessel was released on 5<sup>th</sup> November. 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 India and should arrive in the next few days. In respect of our commitment under IOTC to combat illegal fishing we would kindly request the assistance of the relevant Indian Federal and State Authorities, and request notification of any actions taken by any organisations in conducting a regulatory investigation into the activities of the vessel. Previous actions carried out by other flag States 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;
- Notification of the owner / master to pay the fine as set by the BIOT authorities; and,
- Detain the vessel in port pending payment of the fine and any further action by the BIOT and Indian authorities.





Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

## RECORD OF PROCEEDINGS

**Name:** Mr Newton S/O Paniadimai

On the **28<sup>th</sup> day of October 2015** you admitted having committed the following criminal offences before the British Indian Ocean Territory (BIOT) Magistrates Court.

### **CHARGE**

That you, P Newton S/O Paniadimai, being the Master of the Indian Registered Vessel Sacred Heart IND-TN-15-MM-4874 were between the 4th October 2015 and the 7th October 2015 found fishing in the 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

**Contrary to Sections 7(1) and 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.**

### **THE PARTICULARS OF THAT OFFENCE BEING THAT**

On Tuesday the 6th October 2015 the Indian Registered Fishing Vessel the Sacred Heart IND- TN-15-MM-4874 of which you are the Master was intercepted by the British Patrol Vessel the Marlin at the coral atoll known as Speakers Bank within the Marine Protected Area of the British Indian Ocean Territory having been engaged in fishing activity there without having a licence issued by the Administration of the British Indian Ocean Territory to do the same.

On the **30th day of October 2015** you again appeared before the BIOT Magistrates Court where you were sentenced as follows:

### **Sentence passed by the Court (30th October 2015)**

In respect of the charge of fishing without a licence you were ordered to pay a fine of **10,000 GBP**.

The Magistrate reduced the totality of the sum that you were fined to **6,700GBP** to take into account your mitigation. You were also ordered to pay Court costs of **120 GBP**.

Payment was ordered to be made within 90 days.

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.

If payment has not been received by the **28<sup>th</sup> day of January 2016** these fines and costs may be passed to enforcement agents for them to collect. Further Mr Lawrence S/O Vincent may be summoned to explain to the court why payment has not been made.

If you require any further information regarding any of the above, then please contact myself by email ([Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)) or [BIOTAdmin@fco.gsi.gov.uk](mailto:BIOTAdmin@fco.gsi.gov.uk) before the **30th day of November 2015**.

Given under my hand and the seal of this Court.



Mr Liam Hamilton  
Clerk of the Magistrates Court  
British Indian Ocean Territory





Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506

E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

---

## CERTIFICATE OF CONVICTION

Case Number: 31/15

Court Code: 14/15

This is to certify that on the 30th day of October 2015 Mr Newton S/O Paniadimai was, at the Magistrates Court in Diego Garcia convicted and thereafter sentenced having entered guilty pleas to the following charge:

That you, P Newton S/O Paniadimai, being the Master of the Indian Registered Vessel Sacred Heart IND-TN-15-MM-4874 were between the 4th October 2015 and the 7th October 2015 found fishing in the 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**

**Sentenced:** The total amount fined in respect of this offence was **6,700GBP**. There was an additional order for costs in the sum of **120 GBP**.

Payment is to be made within 90 days of the sentence being passed

Dr. Ansy Mathew N. P. 29  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

April 2016

cc. Dr. S. Vijayakumar; Mr Heminio Tembe, Chair of the Compliance Committee, Mr Hosea Gonza Mbilinyi, Vice Chair; Dr David Wilson IOTC Executive Secretary; Mr Gerard Domingue, IOTC Secretariat – for circulation to Compliance Committee

Dear Dr Mathew,

**Bilateral Communication on the investigation of the Indian vessel Sacred Heart in British Indian Ocean Territory (BIOT) Waters**

As previously notified to you on 11<sup>th</sup> November 2015 the Master of the Indian flagged vessel Sacred Heart, Mr P Newton S/O Paniadimai (of 2-46 Anbiyam 36, Eravi Puthen Thurai, Vilavan code – TK, Kanya Kumari District, Tamil Nadu, India) entered a guilty plea to the following offence: (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.

On 30<sup>th</sup> October 2015 the vessel Master was fined £6,700 for the offence (plus £120 costs). The Master of the vessel had 90 days to pay the fine (due date 28<sup>th</sup> January 2016).

The BIOT Administration can confirm that the fine has **not** been paid to date (29<sup>th</sup> April 2016).

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

Dr David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

3<sup>rd</sup> March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Dr Ansy Mathew, Fisheries Research and Investigation Officer, Government of India.

Dear Dr Wilson,

**Resolution 11/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Indian Flagged Vessel Vachanam**

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting the presumption of IUU fishing activity for the Indian flagged vessel Vachanam. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

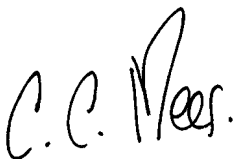
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Statement of Evidence, tuna and marlin);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains the case);
- That the BIOT Administration has kept the Indian Authorities fully informed of the progress on each case;
- That the Indian Authorities have provided details of vessel ownership and in October 2015 committed to provide an inspection report on the vessel – at the time of writing none has been received.

At the time of writing, while we note our support for the continued practical work undertaken by the Indian authorities at national level to tackle the IUU problem, in light of the above facts and in the absence of any evidence from the flag State demonstrating that it has taken effective action or imposed sanctions of adequate severity [11/03, para 10(b)] in respect of this specific case, we recommend that the vessel is included on the IOTC IUU list.

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  
Enclosed: IOTC Reporting form for Illegal Activity, Vachanam



### 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

#### 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)	Vachanam
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
e	Photo	Yes, see Appendix 1
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Satril T
h	Operator (previous operator/s, if any) and Master/Fishing Master	J Robinson (Master)
i	Date of alleged IUU fishing activities	03/05/2015
j	Position of alleged IUU fishing activities	05° 16.7S'; 071.44.1'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a license and use of prohibited gear
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	27/07/2015 Owner found guilty on both counts and fined £30,000 for fishing without a license and £4,000 for possessing prohibited gear. Given 30 days to pay. Master was found not guilty. No actions taken by Flag state.
m	Outcome of Actions taken	Fine not paid by either party

## 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)

Appendix I - Photographs

Appendix II – Boarding report

Appendix III – Letter to India – Requesting ownership details

Appendix IV – Letter to India – Outcome of court proceedings

Appendix V – Record of Proceedings – Vessel master

Appendix VI – Record of Proceedings – Vessel Owner

Appendix VII - Letter to India – Non-payment of fine

Appendix VIII – Response from India to NV – Ownership details

Appendix IX – NV from India (No. WI(A)/415/07/2015

#### 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 type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

Appendix I - Photographs







Appendix II – Boarding report

BOARDING REPORT

**DATE: 03/05/2015**

*VESSEL: Vachanam*

**REGISTRATION(MDEDA)TN2/FV/01256/12dt 25.07.12**

**MASTER: j Robinson**

SFPO: D Hughes/

David Hughes

FPO: T Franklin/ Vic Andrino

**SCIO:**

**BOARDING PURPOSE: Investigative**

**Introduction**

On the 3<sup>rd</sup> may 2015, The BIOT patrol vessel “Pacific Marlin” (BPV) was on a BIOTA Patrol, visiting the Peros Banhos Islands, when it encountered, intercepted and boarded three Indian flagged fishing vessels, including the Vachanam, which was subsequently detained and ordered to sail to Diego Garcia for fishing without a license and possession of prohibited fishing gear.

**03/05/2015:** At 09.35 hours SFPO David Hughes was called to bridge by FPO Thomas Franklin as possible fishing boat targets had been sighted.

When the SFPO arrived to the bridge, three distant radar traces were flagged and later visually identified as probable Indian fishing vessels.

After consulting with Captain Sandes and the OOW Emerson Santos, it was decided to alter course and investigate.

The details of the targets were as follows:

**Target 1:**

Position: 05° 16.7S'; 071.44.1'E.

Course: 006°

Speed: 5 knots.

Range: 4.5 nm.

Bearing: 249°.

**Target 2:**

Position: 05.15s'; 71.44.2'E.

Course: 30°

Speed: 5.6knots.

Range: 3.5 nm.

Bearing: 255°.

**Target3:**

Position: 05.15S'; 071.43.8'E.

Course: 32°

Speed: 5.7knots.

Range: 3.1 nm.

Bearing: 262°

At 9.40, all targets were sighted visually with the aid of binoculars and confirmed as being Indian style fishing vessels.

At 10.10 hours the SFPO asked for the fisheries patrol pennants to be raised. At 10.12 hours, attempts were made by VHF to establish contact with the fishing vessel, there was no response to our radio request.

At 10.38 hours the workboat was launched with SFPO David Hughes, FPO Thomas Franklin, FPO Vic Andrino and Coxswain Jesus Gano.

On approaching the vessel the SFPO photographed all external markings on bow stern and port and starboard side, as well photographed baited hooks hanging over the side of the vessel.

## **Boarding Details**

At 11.28 hours the workboat came alongside the vessel Vachanam. The boarding party included SFPO David Hughes, FPO Thomas Franklin and FPO Vic Andres. On boarding indicated to all crew weather any English was spoken a negative response but was able to ascertain who appeared to be the captain

On boarding the vessel, there was clear evidence of recent fishing activity. Baited handline hooks were on the deck as well as cut up bait ready for use. The SFPO, communicated with the crew to establish the identity of the captain. The SFPO then signaled to the Captain to show him to the bridge. Once on the bridge, the SFPO asked to see the vessel's documents by repeating "license" and miming writing. The Captain handed me the following:

1. License for fishing in the sea License No 3/2010  
Name of owner. Satrin T Kurusadivilagam eraviputhanthurai  
Type of fishing vessel Mechanised fishing vessel  
License valid from 02.11.2010 to 31.03.2013  
Area of operation territorial waters of Tamilnnadu  
Port were vessel permitted to berth Eraviputhanthurai
2. two ID cards showing ID as J Robinson and Simen Raj

The SFPO proceeded to process the paperwork and fill in the inspection report form while FPO Franklin inspected the fish hold and fishing gear.

At FPO Franklin returned to the bridge stating that there was approximately 2,200kg of fish in the hold including reef fish, sharks, tuna and a marlin.

The SFPO then proceeded to caution the captain in the presence of FPO Franklin and Andrino. The SFPO indicated to the GPS unit to show the vessels present position and to show on the inspection report chart, the vessel's current position 5.12.4S 71.41.9e as well. The fishing vessels captain appeared not to understand English but nodded that he was aware of the vessels position and was in BIOT waters.

The SFPO then asked to see the Captain's identification. This was presented as a duplicate copy of the Government of Tamilnadu Fishermen ID. The details included were:

- Name: J Robinson
- Father's Name Johnson
- Age: 20 (12.12.1988)
- Address: 1-110 Anbiyam eravi puthen thurai tamil nadu India .
- Nationality: Indian
- FCS Member no.: ERP033
- Date of issue: July 2009

And was signed by the Authorised Officer, asst. Director of Fisheries, Extension and Training Colachel. There were a total of 12 crew, including the Captain, all of Indian nationality.

The SFPO then then asked the Captain to show me his current position using sign language . The Captain showed the SFPO as 05.12.4S 71.41.9E on the gps plotter and indicated the position on the chart boarding form and signed the chart to that effect. The captain was then given the coordinates for Diego Garcia as 07.14.5S 072.23.2 E and using appropriate sign language was told to proceed to this way point for his vessel to be inspected in port.

SFPO David Hughes then indicated to the workboat to recover the boarding party. At 11.15 the boarding party disembarked the FV and proceeded to inspect the final vessels.

### **Recovery**

The workboat and boarding team was recovered at 11:52 hours. The BPV then continued its BIOTA tasking, monitoring the FVs by radar. All three vessels appeared dead in the water, showing no indication of complying with the SFPO's instruction to head to Diego Garcia.

**D Hughes**

**BIOT Senior Fisheries Protection Officer**

**Date**

## Appendix III – Letter to India – Requesting ownership details



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

5<sup>th</sup> May 2015

Dear Dr Mathew,

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

The Indian flagged vessel Vachanam (**TN2/FV/01256/12dt**) is currently the subject of an 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 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.

The BIOT Authorities request the assistance of India as the flag State of this vessel and would ask that the relevant Indian Authorities undertake a full inspection (as per IOTC Resolution 10/11) immediately when the vessels return to India and provide an electronic version of the inspection report (IOTC Resolution 10/11 – Annex 3) within three full working days as required under para 13 of IOTC Resolution 10/11.

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

Source	Owner Name / Address
Documentation onboard vessel	Owner: Satrin T Kurusadivilagam Home Port: Eraviputhanthurai

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 12/05/2015). Thank you for your cooperation.

Yours sincerely

John Pearce  
Principal Consultant  
On behalf of Dr C.C. Mees  
Head of UK-OT Delegation to IOTC

## Appendix IV – Letter to India – Outcome of court proceedings



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

28 July 2015

Dear Dr Mathew,

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

The Indian flagged vessel Vachanam was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same. The owner of the vessel, Mr Satrin T. having not corresponded with the court had pleas of **NOT GUILTY** to the following offences entered: (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) of the Fisheries (Conservation and Management) Ordinance 2007.

The master of the vessel, J Robinson pleaded not guilty to the following offences (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) of the Fisheries (Conservation and Management) Ordinance 2007.
- Obstruction of Fisheries Protection Officers contrary to section 16 of the Fisheries (Conservation and Management) Ordinance 2007.

On 27<sup>th</sup> July 2015 the vessel owner was found guilty of both offences and fined £30,000 for the first offence and £4,000 for the second offence (plus £120 costs) with fishing gear to be forfeited to the crown for disposal. The owner of the vessel has 30 days to pay the fines. The master was found not guilty for all the offences listed.

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

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

Dr C.C. Mees  
Head of UK(OT) Delegation to IOTC  
ENCL: Record of Court Proceedings





Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

## RECORD OF PROCEEDINGS 27<sup>th</sup> July 2015

To: J. Robinson s/o Johnson  
1 110 Anbiyam  
Eravi Puthen  
Thurai  
Tamil Nadu  
India

The following three Charges which had been laid against you were heard by the British Indian Ocean Territory (BIOT) Magistrates Court on the **Twenty Seventh day of July 2015**.

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

**Which specifically alleged:**

That you, J. Robinson, being the Master of Indian FV, Vachanam did on the 3rd day May 2015, 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. Obstructing a fisheries protection officer in the course of his duties contrary to Section 16 of the Fisheries (Conservation and Management) Ordinance 2007.

**Which specifically alleged:**

That you, J. Robinson, being the Master of Indian FV, Vachanam did on the 3rd May 2015 wilfully obstruct a Fisheries Protection Officer of the British Indian Ocean Territory namely David Hughes in the exercise of his functions under this ordinance when you refused to comply with his lawfully given direction to you that sail to Diego Garcia for your vessel to be inspected. Contrary to Section 16 of the Fisheries (Conservation and Management) Ordinance 2007.

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



Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

**Which specifically alleged:**

That you, J. Robinson, being the Master of Indian FV, Vachanam which there was found within the fishing waters of the British Indian Ocean Territory on the 3rd day of May 2015 prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Having recorded pleas of **NOT GUILTY** on your behalf, in respect of each of the charges alleged against you the evidence of the prosecution was heard by the court. Having heard all of that evidence the Magistrate did not find that any of the charges against you proved and accordingly the following verdicts have been recorded:

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

**NOT GUILTY**

2. Obstructing a fisheries protection officer in the course of his duties contrary to Section 16 of the Fisheries (Conservation and Management) Ordinance 2007.

**NOT GUILTY**

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

**NOT GUILTY**

This means that you do not have recorded against you any findings of guilt in respect of any illegal fishing activity in the BIOT. This concludes all live matters.

Given under my hand and the stamp of this court this 27<sup>th</sup> day of July 2015.

Mr Liam Hamilton  
Clerk of the Magistrates Court  
British Indian Ocean Territory





Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

## RECORD OF PROCEEDINGS 27<sup>th</sup> July 2015

To: Satrin T  
Kurusadivilagam  
Eraviputhenthurai  
Thoothoor Village  
Panchayat,  
Vilavancode Taluk,  
Kanyakumari District,  
Tamil Nadu  
India

The following two charges which had been laid against you were heard by the British Indian Ocean Territory (BIOT) Magistrates Court on the **Twenty Seventh day of July 2015**.

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

**Which specifically alleged:**

That you, Satrin T, being the Owner of Indian FV, Vachanam did on the 3rd day May 2015, 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. Possession of prohibited fishing gear in BIOT Waters contrary to Section 6(2) and 6(3)(i) Fisheries (Conservation and Management) Ordinance 2007.

**Which specifically alleged:**

That you, Satrin T, being the Owner of Indian FV, Vachanam which there was found within the fishing waters of the British Indian Ocean Territory on the 3rd day of May 2015 prohibited fishing gear, namely wire trace line. Contrary to Section 6(2) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.

Having received no correspondence from the defendant, the court recorded pleas of **NOT GUILTY** on your behalf, in respect of each of the charges alleged



Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

against you. The evidence concerning the particulars of your case was then read out by the prosecution. Having heard all of that evidence the Magistrate found that the charges against you proved and accordingly the following verdicts have been recorded:

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

**GUILTY**

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

**GUILTY**

Mr Satrin T was sentenced as follows:

- Pay a fine of **30,000 GBP** for fishing without licence
- Pay a fine of **4,000 GBP** for being in possession of prohibited fishing gear
- To pay court costs of **120 GBP**

Payment must be made within **30 days**.

If payment has not been received by the **26<sup>th</sup> August 2015** these fines and costs will be passed to local enforcement agents for them to collect. Furthermore Mr Satrin T may be re-summoned to explain to the court why payment has not been made by this date.

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

Given under my hand and the stamp of the Court, this 27<sup>th</sup> day of July 2015.

Mr Liam Hamilton  
Clerk of the Magistrates Court  
British Indian Ocean Territory



## Appendix VII - Letter to India – Non-payment of fine



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

27 August 2015

Dear Dr Mathew,

### **Bilateral Communication on the investigation of the Indian vessel Vachanam in British Indian Ocean Territory (BIOT) Waters**

As previously notified to you on 28<sup>th</sup> July 2015 the Indian flagged vessel Vachanam was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The owner of the vessel, Mr Satrin T. having not corresponded with the court had pleas of **NOT GUILTY** to the following offences entered: (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) of the Fisheries (Conservation and Management) Ordinance 2007.

On 27<sup>th</sup> July 2015 the vessel owner was found guilty of both offences and fined £30,000 for the first offence and £4,000 for the second offence (plus £120 costs) with fishing gear to be forfeited to the crown for disposal.

The BIOT Administration can confirm that the fine has **not** been paid by the due date of (27<sup>th</sup> August 2015).

We would request that India as flag State of the vessel provides to the BIOT Administration within 30 days (i.e. 26<sup>th</sup> September 2015) details of any actions taken in respect of the vessel, owner or master, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). We shall report the details to the IOTC Secretariat, including our recommendation with respect to IUU listing, after reviewing that the flag State actions indicated in your feedback are of adequate severity as required in Resolution 11/03 paragraph 10b, nominally after 26<sup>th</sup> September.

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

A handwritten signature in black ink that reads 'C.C. Mees'. The signature is written in a cursive, slightly slanted style.

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



Appendix VIII – Response from India to NV – Ownership details

18/09 2015 02:43 FAX 04425677590

AH D&F DEPT

004

6 of 6

191

9.	Boat Name : JOSHVA MPEDA Reg.No. : TN2/FV/00353/07 U.O.R. : IND-AN-SA-MM-2	Thiru.Selvadhson S/o.Rajappan, Thoothoor	L:18.95m B:5.25M D:2.85m	Ashok Leyland/ YBF-333487
10	Boat Name : JOSHVA I U.O.R. :IND-TN-15-MM-4598	Thiru.Selvadhason S/o.Rajappan 16/46A, K.R.Puram, Thoothoor.	L:18.80m B:6.20m D:2.75m	Ashok Leyland/ CYE-222106/ 106 H.P
11	Boat Name : THANK YOU JESUS Dept. Reg.No. : IND-TN-15-MM-4311	Thiru.Ignacious Loyola S/o.Stephen. 16-413B, St.Thomas Nagar, Thoothoor	L:19.72m B:6.57m D:3.06m	Ashok Leyland/ VFE-427118/ 120 H.P
12	Boat Name : VACHANAM MPEDA Reg.No. :TN2/FV/01256/10	Thiru.Satrin S/o.Joseph Krusadi Vilagam Eraviputhanthurai. Thoothoor.	Not known	Not known



विदेश मंत्रालय, नई दिल्ली  
MINISTRY OF EXTERNAL AFFAIRS  
NEW DELHI

No. WI(A)/415/07/2015

Note Verbale

The Ministry of External Affairs, Republic of India, presents its compliments to the British High Commission in New Delhi and has the honour of referring to its Note Verbale CH/376/15 dated 21 May 2015 and this Ministry's Note Verbale No. WI(A)/415/07/2015 dated 05 October 2015 attaching therewith the ownership details and technical information of the 12 fishing vessels received from the Government of Tamil Nadu, India.

In this connection, it is informed that there is no operational fishing harbor facility in Kanyakumari District and due to this most of the mechanized fishing boats of Kanyakumari District are operating from fishing bases in Kerala and other States. The fishing vessels reportedly go out for fishing from some fishing base in Kerala or other States when they are sighted and apprehended by British Indian Ocean Territory (BIOT) authorities. The mechanized fishing vessels on which the British Foreign and Commonwealth (FCO) had requested for inspection reports, have not yet reported to the authorized officer of the Government of Tamil Nadu. The concerned authorized officer of Tamil Nadu Government have issued summons to the owners of those fishing vessels to appear before them and subject their vessels to inspection. This process would take about a minimum of 4 months time to complete and furnish the inspection report.

The Ministry of External Affairs of the Republic of India avails of this opportunity to renew to the esteemed British High Commission the assurances of its highest consideration.

New Delhi, 21 October

British High Commission  
Shantipath  
Chanakyapuri  
New Delhi-110021



FAO  
Tom  
Moody

Dr David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

3<sup>rd</sup> March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Dr Ansy Mathew, Fisheries Research and Investigation Officer, Government of India.

Dear Dr Wilson,

**Resolution 11/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Indian Flagged Vessel Wisdom**

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting the presumption of IUU fishing activity for the Indian flagged vessel Wisdom. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

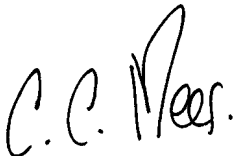
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Statement of Evidence- Kawakawa);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains the case);
- That the BIOT Administration has kept the Indian Authorities at State and National level fully informed of the progress on each case.

At the time of writing, while we note our support for the continued practical work undertaken by the Indian authorities at national level to tackle the IUU problem, in light of the above facts and in the absence of any evidence from the flag State demonstrating that it has taken effective action or imposed sanctions of adequate severity [11/03, para 10(b)] in respect of this specific case, we recommend that the vessel is included on the IOTC IUU list.

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

Enclosed: IOTC Reporting form for Illegal Activity, Wisdom

### 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

#### 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)	Wisdom
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
e	Photo	Yes, see Appendix 1
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Lowerence
h	Operator (previous operator/s, if any) and Master/Fishing Master	Lawrence V (Master)
i	Date of alleged IUU fishing activities	06/10/2015
j	Position of alleged IUU fishing activities	04° 50.7'S; 072° 17.30'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a license and use of prohibited gear
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	27/07/2015 Owner found guilty on both counts and fined £14,000 for fishing without a license and and for possessing prohibited gear (reduced from £21,000). Given 30 days to pay. Master was found not guilty. No actions taken by Flag state.

Item	Definition	Indicate
m	Outcome of Actions taken	Fine not paid by either party

## 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)*

Appendix I - Photographs

Appendix II – Boarding report

Appendix III – Letter to India – Requesting ownership details

Appendix IV – Letter to India – Outcome of court proceedings

Appendix V – Record of Proceedings – Vessel master

Appendix VI – Certificate of Conviction



#### 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 type="checkbox"/>
c	Recommended for inclusion on IOTC IUU list	<input checked="" type="checkbox"/>

Appendix I - Photographs



Appendix II – Boarding report

**BOARDING REPORT TF035**

**Summary**

Date of boarding	06/10/2015
Patrol type and number	BIOT492
Vessel name	Wisdom
Vessel type	HL / LL / DN
Vessel flag and home port	Indian - Eraviputhenthurai
Vessel identification number	IND-TN-15-MM-395
Vessel identification type	Registration number
IOTC# (if registered)	N/A
Vessel Master name	Lawrence V
SFPO	Thomas Franklin
FPO / FPOs	Agasthi Wijeweera
Boarding purpose	Inspection due to suspicious activity
Outcome	Detained

**Initial sighting details**

Date and time of first sighting	6 <sup>th</sup> October, 2015 16:05			
BPV position when target sighted	04° 52.3'S; 072° 18.1'E			
Sighted by	OOW Frando Golo	Radar		Visual X
Position of target	04° 50.7'S; 072° 17.30'E			
Course	Variable			
Speed	3 knots			
Range	6.8			
Bearing	346 °			
Comments: Sighted near another vessel. Both vessels with variable speed and course, indicative of a vessel hanging onto its gear.				
Time Fisheries Pennant and Sierra Quebec Three Raised			16:12	
Time Target requested to stop and prepare for boarding.			16:30	
Response to request for boarding	No response obtained. However, vessels are not fleeing from the BPV.			

**Launching of workboat**

Time workboat launched	16:54
Workboat crew	Bsn Jesus Gano and 2 <sup>nd</sup> Officer Frando Golo

Comments on the approach to the FV: Both vessels were static in the water with crew on deck. The Wisdom had Wisdom written on both bows, albeit very faded on the starboard bow, and the ID IND-TN-MM-395 on the bridge, again very faded.

Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	No

#### Boarding details

Date and time vessel boarded	17:36		
Position vessel boarded	04° 51.3'S; 072° 17.28'E		
Boarding party team	SFPO Franklin and FPO Wijeweera		
Language spoken	Crew did not speak English.		
Interpreter needed (Y/N)?	N	Name	N/A
<p>Comments:</p> <p>Crew only understand very little English. Communication was with a mix of sign language and repeating key words.</p>			

#### Crew details

Vessel Master name	Lawrence V s/o (son of) Vincent		
Vessel Master nationality	Indian		
Vessel Master address	I-1-62, Kurissadivilagam Eraviputhenthurai Vilavan code Kanniyakumari Thuthur Tamil Nadu India		
Vessel Master D.o.B	01/03/1964	(DD/MM/YY)	
Number of crew	11 including Captain		
Vessel crew nationality	Indian		
<p>Observations</p> <p>Mixture of ID available, some photocopies, some originals.</p> <p>A total of 4 IDs presented. IDs seized as evidence.</p>			
Photographic Evidence Collected (See Annex 1).	Captain ID	Yes	
	Other crew id	No	

**Vessel registration and paperwork**

Fishing licence present (y/n) and number if relevant	Yes	
Fishing licence date of issue, expiry and issuing authority	05/11/2008	
FV owner name (as per licence)	Lowerence	
FV owner details (as per licence)	Of Eraviputhenthurai, K. K. Dist, Tamil Nadu	
Fishing logbook present (y/n) and number if relevant	No	
Issuing authority	N/A	
Date of last entry	N/A	(DD/MM/YY)
Position of last entry	N/A	
Other paperwork: Registration paperwork, showing the owner to be Lawrence of 3/83 Kurusadi Vilagam, Eraviputhenthurai. Certificate of Enrolment of Fishing crafts giving a registration number TN2/FV/01287/2011 dated 11/02/2011, showing the owner to be Sri Lawrence, s/o (son of) Vincent Eraviputhenthurai, Thoothor P.O. K.K. Dist., Tamil Nadu		
Comments: Paperwork seized.		
Photographic Evidence Collected (See Annex 1).	Licence	Yes
	Logbook	N/A
	Other	Yes, Registration and Certificate of Enrolment of Fishing Crafts

**Interview with Captain**

Time of interview	17:45
Captain's rights read and understood?	No. Not read as Captain does not understand English.
FV Port of departure	No information
Date of departure	No information (DD/MM/YY)
Travelling to or from fishing grounds?	No information
Amount of fish onboard (t)	No information
If fish onboard where caught?	No information
If fish onboard when caught?	No information
If fish onboard how caught?	No information
Destination	No information
Port of return	No information
Anticipated date of return	No information (DD/MM/YY)
Comments:	



The person originally identified as the Captain did not have ID, and only presented an ID for the owner, which the SFPO and FPO recognised to be a crew member. Hence forth the owner was considered as the Captain.

### Vessel inspection

Fishing gear type		HL	
Comments: Handline in use, although large drift net on deck of vessel forward of the bridge.			
Catch onboard (estimated t)		3T	
IOTC species onboard (Y/N)	Y (Kawakawa)	Endangered species onboard (Y/N)	N
Description of catch Mostly reef fish, including red snapper, jobfish, lyretail, honeycomb, saddleback and redmouth groupers, trevally and kawakawa. Also two grey reef sharks.			
Comments Some fish were still alive. About 200kg was above freshly caught above deck (including the kawakawa and grey reef sharks) while the rest (including some more kawakaw) was below in the hold and under ice.			
Photographic Evidence Collected (See Annex 1).	Gear	Y	
	Catch	Y	
	Hold	Y	

### List of violations

#### BIOT ordinance violations

Fishing without a licence	Yes
Fishing with prohibited fishing gear	No
Possession of prohibited fishing gear	Yes
Obstruction of a fisheries patrol officer	No
Possession of sea cucumbers or molluscs	No
Traversing or landing on an SNR	No
Comments: Null	

#### IOTC CMM violations

Vessel not marked with name or callsign	Yes
Fishing gear not marked with name or callsign	Yes
No VMS (if relevant i.e., >15m)	Yes
VMS not tamperproof (if relevant i.e., >15m)	N/A
No state issued logbook (if relevant i.e., >24m)	N/A
No state issued licence	Yes

Possession of drift net over 2.5km.	Possibly
Not on the IOTC authorised list	Yes
Not on the IOTC Record Active Tuna / Swordfish	Yes
No turtle de hooker on board	Yes
Comments: Not on the IOTC register. While not targeting tuna, catching tuna as significant bycatch.	

**SFPO actions**

Vessel and Master detained and escorted to DG	Yes
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed (Res: 11/03)	Yes
Master given verbal warning and released/escorted out BIOT	No
No further action, vessel released	No
Comments: ROPO1 informed by email. ETA in DG 23:00 on 07/10	

**Disembarkation and recovery**

Time FV disembarked	18:12
Time Workboat recovered to the BPV	18:46
Comments: The other vessel, the Sacred Heart was boarded beforehand and also detained for fishing without a license. Both vessels are being escorted back to DG. Both vessels have had their navigational equipment and radio equipment seized. Both vessels have been given a hand held VHF radio for communications.	

Thomas Franklin  
BIOT Senior Fisheries Protection Officer  
06/10/2015

## Appendix III – Letter to India – Requesting ownership details



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)

Dr. S Vijayakumar I.A.S  
Secretary to Government,  
Animal Husbandry, Dairying and Fisheries Department,  
Secretariat, Chennai-600 009.  
E-mail: [ahsec@tn.gov.in](mailto:ahsec@tn.gov.in)

07 October 2015

cc. Dr Ansy Mathew

### Confirmation of Ownership – WISDOM

Dear Dr Vijayakumar

The Indian flagged vessel WISDOM (IND-TN-15-MM-395), a multipurpose fishing vessel, approximately 50ft in length was detained on the 6<sup>th</sup> October 2015 in the BIOT Marine Protected Area (MPA) on suspicion of illegal fishing.

At this stage we request the assistance of the Animal Husbandry, Dairying and Fisheries Department of the Government of Tamil Nadu in confirming the identity and the ownership of the vessel. From paperwork retrieved from the vessel the owner is Lawrence of 3/83 Kurusadi Vilagam, Eraviputhenthurai, Kanniyakumari, Thuthur, Tamil Nadu, India.

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

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

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

## Appendix IV – Letter to India – Outcome of court proceedings



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)

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

11 November 2015

cc. Dr. S. Vijayakumar

Dear Dr Mathew,

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

The Indian flagged vessel Wisdom (IND-TN-15-MM-395) was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The Owner of the vessel, Mr Lawrence S/O Vincent (of I-1-62, Kurissadivilagam, Eraviputhenthurai, Vilavan code, Kanniyakumari, Thuthur, Tamil Nadu, India.) entered guilty pleas to the following offences: (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) of the Fisheries (Conservation and Management) Ordinance 2007.

On 30<sup>th</sup> October 2015 the vessel Owner was fined £14,000 for both offences (plus £120 costs). The Owner of the vessel has 90 days to pay the fines.

The vessel was released on 5<sup>th</sup> November. 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 India and should arrive in the next few days. In respect of our commitment under IOTC to combat illegal fishing we would kindly request the assistance of the relevant Indian Federal and State Authorities, and request notification of any actions taken by any organisations in conducting a regulatory investigation into the activities of the vessel. Previous actions carried out by other flag States 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;
- Notification of the owner / master to pay the fine as set by the BIOT authorities; and,
- Detain the vessel in port pending payment of the fine and any further action by the BIOT and Indian

authorities.

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

Yours Sincerely

A handwritten signature in black ink that reads "C.C. Mees". The signature is written in a cursive style with a large, prominent initial "C".

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





Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

## RECORD OF PROCEEDINGS

**Name:** Mr Lawrence S/O Vincent

On the **28<sup>th</sup> day of October 2015** you admitted having committed the following criminal offences before the British Indian Ocean Territory (BIOT) Magistrates Court.

### CHARGES

1. That you, Lawrence s/o Vincent, being the Owner of the Indian Registered Vessel Wisdom IND- TN-15-MM-395 were between the 4th October 2015 and the 7th October 2015 found fishing in the 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.**

### THE PARTICULARS OF THAT OFFENCE BEING THAT

On Tuesday the 6th October 2015 the Indian Registered Fishing Vessel the Wisdom IND- TN-15-MM-395 of which you are the registered owner was intercepted by the British Patrol Vessel the Marlin at the coral atoll known as Speakers Bank within the Marine Protected Area of the British Indian Ocean Territory having been engaged in fishing activity there without having a licence issued by the Administration of the British Indian Ocean Territory to do the same.

### **You also admitted that:**

2. You are also charged that you, Lawrence s/o Vincent, being the Owner of the Indian Registered Vessel Wisdom IND- TN-15-MM-395 were between the 4th October 2015 and the 7th October 2015 found having used prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory.

**Contrary to 6(1)(b) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.**

## **THE PARTICULARS OF THAT OFFENCE BEING THAT**

On Tuesday the 6th October 2015 on the Indian Registered Fishing Vessel the Wisdom IND- TN-15-MM-395 of which you are the registered owner was found an amount of fishing gear which it is not legal to possess in the British Indian Ocean Territory, namely wire trace.

On the **30th day October 2015** you again appeared before the BIOT Magistrates Court where you were sentenced as follows:

### **Sentence passed by the Court (30th October 2015)**

In respect of the charge of fishing without a licence you were ordered to pay a fine of **20,000 GBP**.

In respect of the charge of being in possession of prohibited fishing gear in BIOT waters, namely wire trace, you were ordered to pay a fine **1,000 GBP**.

The Magistrate reduced the totality of the sum that you were fined to **14,000GBP** to take into account your mitigation. You were also ordered to pay Court costs of **120 GBP**.

Payment was ordered to be made within 90 days.

This sentence required that your vessel remain in Diego Garcia until such time as the fine was paid in full.

However, after that hearing new material facts relating to the specific circumstances of your case became known. In light of this new information the prosecution applied on your behalf for the court to reconsider your sentence, taking into account those facts.

On the **4<sup>th</sup> day of November 2015**, the prosecution were successful in their application to the court to have your case re-opened and your sentence was reconsidered and varied as follows:

You are still required to pay the total fine of **14,000GBP** and costs in the sum of **120 GBP** but the court no longer requires the detention of your vessel in Diego Garcia pending the receipt of those monies and accordingly you shall be permitted to leave the territory under escort with your crew in your vessel on the **5<sup>th</sup> day of November 2015**.

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 **30<sup>th</sup> day of November 2015**.

The banking details required for the electronic payment of the fine are as follows:

Bank Name:	Royal Bank of Scotland
Sort Code:	16-00-38
Account Number:	00717735
Account Name:	BIOT Revenue Account



Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

---

## CERTIFICATE OF CONVICTION

Case Number: 32/15  
Court Code: 13/15

This is to certify that on the 30th day of October 2015 Mr Lawrence S/O Vincent was, at the Magistrates Court in Diego Garcia convicted and thereafter sentenced having entered guilty pleas to the following charges:

1. Lawrence s/o Vincent, being the Owner of the Indian Registered Vessel Wisdom IND- TN-15-MM-395 were between the 4th October 2015 and the 7th October 2015 found fishing in the 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.**

2. Lawrence s/o Vincent, being the Owner of the Indian Registered Vessel Wisdom IND- TN-15-MM-395 were between the 4th October 2015 and the 7th October 2015 found having used prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory.

**Contrary to 6(1)(b) & 6(3)(i) of the Fisheries (Conservation and Management) Ordinance 2007.**

**Sentenced:** The total amount fined in respect of both offences was **14,000 GBP**. There was an additional order for costs in the sum of **120 GBP**.

Payment to be made within 90 days of sentence.

Dr. Ansy Mathew N. P.  
Fisheries Research and Investigation Officer,  
Room No. 482,  
Department of Animal Husbandry, Dairying and Fisheries,  
Ministry of Agriculture, Krishi Bhawan,  
New Delhi-110 001,  
India.  
Email: [fyic-ahd@nic.in](mailto:fyic-ahd@nic.in)

29 April 2016

cc. Dr. S. Vijayakumar; Mr Heminio Tembe, Chair of the Compliance Committee, Mr Hosea Gonza Mbilinyi, Vice Chair; Dr David Wilson IOTC Executive Secretary; Mr Gerard Domingue, IOTC Secretariat – for circulation to Compliance Committee

Dear Dr Mathew,

**Bilateral Communication on the investigation of the Indian vessel Wisdom in British Indian Ocean Territory (BIOT) Waters**

As previously notified to you on 11<sup>th</sup> November 2015 the owner of the Indian flagged vessel Wisdom, Mr Lawrence S/O Vincent (of I-1-62, Kurissadivilagam, Eraviputhenthurai, Vilavan code, Kanniyakumari, Thuthur, Tamil Nadu, India.) entered guilty pleas to the following offences: (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) of the Fisheries (Conservation and Management) Ordinance 2007.

On 30<sup>th</sup> October 2015 the vessel Owner was fined £14,000 for both offences (plus £120 costs). The Owner of the vessel had 90 days to pay the fine (due date 28<sup>th</sup> January 2016).

The BIOT Administration can confirm that the fine has **not** been paid to date (29<sup>th</sup> April 2016).

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

Dr David Wilson  
Ag. Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

1<sup>st</sup> March 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;  
Mr Hosea Gonza Mbilinyi, Vice Chair;  
Mr. M. C. L Fernando, Director General, Department of Fisheries and Natural Resources, Sri Lanka.

Dear Dr Wilson,

**Resolution 11/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged Vessel Yasiru Putha No 1**

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence for the Sri Lankan flagged vessel Yasiru Putha No 1. This vessel was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined. The fine has been paid in full and the BIOT Administration is satisfied that the Administrative actions taken by Sri Lanka, included in its monthly report for December 2015 (IOTC Circular2015-117) were adequate. This report is provided for information only.

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

Enclosed: IOTC Reporting form for Illegal Activity, Yasiru Putha No 1.



### 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]

#### 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)	Yasuri Putha No. 1 – IMUL-A-0648-KLT
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 1
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Mr Sandaradura Athula Jayamal Silva
h	Operator (previous operator/s, if any) and Master/Fishing Master	Samarathunga Muhandi Ramlage Don Victor (Master)
i	Date of alleged IUU fishing activities	30/05/2015
j	Position of alleged IUU fishing activities	04.62308S, 74.928E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a license 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	<b>Coastal State Actions:</b> Vessel found guilty on both charges. On 27 <sup>th</sup> July 2015 the vessel owner was fined £3,000 for the first offence and £1,500 for the second offence (plus £200 costs).
m	Outcome of Actions taken	The owner was allowed to pay in instalments but paid in full 02/10/2015

## 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)

Appendix I – Photographs

Appendix II – Boarding Report

Appendix III – Letter to Sri Lanka – confirmation of ownership

Appendix IV – Letter from Sri Lanka - Confirming ownership

Appendix V – Letter to Sri Lanka – Vessel released pending investigation

Appendix VI – Letter from Sri Lanka – Flag state actions taken

Appendix VII – Record of proceedings

Appendix VIII – Letter to Sri Lanka – Reporting court proceedings

Appendix IX – Payment of fine

Appendix X – Letter to Sri Lanka – Acknowledgement of fine payment

#### D. Recommended Actions

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

Appendix 1 - Photographs







## Appendix II – Boarding Report

**DATE:** 30<sup>th</sup> May 2015  
**VESSEL:** Yasiru Putha No1  
**REGISTRATION N°:** IMUL-A-0648-KLT  
**MASTER:** Samarathunga Muhandi Ramlage Don Victor  
**SFPO:** David Hughes  
**FPO:** Ashok J Adikari  
**BOARDING PURPOSE:** Inspection following radar contact and visual sighting  
**OUTCOME:** Vessel escorted to Diego Garcia

### 1 introduction

The BIOT patrol vessel “Pacific Marlin” (BPV) was on routine fisheries patrol. During this patrol, the BPV detected, intercepted and boarded the Sri Lankan flagged multipurpose fishing vessel, Yasiru Putha No1. The vessel was subsequently detained for suspicion of having fished illegally in BIOT waters.

**30/05/2015 03.44:** SFPO David Hughes was called to the bridge by the OOW confirming a visual and radar fix of a vessel operating at very low speed within BIOT waters at a distance of 7.18 nautical miles. It was also observed to have flashing maker lights nearby, indicating that it may have fishing gear in the water.

**Target position 04°37.38S 074°55.68E**

**Target course 154°**

**Speed of target 0.7 kts**

**Distance 7.18nm**

**Sea State Slight**

**Visibility 6-8 NM**

### 2 Situation.

**05.12:** The workboat was launched with the SFPO and 3 crew on board including FPO Ashok J Adikari to act as translator.

### 2. Boarding Details

**05.29:** The workboat circled the FV taking photos to for identification purposes and to record the fact it was engaged in fishing operations, this was evident as a net was being hauled on board when the SFPO boarded the vessel.

Once boarded, the SFPO with the aid of the FPO acting as translator, was able to ascertain who the master was and was shown into the wheelhouse. The FV captain identified himself by showing his ID as well as providing the ID of two other crew members and other documents related to the vessel.

The FV captain was shown his position on the BIOT territory chart from his GPS unit and witnessed the document to that effect.

The SFPO then photographed the fresh fish on deck and the instructed the captain to haul the rest of his gear on board. The first part of the gear retrieved consisted of drift nets followed by longlines all having wire trace attached. During hauling of the longline shark and marlin species were landed. These were photographed along with the wire trace used. The last part of the longline was taken on board at 09.30 hours position 04°43.2S 074°56.9E.

The SFPO then examined the vessel's fishing holds the middle hold contained fish species and was photographed.

At the end of the interview, the SFPO told the Captain that he 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 would be detained. The SFPO told the Captain, that it was his view that the FV had been fishing illegally in BIOT in contravention to section 7 of the BIOT 2007 Fisheries Ordinance, at least for a part of his voyage. The SFPO 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.

The SFPO told the Captain he would confiscate navigational equipment and the SSB radio handset to ensure the FV does not attempt to escape while the SFPO is onboard the BPV. The SFPO assured the Captain that this would be returned on release of the FV.

The SFPO then read the FV master his rights and ordered the FV captain to set course to Diego Garcia following the Pacific Marlin at a distance of 500 metres and to maintain a speed of 5 knots.

**10:00:** The SFPO and FPO disembarked

Appendix III – Letter to Sri Lanka – confirmation of ownership



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. M. C. L. Fernando  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

03 June 2015

E-Mail: [mclfernando@gmail.com](mailto:mclfernando@gmail.com)

Dear Mr. Fernando

**Report on the investigation of the Sri Lankan vessel YASIRU PUTHA No. 1 in British Indian Ocean Territory (BIOT) Waters**

The Sri Lankan flagged vessel YASIRU PUTHA No. 1 (IMUL-A-0648-KLT, IOTC No. IOTC0015343) is 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 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	SAJ. Silva 97/6/Thalavilawatta, Moragalla, Aluthgama

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 10<sup>th</sup> June 2015. 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 IV – Letter from Sri Lanka - Confirming ownership

පැ. අංක  
P. O. Box } 531  
දුරකථන  
Telephone } 446183  
(3 lines)



මාගේ අංකය  
My No. } DFAR/EM/K/B/OT/110/2015  
ඔබේ අංකය  
Your No. }

අධ්‍යක්ෂ ජනරාල් සාගර සම්පත්  
ශාස්ත්‍රීය සේවා මධ්‍යස්ථානය  
Office of Director General } 449170  
442187 }  
දුරකථන අංකය  
Phone No. } 449170

**ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව**

සා. ඉංග්‍රීසි ඒකකය, ශ්‍රී ලංකා වානාජ තුනීන්, ත්‍රිකුණාමලය

**DEPARTMENT OF FISHERIES & AQUATIC RESOURCES**

E-mail : [dfar@slamrod.lanka.net](mailto:dfar@slamrod.lanka.net)  
Web : [www.dfar.gov.lk](http://www.dfar.gov.lk)

මහලයකුණි පාර, මලිගොඩ, කොළඹ 10  
New Secretariat, Maligawatta, Colombo 10.

දිනය  
Date } 06/06/2015

Mr. John Moir Clark  
Senior Consultant  
UK-OT Delegation  
18, Queen Street  
London, W 1J 5PN  
United Kingdom

Dear Mr. Clark

**Confirmation of ownership details of the Vessels "Yasiru Pulha" (IMUL-A-0648KLT- IOTC 0015343).**

This is in reference to your letter dated 3<sup>rd</sup> June 2015 requesting confirmation of the ownership details of the Vessels "Yasiru Pulha" (IMUL-A-0648KLT- IOTC 0015343).

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.
"Yasiru Pulha" (IMUL-A-0648KLT- IOTC 0015343).	S.A.J. Silva	397/6/Kalawilawatta, Moragalla, Aluthgamas, Sri Lanka	730883757V

Source: Vessel Registry/DFAR

Thank you  
Yours sincerely

  
M.C.L. Fernando  
Director General  
Department of Fisheries And Aquatic Resources Sri Lanka

Cc: Dr.C.C.Mees/ Head UK Delegation to IOTC – For information

**M. Christy Lal Fernando**  
Director General  
Department of Fisheries & Aquatic Resources

## Appendix V – Letter to Sri Lanka – Vessel released pending investigation



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. M. C. L Fernando  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

22 July 2015

E-Mail: [mclfernando@gmail.com](mailto:mclfernando@gmail.com)

Dear Mr. Fernando,

### **Report on the investigation of the Sri Lankan vessel Yasiru Putha No.1 in British Indian Ocean Territory (BIOT) Waters**

The Sri Lankan flagged vessel, Yasiru Putha No.1 (IMUL-A-0648-KLT, IOTC No. IOTC0015343) was detained on 1<sup>st</sup> June 2015 on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The vessel Yasiru Putha No.1 – (IMUL-A-0648-KLT, IOTC No. IOTC0015343) was released on 6<sup>th</sup> June 2015 pending the outcome of that investigation and a decision with regard to what further action is to be taken.

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, 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;
- Notification of the owner / master to comply with any FPN or court order that may arise from the BIOT authorities; and,
- Pending further action by the BIOT and Sri Lankan 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 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

A handwritten signature in black ink that reads 'C.C. Mees'. The signature is written in a cursive, slightly slanted style.

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



Appendix VI – Letter from Sri Lanka – Flag state actions taken

ප. ම. ප. 531  
 P. O. Box  
 දුරකථන අංකය 446183  
 Telephone (3 lines)



පිටපත් අංකය DFAR/1/M/K/BIOT/2015  
 My No  
 ඔබේ අංකය  
 Your No

අධ්‍යක්ෂ ජනරාල් කාර්යාලය  
 Director General's Office  
 449170  
 472187

ෆැක්ස් අංකය  
 Fax No  
 449170

සිවිල් හා ජලජ සම්පත් දෙපාර්තමේන්තුව

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 புதிய மகலக்கம், மாவட்டமேற்கே, கொழும்பு 10.  
 New Secretariat, Maligawata, Colombo 10.

கடற்பொழிவு, நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net  
 Web : www.fisheriesdept.org

විවෘත  
 07/08/2015  
 Date

Dr. C.C. Mees  
 Head of UK (OT) Delegation to IOTC  
 18, Queen Street  
 London, W1JPN  
 United Kingdom

Dear Dr Mees

**Report on investigation of the Sri Lankan vessel Yasiru Putha No. 01 (IMUL-A- 0648 KLT) in British Indian Ocean Territory (BIOT)**

This is reference to your letter dated 22<sup>nd</sup> July 2015 on detain of the Sri Lankan vessel Yasiru Putha No. 01 (IMUL-A- 0648 KLT) in British Indian Ocean Territory (BIOT) on suspicion of being involved in illegal fishing activity.

Despite to receiving your letter dated 22<sup>nd</sup> July DFAR has already taken following actions against the vessel owner as per the resolution 10(1) of IOTC after the arrival of the vessel on 17<sup>th</sup> June 2015 to the Beruwala fishery harbour of Sri Lanka.

1. Boat was anchored in Beruwala harbour and kept under custody of Coast Guard Department.
2. Vessel Registration, Operation License and the Skipper license suspended.
3. Vessel owner and the skipper summoned for an inquiry on 25<sup>th</sup> June 2015 and 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 i).
4. Mr. S.A.J. De Silva, the owner of the fishing vessel has been informed to appear before the Magistrate of Court in Diego Garcia, or forward written submissions to the Court as per the order given by the Courts of BIOT on the date of 6<sup>th</sup> July 2015 and the future proceedings of the trial conducted in Diego Garcia.
5. Harbour Managers have been informed to prevent departing of the accused skippers Smarathunga Vudianselage Muhandi Rammage Don Victor Mark Antony (Skipper of Yasiru Putha-01), K.D. Nandana (Skipper of Lakshi Duwa 01) on other boats for high seas fishing.
6. The Assistant Director/Kalulura has been instructed to display notices on the harbours and fisheries offices warning vessel owners to prevent from employing these skippers on their fishing vessels for high seas fishing (Annex -ii).

Finally, I would like to inform you that DFAR has recognized the importance of elimination of IUU activities for better conservation and management of the resources in the region. Sri Lanka is in the process of installation of VMS for the high seas operating vessels to be completed towards the end of September 2015 while implementing the High Seas Regulations as well.

Your cooperation on this matter would be highly appreciated.

Thank you  
 Yours Sincerely

M.C.L. Fernando  
 Director General

**M. Christy Lal Fernando**  
 Director General  
 Department of Fisheries & Aquatic Resources



Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

## RECORD OF PROCEEDINGS 27<sup>th</sup> July 2015

To: Sandaradura Athula Jayamal Silva  
97/6 Kalawilawaththa  
Moragalla  
Aluthgama,  
Sri Lanka

The following two charges which had been laid against you were heard by the British Indian Ocean Territory (BIOT) Magistrates Court on the **Twenty Seventh day of July 2015.**

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

**Which specifically alleged:**

That you, Mr Sandaradura Athula Jayamal Silva, being the owner of the Sri Lankan Registered Vessel Yasiru Putha 1 IMUL-A-0648-KLT were between the 29th May 2015 and the 1st June 2015 fishing in the waters of the British Indian Ocean Territory without a licence.

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

**Which specifically alleged:**

That you, Mr Sandaradura Athula Jayamal Silva, being the owner of the Sri Lankan Registered Vessel Yasiru Putha 1 IMUL-A-0648-KLT were between the 29th May 2015 and the 1st June 2015 found having used prohibited fishing gear, namely wire trace lines, within the fishing waters of the British Indian Ocean Territory.

Following your recent correspondence with the Clerk of the Magistrates' Court, the court recorded pleas of **GUILTY** on your behalf, in respect of each of the charges alleged against you. The evidence concerning the particulars of your case was then read out by the prosecution. Having heard all of that evidence the Magistrate found that the charges against you proved and accordingly the following verdicts have been recorded:



Mr Liam Hamilton  
Clerk of the Court  
Diego Garcia  
British Indian Ocean Territory  
BFPO 485

Tel: 00246 370 3506  
E-mail: [Liam.Hamilton@fe.navy.mil](mailto:Liam.Hamilton@fe.navy.mil)

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

**GUILTY**

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

**GUILTY**

Mr Sandaradura Athula Jayamal Silva was sentenced as follows:

- Pay a fine of **3,000 GBP** for fishing without licence
- Pay a fine of **1,500 GBP** for being in possession of prohibited fishing gear
- Fishing gear to be forfeited to the crown for disposal

The request you made in your Affidavit to pay any fine by instalments was considered and agreed to. Therefore the Magistrate has set the following payment conditions:

- An initial payment of **250 GBP** is due to be paid by Wednesday 4<sup>th</sup> day of November 2015.
- Seventeen payments of **250 GBP** will be due to be paid on the first Wednesday of each month thereafter until payment is complete.

If payment is not met, these fines and costs will be passed to local enforcement agents for them to collect. Furthermore Mr Sandaradura Athula Jayamal Silva may be re-summoned to explain to the court why payment has not been made by this date.

If you require any further information regarding any of the above, then please contact myself or [BIOTAdmin@fco.gsi.gov.uk](mailto:BIOTAdmin@fco.gsi.gov.uk)

Given under my hand and the stamp of the Court, this 29<sup>th</sup> day of July 2015.

Mr Liam Hamilton  
Clerk of the Magistrates Court  
British Indian Ocean Territory



## Appendix VIII – Letter to Sri Lanka – Reporting court proceedings



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. M. C. L Fenando  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

29 July 2015

E-Mail: [mclfenando@gmail.com](mailto:mclfenando@gmail.com)

Dear Mr. Fenando,

### **Report on the investigation of the Sri Lankan vessel Yasiru Putha No. 1 in British Indian Ocean Territory (BIOT) Waters**

The Sri Lankan flagged – Yasiru Putha No. 1 (IMUL-A-0648-KLT, IOTC No. IOTC0015343) was detained on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

The owner of the vessel, Mr Sandaradura Athula Jayamal Silva (of 97/6 Kalawilawaththa, Moragalla, Aluthgama, Sri Lanka) entered guilty pleas to the following offences

- 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 27<sup>th</sup> July 2015 the vessel owner was fined £3,000 for the first offence and £1,500 for the second offence with fishing gear to be forfeited to the crown for disposal. The owner of the vessel has been set the following payment conditions:

- An initial payment of £250 is due to be paid by Wednesday 4<sup>th</sup> November 2015.
- Thereafter seventeen payments of £250 due to be paid on the first Wednesday of each month until payment is complete.

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

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

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

ENCL: Court Proceedings



Appendix IX – Payment of fine



**IMUAL-A-0648 KLT (Yasiru Putha)**

From : **Sandaradura Athula Jayamal Silva,**

**97/6, Kalawilawatha,**

**Moragalla,**

**Aluthgama, Sri Lanka.**

**I am very thankful to the Clerk of the Magistrate's Court,** because of the help you gave by lowering the payments. I honor to the Magistrate's Court from my deepest emotions. This mistake won't happen again. I could not make the payments throw the Sri Lankan government, because when I pay by government it will take more time. **Please, inform** to the Sri Lankan government that I payed all the payment . Please be informed that this document is been written by my son ,so please excuse him because of mistakes.

**Please reply to**

**udaramsilva@gmail.com**



## Appendix X – Letter to Sri Lanka – Acknowledgement of fine payment



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. M. C. L Fernando  
Director General  
Department of Fisheries and Natural Resources  
No. 10 New Secretariat  
Maligawatta, Colombo 10

06 October 2015

E-Mail: [mclfernando@gmail.com](mailto:mclfernando@gmail.com)

Dear Mr. Fernando,

### **Bilateral Communication on the investigation of the Sri Lankan vessel Yasiru Putha No.1 (IMUL-A-0648LKT) in British Indian Ocean Territory (BIOT) Waters**

As previously notified to you on 29<sup>th</sup> July the owner of the Sri Lankan flagged vessel Yasiru Putha No.1 (IMUL-A-0648LKT) was issued a fine for fishing illegally and for possession of illegal fishing gear in the BIOT MPA.

The BIOT Administration can confirm that the whole fine has been paid before the due date of the first planned instalment i.e. 4<sup>th</sup> November 2015.

We note the actions taken in respect of the vessel, owner and master communicated in your letter of 07/08/2015 that have been presented as supporting evidence as per IOTC Resolution 10/11 (para.17.5). We consider these actions along with the full payment of the fine before the required date to be of adequate severity. We will submit a report to IOTC as required under Resolution 11/03 which will be for information only. We would, however, wish to remain informed through the monthly IUU reports submitted to IOTC of if and when the vessel is released, the conditions under which it is released, and the ongoing monthly status.

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

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

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

කු. පෙ. } 531  
த. பெட்டி }  
P. O. Box }  
දුරකථන }  
தொலைபேசி } 446183  
Telephone } (3 lines)  
අධ්‍යක්ෂ ජනරාල් කාර්යාලය }  
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Office of Director General } 472187



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தொலை நகல் } 449170  
Fax No. }

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எனது இல. } DFAR/FM/K/IOTC/2015  
My No. }  
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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

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புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

දිනය }  
திகதி } 11-04-2016  
Date }

Executive Secretary  
Indian Ocean Tuna Commission (IOTC)  
PO Box 1011, Victoira, Mahe  
Seychelles  
Copy: Mr. Hermino Tembe, Chair of the Compliance Committee

Dear Sir

### IOTC CIRCULAR 2016/041

SUBJECT : DRAFT IOTC /IUU VESSELS LIST

#### 1. Status of six Sri Lankan vessels SULARA 2, IMASHA 2, NRODHA PUTHA, THIWANKA 5, OTTO 2 and KAVINDYA DUWA , listed from No. 16 to 21 of the draft IUU vessels list of 2016

BIOT authorities proposed to list above Sri Lankan vessels in the IUU vessels list under the provisions of Resolution 11/03 on *establishing a list of vessels presumed to have carries out illegal, unregulated and unreported fishing in the IOTC area* at the 12<sup>th</sup> Compliance Committee meeting.

These vessels were found guilty on Fishing in BIOT waters without valid license and possessing prohibited gears on board after trial conducted by the Courts of Diego Garcia. The BIOT authorities have apprehended these vessels in year 2014 and after conducting an investigation the crew and the vessel have been released on pending trials in the BIOT Courts. The trial has been conducted in absentia of the vessel owners and a fine has been imposed to the vessel owners once convicted.

Department of Fisheries and Aquatic Resources (DFAR) of Sri Lanka corporate with BIOT Authorities to act against the IUU fishing activities by vessels of Sri Lanka through bilateral communications in a view to prevent IUU fishing in the region. Further DFAR suspend the vessel registration and the fishing operation license of the above vessels and anchored in the Beruwala harbor under the custody of Coast Guards Department from the date of the arrival of to Sri Lanka. The vessels are still anchored in the Beruwala harbor and up to date it is more than one years' period. **Since the legal proceedings ahead these six vessels were listed in the provisional list of IUU during the 12<sup>th</sup> Compliance Committee meeting in 2015.**

DFAR tried every effort to urge the, vessel owners to pay the fine, the vessel owners repeatedly expressed their financial incapability to settle the fines, imposed by fined by the Courts of Diego Garcia. Although the fined by the Courts of Diego Garcia made arrangements to pay the fine in monthly installments on the request of the vessel owners except for two others do not comply to that. In the meantime BIOT Authorities insisted to make arrangements to settle the fines.

In Sri Lanka administration there is no legal basis to compel the vessel owners to pay the fine imposed by foreign courts. As such the only means of charging the fine is that prosecute the offenders under Sri Lanka law and if convicted, the verdict shall in a way that able to settle the fine (confiscate/auction of the vessel ). The principal legal advisor of BIOT also contacted DFAR of Sri Lanka on this regard and the communication is attached hereto. (Annex- i)



DFAR filed cases against these vessels under the provisions of the Fisheries and Aquatic Resources Act No.35 of 2013, Initially to the four vessels SULARA 2, IMASHA 2, NRODHA PUTHA, THIWANKA 5 at the Magistrate courts of Kalutara and the OTTO 2 AND KAVINDYA DUWA was followed.

Certified copies of the investigation reports and the case records has not received from the BIOT authorities as requested by Sri Lanka. However the legal proceedings initiated with the guidance of Attorney Generals Department of Sri Lanka on 5<sup>th</sup> May 2015 and three trials conducted. It was ordered to call witness from BIOT authorities. As such it was decided to summon the Senior Fisheries Protection Officer who involved in the investigations as witness and the trial date fixed to 5<sup>th</sup> February 2016. However it was further ordered by the Courts to amend the witnesses list by including the interpreters attended at the investigation conducted by BIOT authorities.

Due to this amendments, the summon order for the Senior Fisheries Protection Officer has not send to BIOT Authorities as reported in the last monthly report submitted to IOTC which was circulated in January 2016. Hence the next trial date fixed to 29<sup>th</sup> April 2016.

In the meantime, Principal Legal Adviser for British Indian Ocean Territories informed her visit to Sri Lanka in the third week of March to discuss with Officials of DFAR, AG's Dept and other stakeholders in a view to arrive to an agreed solutions to ensure effective conclusion over the prevailing IUU issues. However the dates postponed and Sri Lanka proposed the dates at end of April and hope to resolve outstanding issues and report to the 13<sup>th</sup> Compliance meeting of IOTC.

## **2. Status of the vessel Yasiru Putha No.01 (IMUL-A- 0648KLT) listed under No. 22 of the draft IUU vessels list of 2016**

This vessel found guilty on Fishing in BIOT waters without valid license and keep in possession of prohibited gears on board in 29<sup>th</sup> May 2015. The owner has been fined by the Courts of Diego Garcia and the vessel owner has paid the fine. The vessel has been anchored until settle the fine. The vessel is included to the monthly reporting to IOTC. The owner agreed to the conditions imposed by the DFAR and granted permission to fish only within the EEZ of Sri Lanka after installation of VMS on board.

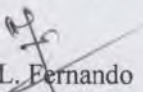
Sri Lanka at present well equipped with legal framework to combat IUU fishing and all high seas operating vessels are fixed with operational VMS onboard. Strict boat inspections are being conducted at departure and arrival points by the officials of DFAR, Coast guard and NAVY. As such in 2015 only one Sri Lankan vessels reported on illegal entering to BIOT waters (Yasiru Putha 01) and this was bilaterally resolved. The management of VMS is further strengthen by Issuing circular by including inspection of operational status of the VMS at departure point.

By providing above information Sri Lanka do not agree with inclusion of the six vessels SULARA 2, IMASHA 2, NRODHA PUTHA, THIWANKA 5, OTTO 2 and KAVINDYA DUWA to the IUU list, Since actions of adequate severity are being taken (ongoing) and Hence, **requested to be remained in the provisional list of IUU until the legal actions completed.**

With regard to the vessel Yasiru Putha 01, Sri Lanka disagree with inclusion of this vessel in IUU list since the owner has respected the law of Diego Garcia and agreed with the conditions imposed by DFAR Sri Lanka and already included to the monthly reporting of IOTC.

It would be appreciated that if could circulate this letter for the information of the Compliance Committee.

Thank You  
Yours sincerely

  
M. C. L. Fernando  
Director General  
Department of Fisheries and Aquatic Resources  
Sri Lanka



තැ. පෙ. } 531  
த. பெட்டி }  
P. O. Box }  
දුරකථන }  
தொலைபேசி } 446183  
Telephone } (3 lines)



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எனது இல. } DFAR/FM/K/BIOT/Bilateral  
My No. }  
ඔබේ අංකය }  
உமது இல. }  
Your No. }

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பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170  
Office of Director General } 472187

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Fax No. }

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.  
New Secretariat, Maligawatta, Colombo 10.

E-mail : depfish@diamond.lanka.net  
Web : www.fisheriesdept.org

දිනය }  
திகதி } 13/01/2016  
Date }

Ms. Denise Bradshaw  
Solicitor  
Principal Legal Adviser  
Head of Prosecution  
British Indian Ocean Territory

Dear Madam

**Re: Sri Lankan Criminal Prosecutions in respect of the following vessels:**

**Imasha 02, Thiwanka 05, Nirodha Putha, Sulara 02**

This is reference to your letter dated 22<sup>nd</sup> December send to this Department on the above.

I would like to bring to your kind notice that ten (10) Sri Lanka vessels have been apprehended by the BIOT Authorities for being engaged in Illegal Unreported Unregulated (IUU) fishing activities in the Marine protected area of BIOT waters and prosecuted by BIOT Courts, in year 2014.

Department of Fisheries and Aquatic Resources (DFAR) of Sri Lanka assisted BIOT authorities through bilateral communications for the investigations by confirming the ownership of the vessels those arrested, in a view to combat IUU fishing activities in the region. Further DFAR Sri Lanka suspended the Vessel Registration and the operation license and kept the vessels in the Custody of Coast Guard Department until settle down the case by paying the fines imposed by the courts of BIOT.

Out of the 10 vessel owners, two vessel owners ( Vessels Seawish and Jane) have paid the fine imposed by the Magistrate of BIOT. The 8 remaining boats are still being anchored at Beruwala fishery harbor in Sri Lanka. The Department of Fisheries and Aquatic Resources tried every effort to urge the vessel owners to pay the fines, the vessel owners repeatedly expressed their financial incapability to pay the fine imposed by Magistrate Courts of BIOT.



Although the BIOT Courts made arrangements to pay the fine in monthly installments on the request of the vessel owners, except for one vessel owner (Vessel Dulari) others do not respect for it. In the meantime BIOT Authorities insisted DFAR to make arrangements to settle the fine.

In Sri Lankan administration there is no legal basis to compel the vessel owners, to pay the fine imposed by foreign courts. In the meantime Sri Lanka is not taking administrative measures against violations of High Seas fishing after the enactment of the Fisheries and Aquatic Resources Act No 35 of 2013.

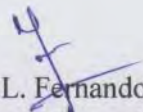
As such the only means of charging the fine is that prosecute the offenders under Sri Lanka law and if convicted, the verdict shall in a way that (confiscate the vessel and auction) able to settle the fine. Based on this platform DFAR filed cases against the vessel owners of Imasha 02, Thiwanka 05, Nirodha Putha, Sulara 02 those that BIOT authorities has provided the investigation and the case records as per the instructions of the Attorney General Sri Lanka. Therefore it is required the officers and the interpreters who carry out the investigations of the suspected vessels to be appeared in the Courts as the witness during the Trial.

Further I would like to inform you that DFAR initiated to file cases against the remaining three vessel owners ( Otto2, Kavinda Duwa, Stef and Ania Duwa) those who have not paid the fine and the same procedure will apply to the said three vessel owners also. The owner of the vessel "Dulari" who agreed to pay the fine in monthly installments has already paid the first installment in January 2015.

Under the above circumstances we are not in a position to take administrative measures as you proposed against the vessel owners found guilty on IUU fishing. However, I appreciate your assistance towards Sri Lanka on this regard.

In conclusion I would like to reaffirm our commitment to cooperate the IOTC and the relevant Coastal States to deter and elimination of IUU fishing in the region.

Thanking You  
Yours Sincerely

  
M.C.L. Fernando  
Director General

**M. Christy Lal Fernando**  
**Director General**  
Department of Fisheries & Aquatic Resources

CC: Mr. John Moir Clark-Senior Consultant BIOT Delegation  
Dr C.C.Mees ; BIOT Delegate 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 [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)	Naham 4( Der Horn 569)
b	Current Flag (previous flag/s, if any)	- Oman /Belize
c	Date first included on IOTC IUU Vessel List (if applicable)	Naham 4 was not included in the iuu list we only completed the forms this year but it was forfeited to the state in 2013. It is confusing which name we must blacklist as the vessel seems to be Der Horn 569 reported by the owner in Belize as a stolen vessel in RSA by the operator. The vessel presented document claiming to be Naham no. 4. Upon investigations the true identity of the vessel was revealed as Der Horn 569.
d	Lloyds IMO Number, if available	N/A
		
f	Call Sign (previous call sign, if any)	A4DK6 ( V3DG)
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Hsu Te Chuan/ Al Naham
h	Operator (previous operator/s, if any) and Master/Fishing Master	Tsai Chang Yen

i	Date of alleged IUU fishing activities	2010-2013
j	Position of alleged IUU fishing activities	IOTC no co-ordinates
k	Summary of alleged IUU activities (see section B for more detail)	The vessel Der Horng no 569 fished under the name of authorized vessel Naham 4. The owners or operator illegally changed the vessel name Der Horng name to Naham 4 and they utilized the fishing licence of Naham 4 on Der Horng no. 569. Infractions that were noted were: misrepresentation, Fraudulent document, length of the vessel not corresponding with the certificate, drawing plans not presented, Fishing log book not onboard during inspection
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was then seized and later forfeited to the state under the civil case. When the Captain was about to be charged by police he flees the country. He never returns back to South Africa. The criminal case is still under investigation by our South African Police Services and National Prosecuting Authority.
m	Outcome of Actions taken	Vessel was then forfeited to the state (RSA) under civil action. The criminal matter is still under investigation.

## 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	yes
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	No
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	No
d	Take or land undersized fish in contravention of IOTC conservation measures	No
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures	Possible
f	Use prohibited fishing gear in contravention of IOTC conservation measures	No
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List	Possible
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	Possible
i	Are without nationality and harvest tuna or tuna-like species in the IOTC area of competence	Yes
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	Yes

## C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs)

[Click here to enter text.](#)

## D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	RSA is still pursuing the criminal case. We will engage with IOTC when the criminal matter is concluded
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.	Yes
c	Recommended for inclusion on IOTC IUU list	Yes (as Der Horng 569 & Naham 4 )

**ANNEX II**  
**Information to be included in all IOTC IUU vessels lists**

The Draft, Provisional and Final IUU Vessels Lists shall contain the following details:

1. Name of the vessel and previous name/s, if any;
2. Flag of the vessel and previous flag/s, if any;
3. Owner of the vessel and previous owner/s, including beneficial owners, if any;
4. Operator of the vessel and previous operator/s, if any;
5. Call sign of the vessel and previous call sign/s, if any;
6. Lloyds/IMO number, if available;
7. Photographs of the vessel, where available;
8. Date the vessel was first included on the IOTC IUU Vessels List,
9. Summary of the activities which justify inclusion of the vessel on the List, together with references to all relevant supporting documents and evidence.



**INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE  
"IMMARBE"**

**REGISTRATION OF MERCHANT SHIPS ACT, 1989  
PROVISIONAL PATENT OF NAVIGATION**

NAME OF VESSEL  
**CHIN LI HORNG**

CALL LETTERS  
**V3DG**

IMO NUMBER

REGISTRATION N°  
**019821281**

NAME AND ADDRESS OF OWNERS  
**CHIN FU FISHERY CO. LTD. S.A.  
C/O NO. 35 BARARCK RD., BELIZE OFFSHORE CENTRE, 3<sup>RD</sup>. FL., P.O. BOX 1777, BELIZE CITY, BELIZE**

DESCRIPTION OF VESSEL					
TYPE OF VESSEL	MATERIAL OF THE HULL	GROSS TONNAGE	NET TONNAGE	UNDER DECK	
<b>FISHING</b>	<b>STEEL</b>	<b>895.00</b>	<b>316.00</b>	<b>0.00</b>	
No. DECKS	No. MASTS	No. BRIDGES	No. FUNNELS	NAME OF BUILDERS	YEAR BUILT
<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>NARASAKI SENPAKU KOGYO CO. LTD.</b>	<b>1977</b>
LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKERS	SPEED
<b>50.75</b> METERS	<b>9.80</b> METERS	<b>4.45</b> METERS	<b>ONE DIESEL ENGINE</b> 1600 PS	<b>NIIGATA TEKKOSHO</b>	<b>12.10</b> KNOTS

PREVIOUS NAME **MITO MARU NO. 82** PREVIOUS NATIONALITY **JAPAN**

TYPE OF RADIO EQUIPMENT: **RADIOTELEPHONY**

ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: **OWNER'S ADDRSS**

COMPLETE ADDRESS OF ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: **OWNER'S ADDRESS**

RESIDENT AGENT: **TORRIJOS Y ASOCIADOS**

DATE OF ISSUANCE  
**DECEMBER 8, 1998**

DATE OF EXPIRATION  
**JUNE 7, 1999**

The Registrar of the International Merchant Marine Registry of Belize, by the powers vested thereupon by Registration of Merchant Ships Act, 1989 and amendments, Hereto, hereby authorizes and extends the present Provisional Patent of Navigation.



  
Registrar





**INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE  
"IMMARBE"**

**REGISTRATION OF MERCHANT SHIPS ACT. 1989  
PATENT OF NAVIGATION**

DUAL REGISTRATION

SPECIAL REGISTRATION

NAME OF VESSEL  
**DER HORNG 569**

CALL LETTERS  
**V3DG**

IMO NUMBER  
**7741550**

REGISTRATION N°  
**019821281**

NAME AND ADDRESS OF OWNERS  
**DER WEI FISHERY CO., LTD.  
60 MARKET SQUARE, P.O. BOX 364, BELIZE CITY, BELIZE**

DESCRIPTION OF VESSEL				
TYPE OF VESSEL	MATERIAL OF THE HULL	GROSS TONNAGE	NET TONNAGE	UNDER DECK
<b>FISHING VESSEL</b>	<b>STEEL</b>	<b>895.00</b>	<b>316.00</b>	<b>0.00</b>

No. DECKS	No. MASTS	No. BRIDGES	No. FUNNELS	NAME OF BUILDERS	YEAR BUILT
<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>NARASAKI SENPAKU KOGYO CO., LTD.</b>	<b>1977</b>

LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKERS	SPEED
<b>50.75 METERS</b>	<b>9.80 METERS</b>	<b>4.45 METERS</b>	<b>ONE DIESEL MOTOR 1600 PS</b>	<b>NIIGATA TEKKOSHO</b>	<b>12.10 KNOTS</b>

PREVIOUS NAME CHIN LI HORNG PREVIOUS NATIONALITY JAPAN

TYPE OF RADIO EQUIPMENT: RADIO-TELEPHONE

ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: SHIPPING RADIO & MANAGEMENT INTERNATIONAL INC.

COMPLETE ADDRESS OF ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: P.O. BOX 6-4298, ESTAFETA EL DORADO, PANAMA, REP. OF PANAMA

RESIDENT AGENT: TORRIJOS Y ASOCIADOS

DATE OF ISSUANCE  
**NOVEMBER 2, 2001**

DATE OF EXPIRATION  
**MAY 1, 2002**

The Registrar of the International Merchant Registry of Belize, by the powers vested thereupon by Registration of Merchant Ships Act, 1989 and amendments thereto, hereby authorizes and extends the present Provisional Patent of Navigation.



INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE  
"IMMARBE"

TAIWAN Designated Office, (I.D.No.28)  
by: WANG SHAU FUN   
DEPUTY REGISTRAR



RE-ISSUANCE  
DUE TO LOSS



INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE  
"IMMARBE"

REGISTRATION OF MERCHANT SHIPS ACT. 1989  
PERMANENT PATENT OF NAVIGATION

NAME OF VESSEL

**DER HORNG 569**

CALL LETTERS

**V3DG**

REGISTRATION N°

**019821281**

IMO NO. 7741550

NAME AND ADDRESS OF OWNERS

**DER WEI FISHERY CO., LTD.  
60 MARKET SQUARE P.O. BOX 364, BELIZE CITY, BELIZE**

DESCRIPTION OF VESSEL

TYPE OF VESSEL	MATERIAL OF THE HULL	GROSS TONNAGE	NET TONNAGE	UNDER DECK
<b>FISHING (FISHING VESSEL)</b>	<b>STEEL</b>	<b>895.00</b>	<b>316.00</b>	<b>0.00</b>

No. DECKS	No. MASTS	No. BRIDGES	No. FUNNELS	NAME OF BUILDERS	YEAR BUILT
<b>ONE (1)</b>	<b>ONE (1)</b>	<b>ONE (1)</b>	<b>ONE (1)</b>	<b>MARASAKI SENPAKU KOGYO CO., LTD.</b>	<b>1977</b>

LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKERS	SPEED
<b>50.75 METERS</b>	<b>9.80 METERS</b>	<b>4.45 METERS</b>	<b>ONE (1) MOTOR DIESEL 1600 PS</b>	<b>NIIGATA TEKKOSHO</b>	<b>12.10 KNOTS</b>

PREVIOUS NAME CHIN LI HORNG PREVIOUS NATIONALITY JAPAN

TYPE OF RADIO EQUIPMENT: RADIO-TELEPHONE

ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: SHIPPING RADIO & MANAGEMENT INTERNATIONAL INC.

COMPLETE ADDRESS OF ENTITY RESPONSIBLE FOR RADIO ACCOUNTS: P.O. BOX 6-4298, ESTAFETA EL DORADO, PANAMA, REP. OF PANAMA

RESIDENT AGENT: TORRIJOS Y ASOCIADOS BELIZE LIMITED

DATE OF ISSUANCE

**JUNE 26, 2008**

DATE OF EXPIRATION

**PERMANENT VALIDITY**

The Registrar of the International Merchant Marine Registry of Belize, by the powers vested thereupon by the Registration of Merchant Ships Act, 1989 and amendments thereto, hereby authorizes and extends this Permanent Patent of Navigation.



INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE

Designated Office (I.D.No.28)

Registrar





INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE  
"IMMARBE"  
REGISTRATION OF MERCHANT SHIPS ACT. 1989

CERTIFICATE OF PERMANENT REGISTRATION OF OWNERSHIP TITLE

1. Name of Vessel **DER HORNG 569**  
(EX-CHIN LI HORNG)      2. Registration number **019821281**      3. Call sign **V3DG**
4. Name of Sellers **CHIN FU FISHERY CO., LTD. S.A.**
5. Address of Sellers **C/O No.35, Barrack Rd., Belize Offshore Centre 3<sup>rd</sup> Fl., P.O. Box No.1777, Belize City, Belize.**
6. Name and Title of Seller's Representative **Chen, Chun-Hsing**  
**President**
7. Name of Buyers **DER WEI FISHERY CO., LTD.**
8. Address of Buyers **60 Market Square, P.O. Box 364, Belize City, Belize**
9. Name and Title of Buyer's Representative **Hsu, Te-Chuan**  
**President**
10. Sale's Price **US\$300,000.00**
11. Date of Execution **October 25, 2001**

IMO: 7741550

DESCRIPTION OF VESSEL

TYPE OF VESSEL	MATERIAL OF HULL	GROSS TONNAGE	NET TONNAGE	UPPER DECK	
Fishing (Fishing Vessel)	Steel	895.00	316.00	-----	
No. DECKS	No. MASTS	No. BRIDGES	No. FUNNELS	NAME OF BUILDERS	YEAR BUILT
1	1	1	1	Narasaki Senpaku Kogyo Co., Ltd.	1977
LENGTH	BREADTH	DEPTH	TYPE OF ENGINES	NAME OF ENGINES MAKERS	SPEED
50.75 Meters	9.80 Meters	4.45 Meters	One Diesel Motor 1600 PS	Niigata Tekkosho	12.10 Knots

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Page 67 Entry No. 134  
Time 158 10:00 HOURS  
Date FEBRUARY 05, 2002



*Ms. Valerie Savery*  
Certification Officer





**INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE  
"IMMARBE"  
REGISTRATION OF MERCHANT SHIPS ACT. 1989**

**CERTIFICATE OF PERMANENT REGISTRATION OF OWNERSHIP TITLE**

- |  |  |                        |           |              |      |
|--|--|------------------------|-----------|--------------|------|
| 1. Name of Vessel                            | CHIN LI HORNG<br>(EX-MITO MARU NO.82)  | 2. Registration number | 019821281 | 3. Call sign | V3DG |
| <hr/>  |  |                        |           |              |      |
| 4. Name of Sellers                           | PITEI INTAMASUINDO CO., LTD.   |                        |           |              |      |
| <hr/>  |  |                        |           |              |      |
| 5. Address of Sellers                        | Jl. Ten No.5 B-C, Jakarta 11110 Indonesia  |                        |           |              |      |
| <hr/>  |  |                        |           |              |      |
| 6. Name and Title of Seller's Representative | Chen-Yuan -Choan<br>Legal Representative   |                        |           |              |      |
| <hr/>  |  |                        |           |              |      |
| 7. Name of Buyers                            | CHIN FU FISHERY CO., LTD. S.A.   |                        |           |              |      |
| <hr/>  |  |                        |           |              |      |
| 8. Address of Buyers                         | c/o #35 Barrack Rd., Belize Offshore Ctr., 3 <sup>rd</sup> Flr. P.O.Box No.1777, Belize City, Belize |                        |           |              |      |
| <hr/>  |  |                        |           |              |      |
| 9. Name and Title of Buyer's Representative  | Chen, Chung-Hsing<br>President   |                        |           |              |      |
| <hr/>  |  |                        |           |              |      |
| 10. Sale's Price                             | U.S.D.\$300,000.00   |                        |           |              |      |
| <hr/>  |  |                        |           |              |      |
| 11. Date of Execution                        | December 06, 1998  |                        |           |              |      |

<b>IMO NO.7741550</b>		<b>DESCRIPTION OF VESSEL</b>			
TYPE OF VESSEL	MATERIAL OF HULL	GROSS TONNAGE	NET TONNAGE	UPPER DECK	
Fishing Vessel	Steel	895.00	316.00	-----	
No. DECKS	No. MASTS	No. BRIDGES	No. FUNNELS	NAME OF BUILDERS	
1	1	1	1	Narasaki Senpaku Kogyo Co. Ltd.	
		TYPE OF ENGINES		NAME OF ENGINES MAKERS	
LENGTH	BREADTH	DEPTH			SPEED
50.75 Meters	9.80 Meters	4.45 Meters	One Diesel Engine 1600 PS		12.10 Knots

This is to certify that this Document has been permanently Registered at book \_\_\_\_\_ XI-A

Page 17 Entry No. 34

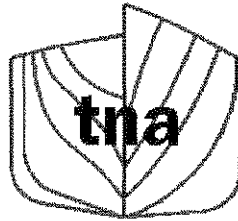
Time <sup>159</sup> 15:45 HOURS  
Date AUGUST 30, 2000

  
 MS. ANNETTE GARELL

# Triton

## Naval Architects c.c.



### VESSEL COMPARISONS STUDY FOR THE NAHAM 4

Triton  
Naval Architects  
16 Jul 2013  
DRAFT

Revision	Description	Date

	TNA 2846 / 001	<u>DATE</u>
<b>PREPARED</b>	B KINGWILL Naval Architect, M.Sc. Eng, Pr. Eng	JULY 2013

**Triton Naval Architects**  
No. 8 Foregate Square Harbour Rd, Foreshore, CAPE TOWN  
Tel +27 21 418 2090, Fax +27 21 425 2722  
Web: www.triton.co.za, Email: triton@triton.co.za



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## 1. **SYNOPSIS**

The Office of the State Attorney of South Africa approached Triton Naval Architects to offer an expert opinion on the identity and comparison of various vessels, all purporting to be the Naham 4, Call Sign A4DK6.

Reference was taken from various sets of photo's taken on 5 different dates, coupled to a site visit to the vessel at M Berth in Cape Town Harbour on the 15 July 2013, at which time additional photo's were also taken.

These photographs will be included as applicable throughout the report, but the following table indicates the dates at which the sets of photo's were taken.

<b>NAHAM 4 PHOTOGRAPH REFERENCES</b>			
<b>DENOTED</b>	<b>DATE</b>	<b>LOCATION</b>	<b>NUMBER OF PHOTOS</b>
#1	1 August 2010	Government of Oman	2
#2	11 April 2012	At Sea (IOTC 8921)	1
#3	29 July 2012	Syncrolift Cape Town	1
#4d	23 Oct 2012	Cape Town	2
#4a	22 Mar 2013	M Berth, Cape Town	10
#4b	July 2013	M Berth, Cape Town (by Sea Fisheries)	75
#4c	15 July 2013	M Berth, Cape Town (by Triton)	19

It will be illustrated through reference to identified features within the photographs and observations made onsite, that there various sets of photographs identify 4 different vessels.

Furthermore it will be shown that measurements taken onboard the vessel (15 July 2013) show disagreement in key dimensions from the registration papers presented by the Dept of Sea Fisheries. (of which extracts are included in this report).

This report was drawn up by Barry Kingwill, in his capacity as a Naval Architect and partner of Triton Naval Architects.

## 2. **APPLICABLE DOCUMENTS**

*Photographs as per table above, received by email : 12 July 2013* from Office of State Attorney

*Photographs taken onboard, by Triton: 15 July 2013* by Triton Naval Architects

*Photographs (copies) taken of certain pages of the registration papers (for reference and inclusion in report): which were in the possession of DAFF Fishery Control Officer at site visit 15 July 2013*

### 3. COMPARISON OF PHOTOGRAPHS AND OBSERVATIONS ON BOARD

#### 3.1 STERN VIEWS

We will assume the vessel inspected at M-Berth Cape Town on the 15<sup>th</sup> July 2013, as the reference vessel (whether the correct Naham 4, or not) and make comparisons between it and all the other vessels, of which there are three others, or four in total.

It will be shown that the vessel's photographed in 2013 are all the same vessel, leaving the vessel photographed in Oman in 2010 as a unique vessel, the one photographed on the syncrolift in Cape Town in July 2012 as a unique vessel, the one photographed at sea in April 2012 as yet another unique vessel.



**Figure 1 - Photographed by Triton 15 July 2013 at M Berth, Cape Town (Denoted Vessel #4c)**

This will be shown by reference to certain features to be the same as vessel as per the following photographs.

If one compares features such as the hand railing at the upper level and on main deck and where it adjoins a solid plate bulwark on the transom, the after deckhouse stern opening and shape, and then minor features such as the location of the two lights on the stbd side just ahead of the side doorways, and the small spotlight located on the handrailing on the 1<sup>st</sup> deck (above main deck), are all identical between Figures 1, 2 and 3. The aft mast can also be seen to be identical in all these cases.

If we then compare these stern images to the stern image of the Oman vessel (Figure 4) then significant differences can be noted.

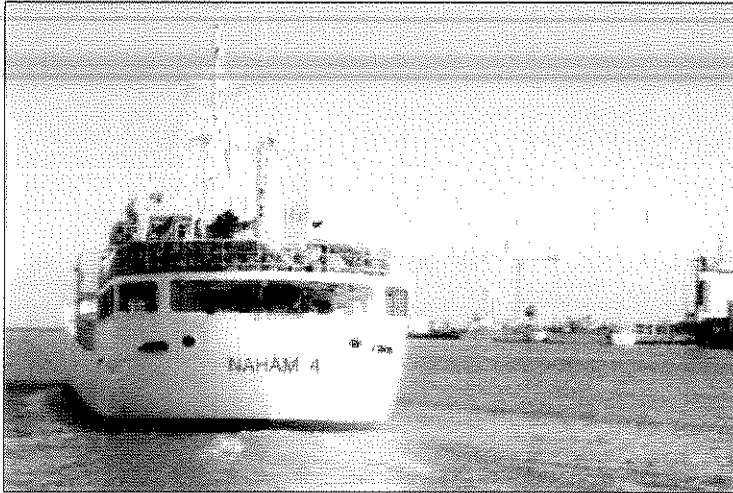


**Figure 2 - Photographed at M Berth Cape Town, 22 March 2013 (Denoted Vessel #4a)**



**Figure 3 - Photographed by Dept Sea Fisheries in July 2012 (Denoted Vessel #4b)**



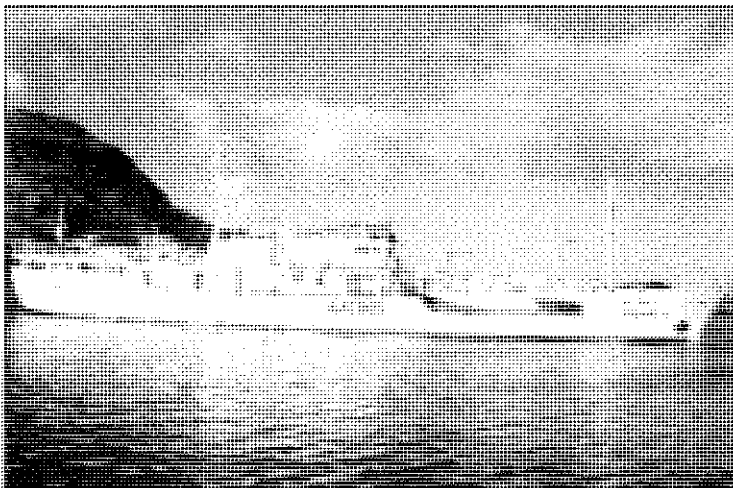


**Figure 4 - Vessel photographed in Oman - 1st Aug 2010 (Denoted Vessel #1)**

In Figure 4 above, in contrast to Figures 1,2,3 the stern opening is divided into 3 openings, namely 1 wide opening in the centre with two narrow openings on either side. The transom also appears to be much rounder, and in fact, this image coupled to the profile image appears to indicate a significantly larger vessel.

However size aside, the stern has features mentioned above, also including the shape and location of freeing ports and rope fairleader openings which are different to Figures 1,2,3 above. The after and main mast is also completely different.

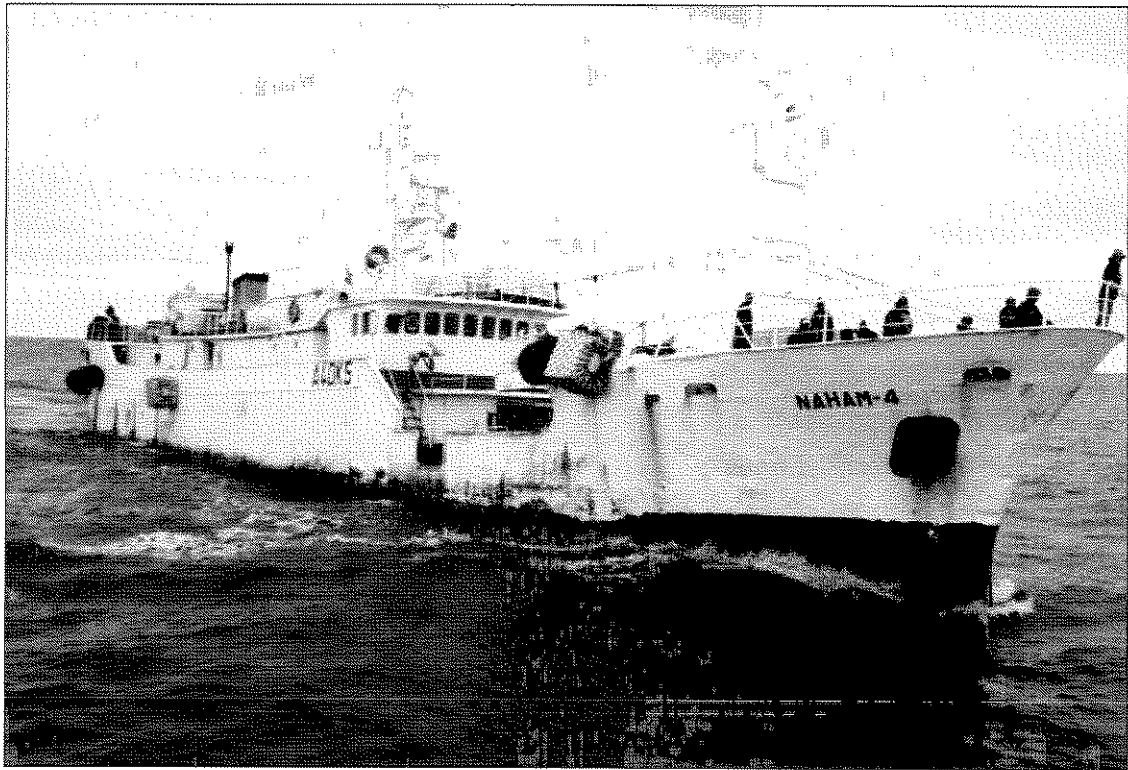
### 3.2 PROFILE AND BOW VIEWS



**Figure 5 - Profile view of vessel photographed in Oman in 2010 (Denoted Vessel #1)**

Features from this profile view, to take note of for comparative purposes, include the size and height

of the fwd mast, the location and shape of the main mid mast, the shape of the bulkwark side opening, the shape and level of the bridge, and the extent of enclosure of the deckhouse. These and other features will be shown to be different by comparison to any of the other vessels. This vessel also appears to be larger than any of the other vessels, but that is a more subjective parameter.



**Figure 6 - Vessel photographed at sea - 11 April 2012 (Denoted Vessel #2), note incorrect call sign**

In comparing the profile of vessels #1 and #2 (above),

- #1 has a main deck, upperdeck and bridge deck, whereas in #2 the bridge is located on the upperdeck, and only has 2 decks,
- the side cutout is a different shape
- the fwd mast is different
- the mid mast is located above the bridge in the case of #2 and much further aft in the case of #1
- the enclosure of the stbd side aft upper deck is different, with #1's partial enclosure extending further fwd and having a series of openings.
- The freeing ports on the bow are also different in location and size as is the anchor and anchor pocket.

If we then reference vessel #3 as photographed on the syncrolift 29 July 2012. other than the obvious marking of the name, the following differences can be noted, when comparing against #1, #2, or #4.



**Figure 7 - Vessel photographed on the Syncrilift in Cape Town on the 29 July 2012 (denoted Vessel #3)**

Differences:

- The fwd mast is a single column mast which differs with #1 which is a larger and higher fwd mast, whereas #2 and #4 both have double pipe mast constructions. The main mast is also different to all of the other vessels.
- The bow rake of #3 is much more pronounced than #4. The bow does also not have the stem plate which is apparent in the photo's for #4a, #4b, #4c.
- The bridge and bridge windows differ with all of the other vessels, most markedly with #4 where the bridge is extended to the ship's side, with an overhang over the walkway below on upperdeck,
- The anchor pocket differs with #2 and #4.
- This vessel #3, has a deck house fwd of the bridge which none of the other vessels have.
- The freeing ports on the bow are different, but as all the other vessel's profile views are taken from the other side, this is not seen as one of the conclusive variances.
- The #3 bridge is also located on the upperdeck, as per #2, whereas for #1 and #4 the bridge is located 1 deck higher.
- When closely observing the bridge windows for #2 and #3, it is apparent that there is a significant overhanging deckhead over the bridge windows on #2, which is not the case in #3.



**Figure 8 - Vessel #4a (photographed 22 March 2013)**

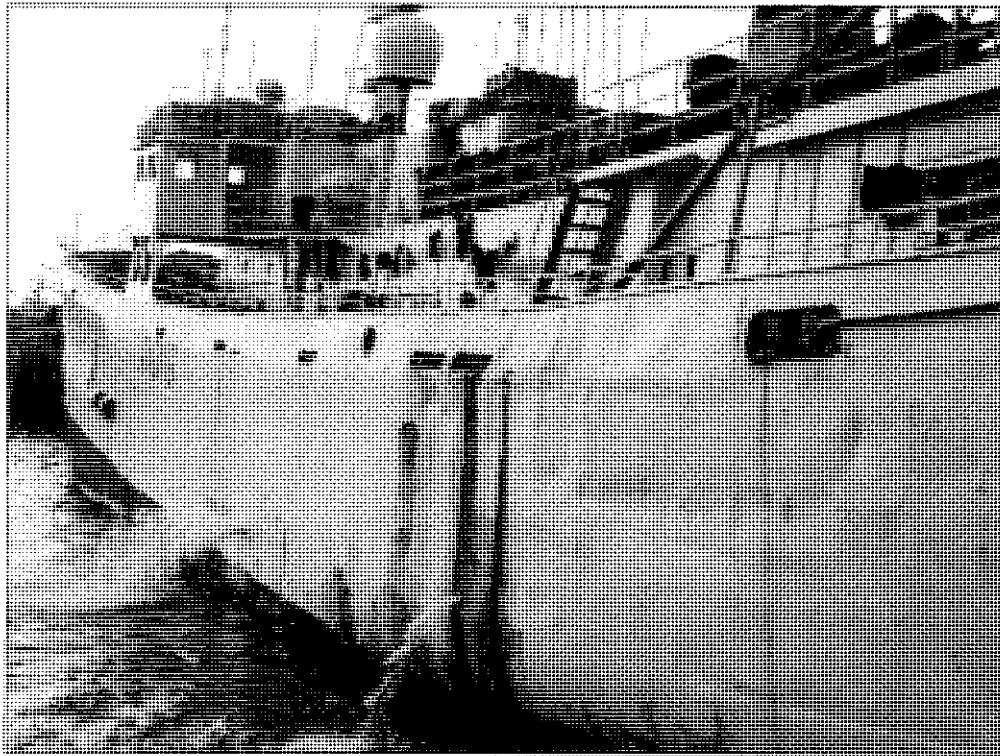
In figure 8 above, the overhanging bridge is very apparent, which is not the case on any of the other vessels.

Incidentally the dented structure under the overhanging bridge is one of the features that is used as agreement points between vessels #4b and #4c.

The dent in the portside bow, is also apparent in the photo's for #4b and #4c, with the latter cases showing the vessel in a repainted state.

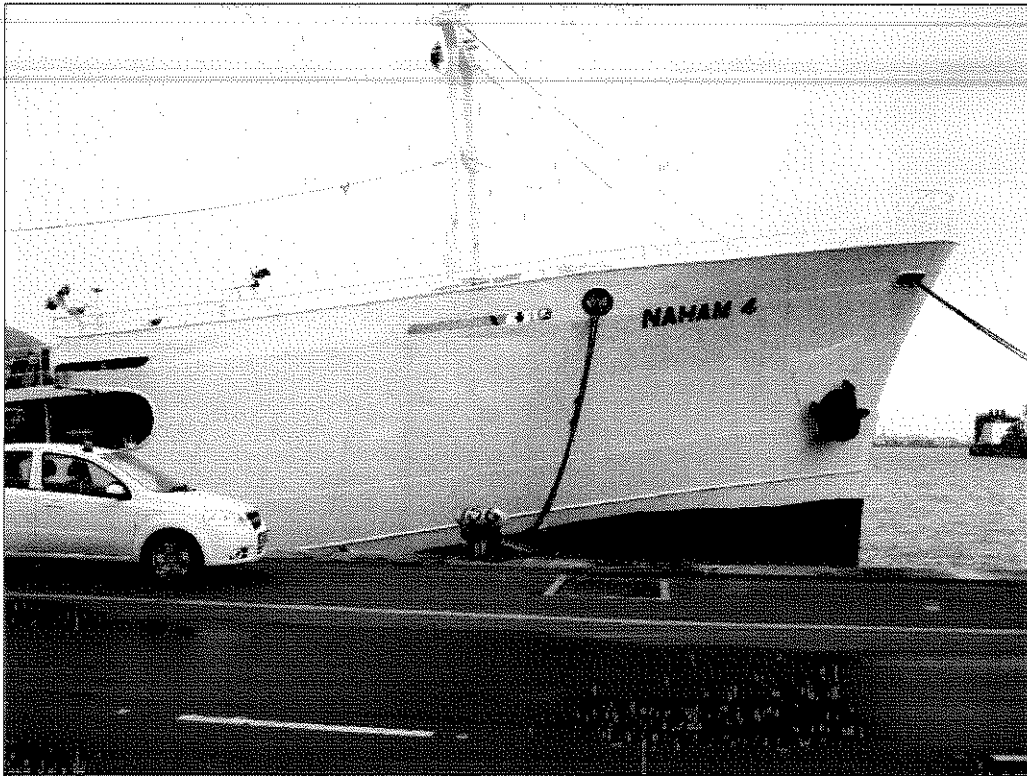


**Figure 9 - Closer view on #4a, Portside indentations**



**Figure 10 - Vessel #4c, photographed by Triton on the 15 July 2013, showing the same (albeit painted) indentations**





**Figure 11 - Vessel #4c - Photographed by Triton 15 July 2013**

The stem profile curvature (bow shape flare) is significantly less pronounced on the #4 vessels (same vessel), as compared to #1, #2 or #3.

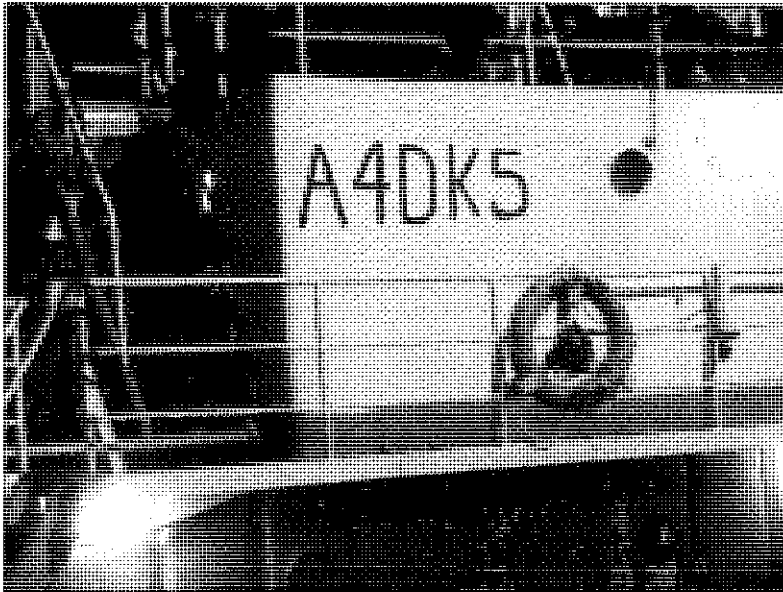
Amongst features used to conclude that vessels #4a, #4b and #4c are the same vessel also include:

- Anchor and doubler plate in way of anchor pocket. (in close inspection the exact same plug weld patterns can be observed to be the same).
- The handrailing on the foredeck and the manner in which it increases in height and goes from 2 strands to three strands is identical with the other #4 vessels.
- The freeing port and rope fairleader opening is the same, and on closer inspection the weld seam in relation to these features can be identified to be identical between #4a and #4c (#4b does not have any stbd side views).
- The fwd mast is the same on the #4 vessels, and although also a 2 pipe construction as per #2, there is 1 cross bar on #2's fwd mast and 2 cross bars on the #4 fwd masts.
- The dents in the stem (of the bow) of #2 are not apparent on #4, inspite of #4 being well dented elsewhere, hence no attempt at hull repair has been attempted.

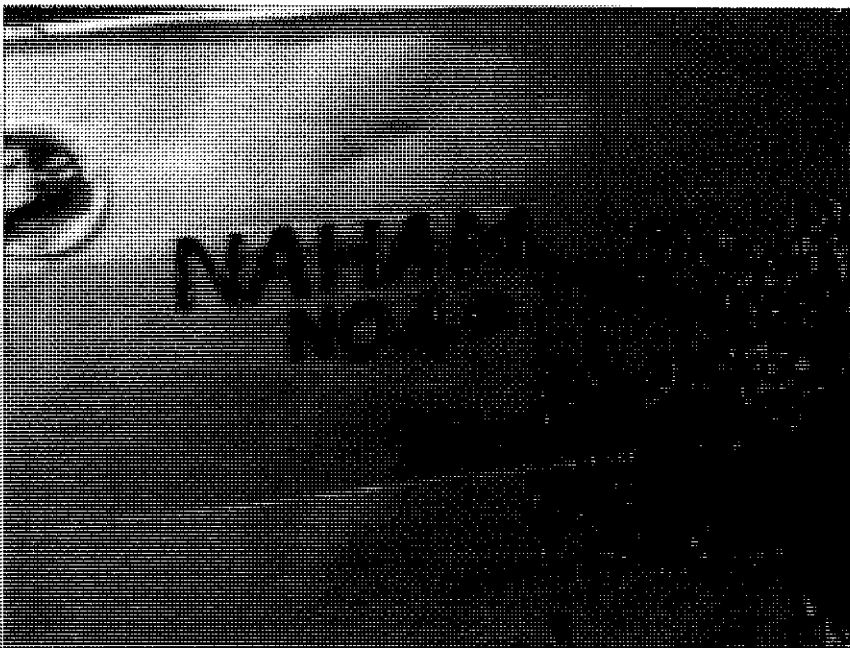
### 3.3 VESSEL PHOTOGRAPHED 23 OCT 2012 – ONLY MARKINGS PHOTOGRAPHED

A further “vessel” was photographed in Cape Town 23 Oct 2012, but as the photo’s only included the call sign and name markings it was not included as a case of its own.

However there are two features which identify this vessel with that of #4, in spite of it also having the wrong call sign, namely A4DK5 (as is the case of vessel #2).



**Figure 12 - Vessel #4d - Photographed 23 Oct 2012 in Cape Town**



**Figure 13 - Vessel #4d - Photographed 23 Oct 2012 in Cape Town**

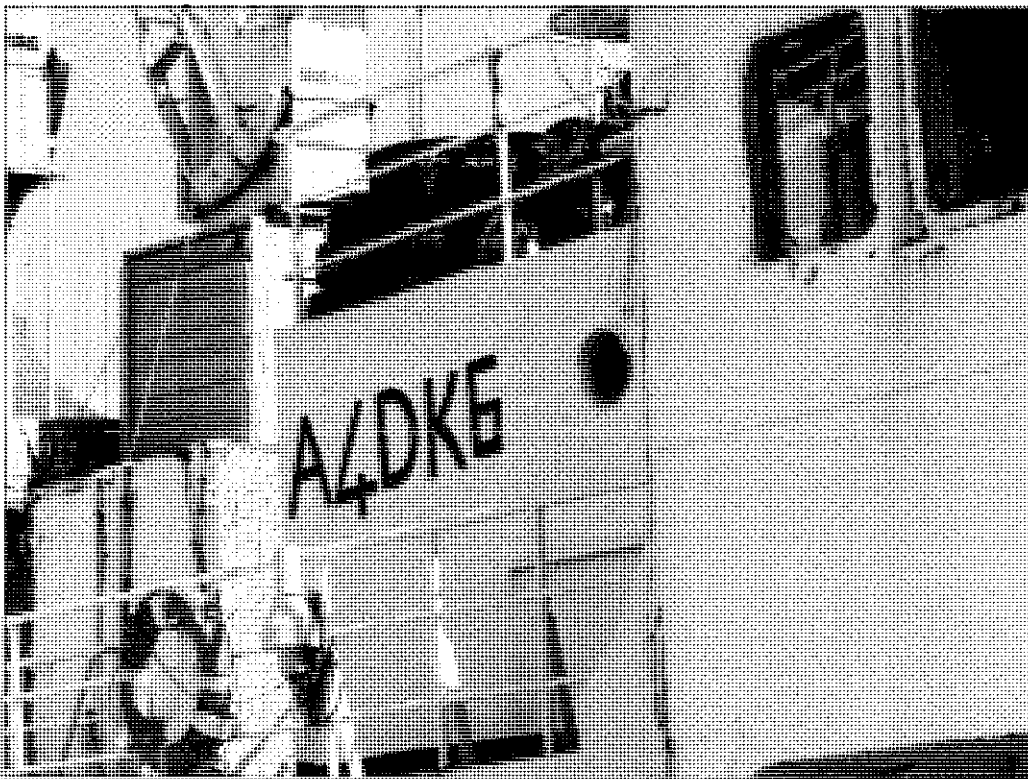
In comparing #4d above and #4a, it is apparent the writing of the name is identical, in that they

are both marked with the top of the letters on the weld seam and the first letter starts the same distance from the fairleader opening. The text of the name is also identical.

The small dent above the name (although not apparent from photo's of #4a, was witnessed on site inspection (#4c) and can be made out in Figure 11, but not as clear as it was to the naked eye. This feature also links the Oct 2012 sighting to be the same vessel as all of the 2013 sightings.

When looking closely at Figure 12 which shows the incorrect call sign, one can make out that the hull has been repainted in that area.

The same view of the ship #4a, taken in 22 March 2013 shows the correct call sign (albeit before the vessel was repainted) See Figure 14 below.



**Figure 14 - #4a, Photograph taken 22 March 2013, showing correct call sign. (same side of the vessel as Figure 11, Oct 2013)**

#### 4. TONNAGE CERTIFICATE DIMENSIONS, VS MEASUREMENTS TAKEN 15 JULY 2013

The length depicted in the certificates (samples shown in this section) indicate “Registered Length” whereas only the Overall Length could be measured, given the vessel was afloat.

However the beam in the certificates could be compared with the measured beam, and a discrepancy was noted here, indicating that the registered vessel was significantly smaller than the measured vessel.

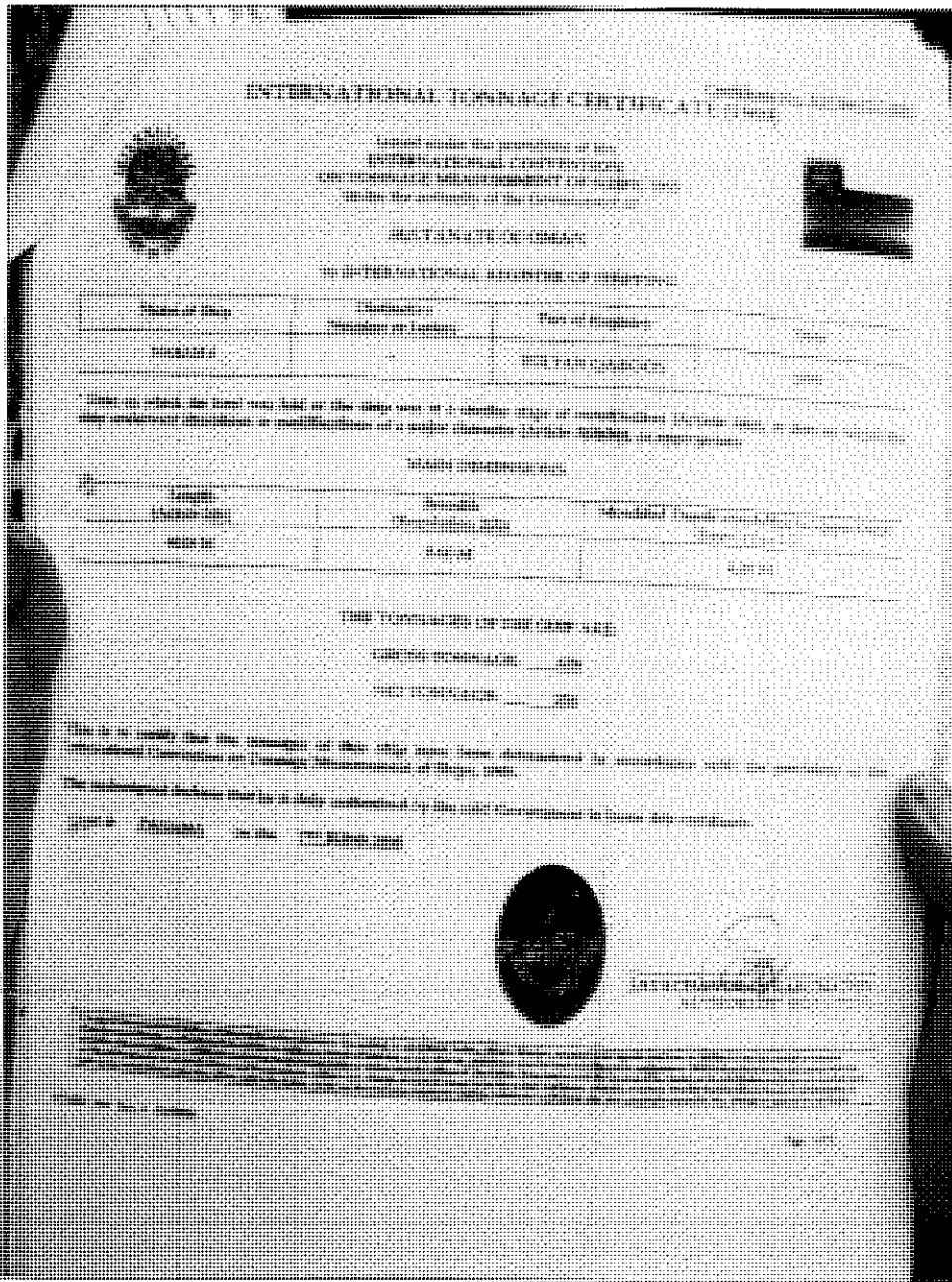


Figure 15 - Tonnage Certificate issued by PANAMA on behalf of OMAN 7th June 2010

The certificate photographed in Figure 15 indicates a registered length of 48.00m and a Beam of 8.6m.

The beam was measured on site on the vessel at M berth Cape Town on the 15 July 2013 as 9.7m measured across the main deck to the inside of the bulwark plates, hence “moulded breadth” and any rub rails would still extend beyond that. This indicates that the vessel inspected is significantly larger than that registered with a beam of 8.6m.

The overall length of the vessel was also measured onboard and found to be 56.6m.

## 5. **CONCLUSIONS**

In summary, 4 different vessels have been identified, as denoted in the report as

Vessel #1 – photographed in Oman in Aug 2010

Vessel #2 – photographed at sea 11 April 2012

Vessel #3 – photographed on the Syncrolift 29 July 2012

Vessel #4a,4b,4c,4d – photographed between Oct 2012 and July 2013

It could have been a reasonable expectation that the vessel photographed in OMAN in Aug 2010 was the correct Naham 4, however that vessel appears (albeit a subjective opinion) to be significantly larger than any of the other vessels considered in this report, yet the Tonnage Certificate is for a vessel even smaller than vessel #4.

This leaves it inconclusive which, if any of the vessels considered, is the real Naham 4, but conclusive that 4 different vessels have been identified bearing the name Naham 4, and in most cases also the call sign A4DK6.



Sultanate of Oman

Ministry of Agriculture & Fisheries



سُلْطَنَةُ عُومَانَ  
وَزَارَةُ الزَّرْعَةِ وَالصِّيْدِ الْبَحْرِيِّ

No. : .....

Date : .....

Date : .....

الرقم : ٨٩٩

التاريخ : ١٤/١/٢٠١٧ هـ

الموافق : ١١/٥/٢٠١٦ م

Dr. David Wilson  
Executive Secretary (Interim)  
Indian Ocean Tuna Commission  
Le Chantier Mall, P.O Box: 1011  
Victoria, Seychelles

**SUBJECT: IOTC CIRCULAR 2016-048: PROVISIONAL IUU VESSELS LIST OF THE INDIAN OCEAN TUNA COMMISSION**

In reference to the circular, specifically, the IOTC Provisional IUU Vessels List (2016) item No (23). The vessel (Naham 4) deleted from our registry since 29/08/2013 (attached cancellation certificate). Also, we want to draw the attention to the document (IOTC-2016-CoC13-08a [E]), attachment (4), submitted by Mozambique. Which shows that, the vessel named (Nessa 7) previously (Naham 4), is currently flagged to Panama.

So, based on the aforementioned documents, we are requesting to amend the information written under the column (current flag) in the IOTC Provisional IUU Vessels List (2016) item No (23), to reflect that the vessel is not any more flagged to Oman.

Your Sincerely,

Dr. Ahmed Mohammed Al-Mazrouai  
D.G of Fisheries Resources Development  
Oman Commissioner to IOTC  
Ministry of Agriculture & Fisheries  
Sultanate of Oman

