

THE IOTC PROVISIONAL IUU VESSELS LIST

Prepared by IOTC Secretariat, 02 May, 2017

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 14th 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 2016)

No.	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
1	ANEKA 228	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
2	ANEKA 228; KM.	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
3	CHI TONG	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
4	Fu Hsiang Fa 18	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
5	FU HSIANG FA NO. 01	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
6	FU HSIANG FA NO. 02	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
7	FU HSIANG FA NO. 06	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
8	FU HSIANG FA NO. 08	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
9	FU HSIANG FA NO. 09	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
10	FU HSIANG FA NO. 11	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
11	FU HSIANG FA NO. 13	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014

No.	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
12	FU HSIANG FA NO. 17	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
13	FU HSIANG FA NO. 20	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
14	FU HSIANG FA NO. 21¹	Unknown	Not Available	IOTC-2013-CoC10-07 Rev1	OTS 024 or OTS 089	Unknown	Unknown	Contravention of IOTC Resolution 07/02	May 2013
15	FU HSIANG FA NO. 21¹	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
16	FU HSIANG FA NO. 23	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
17	FU HSIANG FA NO. 26	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
18	FU HSIANG FA NO. 30	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
19	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
20	GUNUAR MELYN 21	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 07/02	June 2008
21	HOOM XIANG 101	Unknown (Malaysia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
22	HOOM XIANG 103	Unknown (Malaysia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014

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

No.	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
23	HOOM XIANG 105	Unknown (Malaysia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
24	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
25	KIM SENG DENG 3	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
26	KUANG Hsing 127	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
27	KUANG HSING 196	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
28	Kunlun (Taishan)	Equatorial Guinea	7322897	IOTC CIRCULAR 2015–004	3CAG	Stanley Management Inc	Unknown	Contravention of IOTC Resolution 11/03	May 2015
29	MAAN YIH HSING	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
30	OCEAN LION	Unknown (Equatorial Guinea)	7826233	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 02/04, 02/05, 03/05.	June 2005
31	SAMUDERA PERKASA 11	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
32	SAMUDRA PERKASA 12	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
33	SHUEN SIANG	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014 and May 2015
34	SIN SHUN FA 6	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015

No.	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
35	SIN SHUN FA 67	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
36	SIN SHUN FA 8	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
37	SIN SHUN FA 9	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
38	Songhua (Yunnan)	Unknown (Equatorial Guinea)	9319856	IOTC CIRCULAR 2015–004	3CAF	Eastern Holdings	Unknown	Contravention of IOTC Resolution 11/03	May 2015
39	SRI FU FA 168	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
40	SRI FU FA 18	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
41	SRI FU FA 188	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
42	SRI FU FA 189	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
43	SRI FU FA 286	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
44	SRI FU FA 67	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
45	SRI FU FA 888	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	June 2014
46	TIAN LUNG NO.12	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015

No.	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
47	YI HONG 106	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
48	YI HONG 116	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
49	YI HONG 16	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
50	YI HONG 3	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
51	YI HONG 6	Bolivia	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
52	Yongding (Jianfeng)	Equatorial Guinea	9042001	IOTC CIRCULAR 2015-004	3CAE	Stanley Management Inc.	Unknown	Contravention of IOTC Resolution 11/03	May 2015
53	YU FONG 168	Unknown	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 11/03	May 2015
54	YU MAAN WON	Unknown (Georgia)	Not Available	Not Available	No Info	Unknown	Unknown	Contravention of IOTC Resolution 07/02	May 2007

IOTC Provisional IUU Vessels List (2017)

No.	Current name of vessel (previous names)	Current flag (previous flags)	Date first included in the 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	ABUNDANT 1 (YI HONG 06)	Bolivia	May 2015	Not Applicable	Yes. Refer to report for this circular	CPA 226	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Hatto Daroi	Contravention of IOTC Resolution 11/03
2	ABUNDANT 3 (YI HONG 16)	Bolivia	May 2015	Not Applicable	Yes. Refer to report for this circular	CPA 201	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Huang Wen Hsin	Contravention of IOTC Resolution 11/03
3	ABUNDANT 6 (YI HONG 86)	Bolivia	Not Applicable	Not Applicable	Yes. Refer to report for this circular	CPA 221	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Huang Wen Hsin	Contravention of IOTC Resolution 11/03
4	ABUNDANT 9 (YI HONG 116)	Bolivia	May 2015	Not Applicable	Yes. Refer to report for this circular	CPA 222	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Pan Chao Mao	Contravention of IOTC Resolution 11/03
5	ABUNDANT 12 (YI HONG 106)	Bolivia	May 2015	Not Applicable	Yes. Refer to report for this circular	CPA 202	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Mendez Francisco Delos Reyes	Contravention of IOTC Resolution 11/03
6	SHENG JI QUN 3	Bolivia (Taiwan, China)	Not Applicable	Not Applicable	Yes. Refer to report for this circular	CPA 311	Chang Lin, Pao-Chun No. 161, San Min Rd. Yufu Village, Kaohsiung City, Taiwan, China	Mr. Chen, Chen-Tsai	Contravention of IOTC Resolution 11/03
7	SHUN LAI (HSIN JYI WANG NO. 6)	Bolivia (Taiwan, China)	Not Applicable	Not Applicable	Yes. Refer to report for this circular	CPA 514	Lee Cheng Chung No. 5 Tze Wei Road, Kaoshing, Taiwan, China	Mr. Sun Han Min	Contravention of IOTC Resolution 11/03

No.	Current name of vessel (previous names)	Current flag (previous flags)	Date first included in the 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
8	YUTUNA 3 (HUNG SHENG NO. 166)	Bolivia (Taiwan, China)	Not Applicable	Not Applicable	Yes. Refer to report for this circular	CPA 212	Yen Shih Hsiung Room 11 .E. No.3 Tze Wei Forth Road, Kaohsiung, Taiwan. China	Mr. Lee, Shih-Yuan	Contravention of IOTC Resolution 11/03
9	YUTUNA NO. 1	Bolivia (Taiwan, China)	Not Applicable	Not Applicable	Yes. Refer to report for this circular	CPA 302	Tseng Ming Tsai Room 11-E, No. 3 Tze Wei Fort Road, Kaohsiung, Taiwan, China	Mr. Yen, Shih-Shiung	Contravention of IOTC Resolution 11/03
10	BENALIAH	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2015-CoC12-07	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).
11	BOSIN	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2015-CoC12-07	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)
12	CARMAL MATHA	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2015-CoC12-07	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)
13	DIGNAMOL 1	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2015-CoC12-07	Not Available	Jelvis s/o Dicostan of 7/103 K R Puram, Thoothoor, KK Dist, Mamilnadu Mr SD. Jelvis, 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 11/03

No.	Current name of vessel (previous names)	Current flag (previous flags)	Date first included in the 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
14	DIGNAMOL II	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2015-CoC12-07	Not Available	Unknown	Mr F Britto	Fishing without a licence in the waters of the UK (OT)
15	GREESHMA 1	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2015-CoC12-07	Not Available	TITUS K. of S/O. Kastheen, 3/17B CHINNATHURAI, THOOTHOR POST, KANYAKUMARI DISTRICT, TAMILNADU	Mr T (Tony) Resolin	Fishing without a licence in the waters of the UK (OT)
16	KING JESUS	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2015-CoC12-07	Not Available	Unknown	Bibi S. R. Paul Miranda S	Fishing without a licence in the waters of the UK (OT)
17	ST MARY'S NO.1	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2015-CoC12-07	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)
18	ST MARY'S NO.2	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2015-CoC12-07	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)
19	BEO HINGIS	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2016-CoC13-07 Rev1	Not Available	Nasians. P S/O (son of) Peter.	hibu Stephen (Master)	Fishing without a licence and in possession of prohibited gear in the waters of the UK (OT)
20	JOSHVA	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2016-CoC13-07 Rev1	Not Available	Mr. Salvadason S/O Rayappan	A Shiji	Fishing without a license and possession of illegal gear in the waters of the UK (OT)

No.	Current name of vessel (previous names)	Current flag (previous flags)	Date first included in the 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
21	JOSHVA NO.1	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2016-CoC13-07 Rev1	Not Available	Mr. Salvadason S/O Rayappan	A Shiji	Fishing without a license and possession of illegal gear in the waters of the UK (OT)
22	SACRED HEART	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2016-CoC13-07 Rev1	Not Available	Metlan s/o (son of) Paniyadim	P. Newton (Master)	Fishing without a license in the waters of the UK (OT)
23	VACHANAM	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2016-CoC13-07 Rev1	Not Available	Satril T	J Robinson (Master)	Fishing without a license and use of prohibited gear in the waters of the UK (OT)
24	WISDOM	INDIA	Not Applicable	Not Applicable	Yes. Refer to report IOTC-2016-CoC13-07 Rev1	Not Available	Lowerence	Lawrence V (Master)	Fishing without a license and use of prohibited gear in the waters of the UK (OT)
25	EPHRAEEM	INDIA	Not Applicable	Not Applicable	Yes. Refer to report for this circular	Not Available	Not Available	Not Available	Fishing without a license, use of prohibited gear and no logbook in the waters of the UK (OT)
26	SHALOM	INDIA	Not Applicable	Not Applicable	Yes. Refer to report for this circular	Not Available	Not Available	Not Available	Fishing without a license, use of prohibited gear and no logbook in the waters of the UK (OT)



No. 0512.5/2461

Department of Fisheries
Kaset Klang, Chatuchak,
Bangkok 10900, Thailand

19 March B.E. 2560 (2017)

Dear Mr. Alejandro Anganuzzi,

Subject: IUU listing of 5 stateless vessels.

The Department of Fisheries, Thailand, would like to list five (5) stateless vessels on the IOTC IUU list. Currently, Thailand have nine (9) investigation in progress relating to stateless vessels. Of the nine (9) vessels, four (4) vessels are now on the IOTC IUU list, Thailand would like to update their details:

- Yi Hong 6 now known as ABUNDANT 1
- Yi Hong 16 now known as ABUNDANT 3
- Yi Hong 116 now known as ABUNDANT 9
- Yi Hong 106 now known as ABUNDANT 12

In accordance with the IOTC Resolution 11/03, The Department of Fisheries, Thailand, request to add the following vessels to the IOTC IUU list:

- Yutuna No. 1
- Shen Ji Qun 3
- Yutuna No. 3
- Abundant 6
- Shunlai

Annex 1, IOTC Reporting form for Illegal Activity is attached for the five (5) vessels.

The Department of Fisheries, Thailand, would like to advise the IOTC that two (2) Purple Notices have been issued by INTERPOL on the two (2) vessels that absconded from the Port of Phuket, Thailand. These vessels are Yutuna No. 1 and Sheng Ji Qun 3. No further information is available at this time on these two (2) vessels.

The Department of Fisheries, Thailand, request you to share this information to all IOTC member States for the upcoming meeting. Should further detailed information be required, please do not hesitate to communicate with Dr. Chumnarn Pongsri, e-mail: chumnarnp@gmail.com.

Please be assured of our full cooperation.

Yours sincerely,

(Dr. Adisorn Promthep)
Director - General

Enclosure: As stated

Mr. Alejandro Anganuzzi
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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] PHUKET PORT

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)	ABUNDANT 1 (YI HONG 06)
b	Current Flag (previous flag/s, if any)	Bolivia / Bolivia
c	Date first included on IOTC IUU Vessel List (if applicable)	MAY 2015
d	Lloyds IMO Number, if available	NONE
e	Photo	

		
f	Call Sign (previous call sign, if any)	CPA 226
g	Owner / Beneficial Owner/s (previous owner/s, if any)	HUANG JIA YI C/O ROOM 18-E TZE WEI COMMERCIAL BUILDING, NO.8 6 TH ROAD LIN YA DISTRICT, KAOHSIUNG, TAIWAN, CHINA
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr. HATTO DAROI
i	Date of alleged IUU fishing activities	2 DECEMBER 2016
j	Position of alleged IUU fishing activities	PHUKET PORT
k	Summary of alleged IUU activities (see section B for more detail)	7
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Click here to enter text.
m	Outcome of Actions taken	Click here to enter text.

B. Details of IOTC Resolution Elements Contravened

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

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input checked="" type="checkbox"/>

C. Associated Documents

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

On the investigation, the Philippine's crews and Indonesian's crews are mentioned their vessels has fished yellow fin tuna in IOTC competence area and transship at sea with other vessels before request to port in.

D. Recommended Actions


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


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] PHUKET PORT

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)	ABUNDANT 3 (YI HONG 16)
b	Current Flag (previous flag/s, if any)	Bolivia / Bolivia
c	Date first included on IOTC IUU Vessel List (if applicable)	MAY 2015
d	Lloyds IMO Number, if available	NONE
e	Photo	

		
f	Call Sign (previous call sign, if any)	CPA 201
g	Owner / Beneficial Owner/s (previous owner/s, if any)	HUANG JIA YI C/O ROOM 18-E TZE WEI COMMERCIAL BUILDING, NO.8 6TH ROAD LIN YA DISTRICT, KAOHSIUNG, TAIWAN, CHINA
h	Operator (previous operator/s, if any) and Master/Fishing Master	MR. HUANG WEN HSIN
i	Date of alleged IUU fishing activities	2 DECEMBER 2016
j	Position of alleged IUU fishing activities	PHUKET PORT
k	Summary of alleged IUU activities (see section B for more detail)	7
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Click here to enter text.
m	Outcome of Actions taken	Click here to enter text.

B. Details of IOTC Resolution Elements Contravened

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

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input checked="" type="checkbox"/>

C. Associated Documents

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

On the investigation, the Philippine's crews and Indonesian's crews are mentioned their vessels has fished yellow fin tuna in IOTC competence area and transship at sea with other vessels before request to port in.

D. Recommended Actions


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


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] PHUKET PORT

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)	ABUNDANT 6 (YI HONG 86)
b	Current Flag (previous flag/s, if any)	Bolivia / Bolivia
c	Date first included on IOTC IUU Vessel List (if applicable)	
d	Lloyds IMO Number, if available	NONE
e	Photo	

		
f	Call Sign (previous call sign, if any)	CPA 221
g	Owner / Beneficial Owner/s (previous owner/s, if any)	HUANG JIA YI C/O ROOM 18-E TZE WEI COMMERCIAL BUILDING, NO.8 6TH ROAD LIN YA DISTRICT, KAOHSIUNG, TAIWAN,
h	Operator (previous operator/s, if any) and Master/Fishing Master	MR. HUANG WEN HSIN
i	Date of alleged IUU fishing activities	2 DECEMBER 2016
j	Position of alleged IUU fishing activities	PHUKET PORT
k	Summary of alleged IUU activities (see section B for more detail)	7
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Click here to enter text.
m	Outcome of Actions taken	Click here to enter text.

B. Details of IOTC Resolution Elements Contravened

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

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input checked="" type="checkbox"/>

C. Associated Documents

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

On the investigation, the Philippine's crews and Indonesian's crews are mentioned their vessels has fished yellow fin tuna in IOTC competence area and transship at sea with other vessels before request to port in.

D. Recommended Actions


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


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] PHUKET PORT

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)	ABUNDANT 9 (YI HONG 116)
b	Current Flag (previous flag/s, if any)	Bolivia / Bolivia
c	Date first included on IOTC IUU Vessel List (if applicable)	MAY 2016
d	Lloyds IMO Number, if available	NONE
e	Photo	

		
f	Call Sign (previous call sign, if any)	CPA 222
g	Owner / Beneficial Owner/s (previous owner/s, if any)	HUANG JIA YI C/O ROOM 18-E TZE WEI COMMERCIAL BUILDING, NO.8 6TH ROAD LIN YA DISTRICT, KAOHSIUNG, TAIWAN, CHINA
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr. PAN CHAO MAO
i	Date of alleged IUU fishing activities	2 DECEMBER 2016
j	Position of alleged IUU fishing activities	PHUKET PORT
k	Summary of alleged IUU activities (see section B for more detail)	7
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Click here to enter text.
m	Outcome of Actions taken	Click here to enter text.

B. Details of IOTC Resolution Elements Contravened

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

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input checked="" type="checkbox"/>

C. Associated Documents

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

On the investigation, the Philippine's crews and Indonesian's crews are mentioned their vessels has fished yellow fin tuna in IOTC competence area and transship at sea with other vessels before request to port in.

D. Recommended Actions


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


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] PHUKET PORT

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)	ABUNDANT 12 (YI HONG 106)
b	Current Flag (previous flag/s, if any)	Bolivia / Bolivia
c	Date first included on IOTC IUU Vessel List (if applicable)	MAY 2016
d	Lloyds IMO Number, if available	NONE
e	Photo	

		
f	Call Sign (previous call sign, if any)	CPA 202
g	Owner / Beneficial Owner/s (previous owner/s, if any)	HUANG JIA YI C/O ROOM 18-E TZE WEI COMMERCIAL BUILDING, NO.8 6TH ROAD LIN YA DISTRICT, KAOHSIUNG, TAIWAN, CHINA
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr. MENDEZ FRANCISCO DELOS REYES
i	Date of alleged IUU fishing activities	2 DECEMBER 2016
j	Position of alleged IUU fishing activities	PHUKET PORT
k	Summary of alleged IUU activities (see section B for more detail)	7
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Click here to enter text.
m	Outcome of Actions taken	Click here to enter text.

B. Details of IOTC Resolution Elements Contravened

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

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input checked="" type="checkbox"/>

C. Associated Documents

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

On the investigation, the Philippine's crews and Indonesian's crews are mentioned their vessels has fished yellow fin tuna in IOTC competence area and transship at sea with other vessels before request to port in.

D. Recommended Actions


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

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] PHUKET PORT

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)	SHENG JI QUN 3
b	Current Flag (previous flag/s, if any)	Bolivia / Taiwan
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	NONE
e	Photo	
f	Call Sign (previous call sign, if any)	CPA 311

g	Owner / Beneficial Owner/s (previous owner/s, if any)	CHANG LIN, PAO-CHUN NO. 161, SAN MIN RD. YUFU VILLAGE, KAOHSIUNG CITY, TAIWAN, CHINA
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr. CHEN, CHEN-TSAI
i	Date of alleged IUU fishing activities	2 DECEMBER 2016
j	Position of alleged IUU fishing activities	PHUKET PORT
k	Summary of alleged IUU activities (see section B for more detail)	1
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Click here to enter text.
m	Outcome of Actions taken	Click here to enter text.

B. Details of IOTC Resolution Elements Contravened

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

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" 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 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)

During the process of cross checking the registration and fishing license of the vessels and relevant documents between Department of Fisheries, Thailand and RIBB, Bolivia, the SHENG JI QUN 3 requested to port out and departed from Thailand on 23 October 2016. However Royal Thai Police informed to INTERPOL for listing on PURPLE NOTICE and announce on INTEL POL website.

D. Recommended Actions


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

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] PHUKET PORT

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)	SHUN LAI (HSIN JYI WANG NO. 6)
b	Current Flag (previous flag/s, if any)	Bolivia / Taiwan
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	NONE
e	Photo	
f	Call Sign (previous call sign, if any)	CPA 514
g	Owner / Beneficial Owner/s (previous owner/s, if any)	LEE CHENG CHUNG NO. 5 TZE WEI ROAD, KAOSHING, TAIWAN, CHINA
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr. SUN HAN MIN

i	Date of alleged IUU fishing activities	2 DECEMBER 2016
j	Position of alleged IUU fishing activities	PHUKET PORT
k	Summary of alleged IUU activities (see section B for more detail)	7
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Click here to enter text.
m	Outcome of Actions taken	Click here to enter text.

B. Details of IOTC Resolution Elements Contravened

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

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input checked="" type="checkbox"/>

C. Associated Documents

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

On the investigation, the Philippine's crews and Indonesian's crews are mentioned their vessels has fished yellow fin tuna in IOTC competence area and transship at sea with other vessels before request to port in.

D. Recommended Actions


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


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] PHUKET PORT

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)	YUTUNA NO. 1
b	Current Flag (previous flag/s, if any)	Bolivia / Taiwan
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	NONE
e	Photo	

		
f	Call Sign (previous call sign, if any)	CPA 302
g	Owner / Beneficial Owner/s (previous owner/s, if any)	TSENG MING TSAI ROOM 11-E, NO. 3 TZE WEI FORT ROAD, KAOHSIUNG, TAIWAN, CHINA
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr. YEN, SHIH-SHIUNG
i	Date of alleged IUU fishing activities	2 DECEMBER 2016
j	Position of alleged IUU fishing activities	PHUKET PORT
k	Summary of alleged IUU activities (see section B for more detail)	1
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Click here to enter text.
m	Outcome of Actions taken	Click here to enter text.

B. Details of IOTC Resolution Elements Contravened

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

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" 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 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)

During the process of cross checking the registration and fishing license of the vessels and relevant documents between Department of Fisheries, Thailand and RIBB, Bolivia, the YUTUNA NO.1 requested to port out and departed from Thailand on 15 November 2016. However Royal Thai Police informed to INTERPOL for listing on PURPLE NOTICE and announce on INTEL POL website.

D. Recommended Actions


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


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] PHUKET PORT

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)	YUTUNA 3 (HUNG SHENG NO. 166)
b	Current Flag (previous flag/s, if any)	Bolivia / Taiwan
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	NONE
e	Photo	

		
f	Call Sign (previous call sign, if any)	CPA 212
g	Owner / Beneficial Owner/s (previous owner/s, if any)	YEN SHIH HSIUNG ROOM 11 .E. NO.3 TZE WEI FORTH ROAD, KAOHSIUNG, TAIWAN. CHINA
h	Operator (previous operator/s, if any) and Master/Fishing Master	Mr. LEE, SHIH-YUAN
i	Date of alleged IUU fishing activities	2 DECEMBER 2016
j	Position of alleged IUU fishing activities	PHUKET PORT
k	Summary of alleged IUU activities (see section B for more detail)	7
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Click here to enter text.
m	Outcome of Actions taken	Click here to enter text.

B. Details of IOTC Resolution Elements Contravened

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

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC area of competence and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area of competence	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	<input checked="" type="checkbox"/>

C. Associated Documents

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

On the investigation, the Philippine's crews and Indonesian's crews are mentioned their vessels has fished yellow fin tuna in IOTC competence area and transship at sea with other vessels before request to port in.

D. Recommended Actions

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



ESTADO PLURINACIONAL DE BOLIVIA

MINISTERIO DE DEFENSA
Registro Internacional Boliviano de Buques
La Paz - Bolivia

RIBB/URI/OF N° 022/17

Objet : Fishing Vessels w/fake
Bolivian Registration
Certificates

Anexx : MoU's Circular
La Paz, March 24, 2017

Mr.
Dr. Alejandro Anganuzzi
Executive Secretary (a.i.)
Indian Ocean Tuna Commision
Victoria - Seychelles

Dear Dr. Anganuzzi,

By means of this we would like to cordially greet your Authority, in attention to your kind letter with IOTC Reference: 6546; at respect, the last year the Bolivian entity in charge of fishing vessels informed to the Secretariat that nine (9) vessels (provided by the Department of Fisheries of Thailand), were **holding FAKE Bolivian registry certificates**. In the letter No. 0512.5/2461 of Thailand, they list the nine (9) vessels as **stateless not under Bolivian flag, at the same time they remark that have nine (9) investigation in progress relating to stateless vessels**.

Finally, the last year we communicated to all regional agreements on Port State Control that the Plurinational State of Bolivia has just one fishing vessel, the circular letter is enclosed for your easy reference.

We are worried that unscrupulous people are flying our flag on illegal way, that we really appreciate communicate us any information about the investigation follow up by INTERPOL.

With this reason, greeting to the Executive Secretary with the most distinguished considerations.

R. Adml. Ruben Sandoval Oporto
EXECUTIVE GENERAL DIRECTOR OF RIBB

URI/MDR 





MINISTERIO DE DEFENSA
Registro Internacional Boliviano de Buques

Teléfonos (Phones): (591 - 2) 2407718 / 2407732 Fax: (591 - 2) 2407730 • E-mail: bolivia@ribb.gob.bo
Website: www.ribb.gob.bo • Dirección (Address): Calle Mercado N° 1046 Edif. Saenz 1er. piso • Casilla (P.O. Box): 1506
La Paz, Bolivia - SOUTH AMÉRICA

CIRCULAR RIBB/URI/CIR N°001/16

**A
To**

ACUERDO DE VIÑA DEL MAR
Paris MOU Secretariat
Tokyo MOU Secretariat
USCG
Mediterranean MOU Secretariat
Black Sea MOU Secretariat
Caribbean MOU Secretariat
Riyadh MOU Secretariat
Abouja MOU Secretariat
Indian Ocean MOU Secretariat

**LUGAR Y FECHA
PLACE AND DATE**

La Paz, 9 de Diciembre de 2016
La Paz, December 9, 2016

El pasado mes los Departamentos de Pesca de Tailandia y Malasia, solicitaron información de buques pesqueros que tenían el pabellón de Bolivia, los cuales resultaron portar certificados falsos que no fueron emitidos por el RIBB.

Por lo anterior, se tiene a bien informar que el Estado Plurinacional de Bolivia solo tiene registrado un buque pesquero de nombre CAPE FLOWER con numero OMI 7330399.

Si tiene conocimiento de buque pesquero con bandera de Bolivia que no es el indicado, solicitamos informarnos de forma inmediata.

Se agradecerá tenga la gentileza de transmitir esta información, a cada uno de los Estados Miembros que componen su Acuerdo Regional.

Por favor acusar recibo de la presente circular.

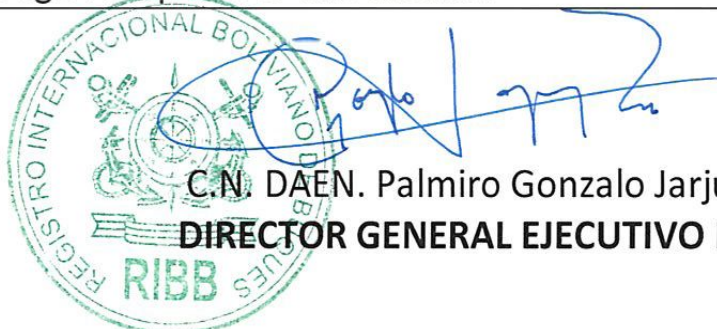
The last month, the Malaysia and Thailand Departments of Fisheries requested information of fishing vessels that flies Bolivian flag, which were holding fake Registry Certificates.

For the above-mentioned, RIBB informs you that the Plurinational State of Bolivia has just one fishing ship registered, which name is CAPE FLOWER with IMO number 7330399.

If you have knowledge of Bolivian fishing vessel that is not the suitable one, we kindly request you to inform us immediately.

It will be appreciated to transmit this information, to each one of the States Members that compose your Memorandum of Understanding (MoU).

Please acknowledge reception of this circular.



C.N. DAEN. Palmiro Gonzalo Jarjury Rada
DIRECTOR GENERAL EJECUTIVO DEL RIBB

URI: MDR

Dr Alejandro Anganuzzi
Ag. Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

1st March 2017

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

Dear Dr Anganuzzi,

Resolution 11/03 – List of vessels for inclusion on the Draft IUU Vessels List: The fifteen Indian flagged vessels on the provisional IUU list: GREESHMA 1; BOSIN; BENAIHA; CARMAL MATHA; DIGNAMOL I; DIGNAMOL II; KING JESUS; ST MARYS I (9 retained on the list since CoC11 2015); ST MARYS II; BEO HINGIS; JOSHVA NO. 1; JOSHVA; VACHANAM; SACRED HEART; WISDOM (6 retained on the list since CoC12, 2016)

The fifteen vessels flagged to India listed above were retained on the IOTC Provisional IUU Vessels List inter-sessionally following the Compliance Committee 12 in May 2016. According to the intersessional process India submitted Circular 2016-068. With only four CPCs responding, the Chairperson retained these vessels on the IOTC Provisional IUU Vessels List (IOTC Circular 2016-084). The purpose of this letter, in response to the 70 day deadline set out in Resolution 11/03, is to nominate these fifteen vessels for inclusion on the draft IUU vessels list so that they may be examined again by the Compliance Committee in 2017.

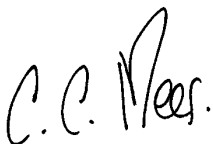
Paragraph 10 (Resolution 11/03) describes the information that the flag State must provide and paragraph 11 indicates that where no evidence has been provided by the flag State, the recommendation to the Commission is that the vessel be included on the IUU vessel list.

Noting our support for the practical work undertaken by the Indian authorities at national level to tackle the IUU problem, we consider the details contained in Circular 2016-068 to be insufficient. UKOT responded to India's letter, setting out the information required separately for each vessel to assist us coming to a decision on the status of these vessels (IOTC Circular 2016-072, appended for ease of reference). At the time of writing, UKOT can confirm that we have received no additional information from the Indian Authorities, and that none of the vessel owners nor vessel masters have paid their fines to the BIOT.

We look forward to reviewing the additional information requested at the next Compliance Committee Meeting. 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 Circular 2016-068
UK(OT) response, Circular 2016-072

IOTC Reporting form for Illegal Activity

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

A. Details of Vessel

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

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

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

B. Details of IOTC Resolution Elements Contravened

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

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

C. Associated Documents

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

D. Recommended Actions

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

Appendix 1: Boarding Report

BOARDING REPORT

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

1. Introduction

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

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

Position 06° 03.4S 071° 32.3E

Course 008°.

Range 10.0nm

Bearing 052°

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

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

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

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

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

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

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

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

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

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

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

2. Boarding Details

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

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

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

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

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

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

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

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

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

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

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

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

3. Recovery

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

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

Robert Samuel Clark

BIOT Senior Fisheries Protection Officer

11th December 2014

Appendix 2: Photographs



Figure 1 Deck photograph - Benaiah



Figure 2 Bow photograph - Benaiah



Figure 3 Starboard side photograph - **Benaiah**



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



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

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



Foreign &
Commonwealth
Office

NOTE VERBALE No: SAD/118/14

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

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

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

- S Titus S/O Sese - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as of 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/65
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

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

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

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

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

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

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

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

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

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



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



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London
W1J 5PN
United Kingdom

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E-Mail: enquiries@mrags.co.uk
Internet: www.mrag.co.uk

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

23 December 2014

E-mail: jsfv@nic.in

Dear Dr Vundru

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

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

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

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

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

Yours Sincerely

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

IOTC Reporting form for Illegal Activity

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

A. Details of Vessel

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

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

B. Details of IOTC Resolution Elements Contravened

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

C. Associated Documents

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

D. Recommended Actions

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

Appendix 1: Statement of Evidence

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



BIOT POLICE

WITNESS STATEMENT

(Section 154 of the BIOT Criminal Procedure Code 1986)

Statement of: **Robert Samuel Clark**

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

Age if under 18: **Over 18**

(if over 18 insert 'over 18')

Occupation: **Civilian**

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

Signature:

Date: **16 Dec 14**

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

SITUATION

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

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

Position 04° 49.5S 072° 24.2E

Course 034°.

Range 13.6nm

Bearing 157°

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CATCH

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

Total estimated weight of catch: 300.00 kg

FISHING GEAR / EQUIPMENT

Fishing gear Estimated value £400.00

Fishing vessel: Estimated value £8,000.00

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

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

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

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

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

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

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

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

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

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

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

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

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

This concludes my Statement of Evidence.

Robert Samuel Clark

BIOT Senior Fisheries Protection Officer

16th December 2014

Appendix 2: Photographs



Figure 1 Starboard side view - **Bosin**



Figure 2 Port side view - Bosin



*Figure 3 Fresh catch observed on deck - **Bosin***



*Figure 4 Unstowed fishing gear on deck - **Bosin***

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



Foreign &
Commonwealth
Office

NOTE VERBALE No: SAD/118/14

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

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

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

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/65
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

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

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

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

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

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

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

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

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

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



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



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London
W1J 5PN
United Kingdom

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

23 December 2014

E-mail: jsfv@nic.in

Dear Dr Vundru

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

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

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

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

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

Yours Sincerely

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

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



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

06 January 2015

E-mail: jsfy@nic.in

Dear Dr Vundru

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

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

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

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

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

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

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or John Pearce (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

MRAG Ltd
Registered Company no. 291 2982
VAT Registration No 877 7013 92

In association with
Marine Education and Conservation Trust
Reg. Charity No. 297 193



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British Indian Ocean Territory
BFPO 485

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

24 February 2015

For Attention Of:

Mr Titus Seso,

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

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

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

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

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

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

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

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

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

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

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

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

Regards,



Mr Kerry Cunningham
Clerk of the Court
HQBF BIOT
Diego Garcia





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

RECORD OF PROCEEDINGS 24th February 2015

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

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

STATEMENT OF OFFENCE

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

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

PARTICULARS OF OFFENCE

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

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

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

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

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

Payment must be made within 30 days.

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

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

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

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



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





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

Case Number: 36/14

Court Code: 05/15

CERTIFICATE OF CONVICTION

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

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

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

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

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


And was sentenced as follows:

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

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

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

Fishing Gear to be forfeited to the Crown for disposal.

Clerk of Court: 

Date: 

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

26 February 2015

E-mail: jsfy@nic.in

cc. IOTC Secretariat for the attention of the Compliance Committee

Dear Dr Vundru

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

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

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

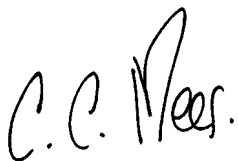
- Fishing without a licence in BIOT waters contrary to Sections 7(1) & 7(2)(i) of the Fisheries (Conservation and Management) Ordinance 2007.
- Possession of Prohibited fishing gear contrary to Section 6 (2) of the Fisheries (Conservation and Management) Ordinance 2007.

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

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

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

Yours Sincerely



Dr C.C. Mees
Head of UK(OT) Delegation to IOTC
ENCL: Cover Letter / Record of Court Proceedings / Certificate of Conviction

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

09 April 2015

E-mail: fyic-ahd@nic.in

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

Dear Dr Mathew,

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

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

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

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

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

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

Yours Sincerely



James Moir Clark

On behalf of

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

IOTC Reporting form for Illegal Activity

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

A. Details of Vessel

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

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

B. Details of IOTC Resolution Elements Contravened

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

C. Associated Documents

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

D. Recommended Actions

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

Appendix 1: Boarding Report

BOARDING REPORT

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

1. Introduction

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

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

Position 06° 03.4S 071° 32.3E

Course 008°.

Range 10.0nm

Bearing 052°

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

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

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

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

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

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

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

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

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

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

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

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

2. Boarding Details

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Recovery

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

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

Robert Samuel Clark

BIOT Senior Fisheries Protection Officer

11th December 2014

Appendix 2: Photographs



Figure 1 Bow photograph – Carmal Matha



Figure 2 Starboard side photograph – Carmal Matha



Figure 3 Deck photograph – Carmal Matha

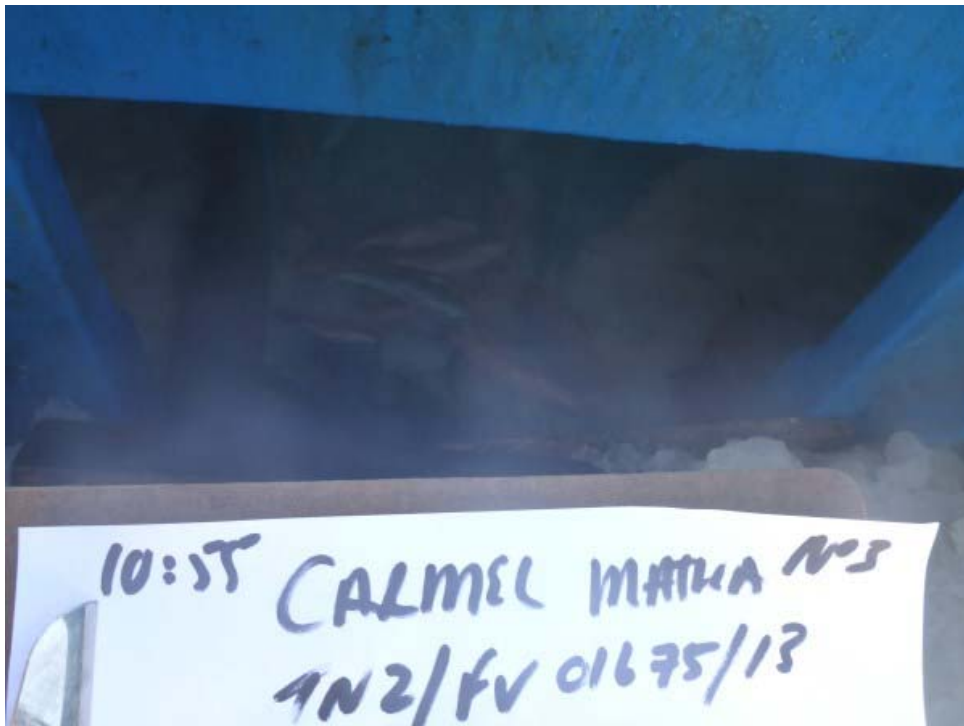


Figure 4 Example of catch – Carmal Matha



Figure 5 Fishing hooks on board – Carmal Matha

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



Foreign &
Commonwealth
Office

NOTE VERBALE No: SAD/118/14

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

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

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

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as of 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/65
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

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

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

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

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

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

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

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

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

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



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



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W1J 5PN
United Kingdom

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Internet: www.mrag.co.uk

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

23 December 2014

E-mail: jsfv@nic.in

Dear Dr Vundru

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

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

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

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

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

Yours Sincerely

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

IOTC Reporting form for Illegal Activity

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

A. Details of Vessel

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

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

B. Details of IOTC Resolution Elements Contravened

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

C. Associated Documents

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

D. Recommended Actions

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

Appendix 1: Boarding Report

BOARDING REPORT

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

1. Introduction

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

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

Position 06° 03.4S 071° 32.3E

Course 008°.

Range 10.0nm

Bearing 052°

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

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

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

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

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

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

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

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

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

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

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

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

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

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2. Boarding Details

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

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

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

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

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

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

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

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

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

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

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

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

3. Recovery

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

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

Robert Samuel Clark

BIOT Senior Fisheries Protection Officer

11th December 2014

Appendix 2: Photographs



Figure 1 Bow photograph – Dignamol 1



Figure 2 Starboard side photograph – Dignamol 1



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



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



Figure 5 Example of catch - Dignamol 1



Figure 6 Fishing hooks on board - Dignamol 1

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



Foreign &
Commonwealth
Office

NOTE VERBALE No: SAD/118/14

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

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

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

- S Titus S/O Sese - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as of 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pillai - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/65
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

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

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

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

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

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

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

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

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

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



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



18 Queen Street
London
W1J 5PN
United Kingdom

Tel: (+44) 020 7255 7755
Fax: (+44) 020 7499 5388
E-Mail: enquiries@mrag.co.uk
Internet: www.mrag.co.uk

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

23 December 2014

E-mail: jsfv@nic.in

Dear Dr Vundru

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

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

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

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

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

Yours Sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

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

IOTC Reporting form for Illegal Activity

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

A. Details of Vessel

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

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

B. Details of IOTC Resolution Elements Contravened

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

C. Associated Documents

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

D. Recommended Actions

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

Appendix 1: Boarding Report

BOARDING REPORT

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

1. Introduction

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

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

Position 06° 03.4S 071° 32.3E

Course 008°.

Range 10.0nm

Bearing 052°

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Boarding Details

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

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

1. 12 ID cards one of which was a photocopy

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

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

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

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

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

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

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

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

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

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

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

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

3. Recovery

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

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

Robert Samuel Clark

BIOT Senior Fisheries Protection Officer

11th December 2

Appendix 2: Photographs



Figure 1 Deck photograph – Dignamol II



Figure 2 Bow photograph – Dignamol II



Figure 3 Starboard side photograph – *Dignamol II*



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



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



Figure 6 Fishing gear on board - Dignamol II



*Figure 7 Fishing hooks on board - **Dignamol II***

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



Foreign &
Commonwealth
Office

NOTE VERBALE No: SAD/118/14

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

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

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

- S Titus S/O Sese - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/65
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

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

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

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

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

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

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

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

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

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



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



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

23 December 2014

E-mail: jsfv@nic.in

Dear Dr Vundru

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

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

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

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

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

Yours Sincerely

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

IOTC Reporting form for Illegal Activity

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

A. Details of Vessel

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

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

B. Details of IOTC Resolution Elements Contravened

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

C. Associated Documents

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

D. Recommended Actions

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

Appendix 1: Statement of Evidence

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



BIOT POLICE

WITNESS STATEMENT

(Section 154 of the BIOT Criminal Procedure Code 1986)

Statement of: Robert Samuel Clark

Rank/Status: Senior Fisheries Protection Officer

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

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

Signature:

Date: 9 December 2014

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

SITUATION

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

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

Position 06° 12.5S 072° 14.6E

Course 253°.

Range 9.93nm

Bearing 321°

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

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

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

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

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

Position 06° 11.0S 072° 11.1E

Course 022°.

Range 10.6nm

Bearing 314°

Speed 5.1kts constant – indicative of steaming

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

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

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

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

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

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

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

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

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

I then asked Mr Resolin the following questions;

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

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

Are you fishing together? He replied "yes".

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

What is his position?

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

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

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

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

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

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

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

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

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

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

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

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

Identity Documents For Crew as follows;

Master

Mr T (Tony) Resolin – DOB 06.06.1976

Crew

Mr R Bebi – DOB 27-10-1995

Mr Emilliyas – DOB 01-01-1997

Mr Antony John Xavier – DOB 14-01-1981

Mr Siby – DOB 01-09-1986

Mr Alphonse – DOB 01-09-1963

Mr Judes Heni – DOB 25-10-1994

Mr Durai – DOB 1985

Mr Thatheyus – DOB 01-09-1975

Mr Maria Vijin – DOB 01-09-1965

Mr Vilvadhass – DOB 31-08-1961

Mr A Denniston – DOB 06-12-1965

Mr L Ramesh – DOB 25-05-1995

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Two Vessel Registration documents

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

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

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

ROPO 3 then signed the exhibit label accordingly.

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

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

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

ROPO 3 then signed the exhibit label accordingly.

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

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

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

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

ROPO 3 then signed the exhibit label accordingly.

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

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

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

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

ROPO 3 then signed the exhibit label accordingly.

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

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

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

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

ROPO 3 then signed the exhibit label accordingly.

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

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

CATCH

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

Total estimated weight of catch: 11500.00 kg

FISHING GEAR / EQUIPMENT

Fishing gear Estimated value £8,000.00

Fishing vessel: Estimated value £30,000.00

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

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

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

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

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

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

ROPO 3 then signed the exhibit label accordingly.

This concludes my Statement of Evidence.

Robert Samuel Clark

BIOT Senior Fisheries Protection Officer

11th December 2014

Appendix 2: Photographs



Figure 1 Port side view - **Greeshma**



Figure 2 Starboard side view - **Greeshma**



*Figure 3 Stern view - **Greeshma***



Figure 4 Indian flagged vessel Greeshma hauling longline



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



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



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



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



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

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



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Mr. Shri Premchand
Director General (I/C)
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Dear Mr. Premchand,

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

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

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

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

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

Yours sincerely

James Moir Clark

Senior Consultant

On behalf of Dr C.C. Mees

Head of UK-OT Delegation

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



**Foreign &
Commonwealth
Office**

NOTE VERBALE No: SAD/109/14

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

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

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

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

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

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

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

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



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

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



Foreign &
Commonwealth
Office

NOTE VERBALE No: SAD/118/14

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

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

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

- S Titus S/O Sese - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pillai - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/65
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

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

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

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

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

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

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

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

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

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



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



18 Queen Street
London
W1J 5PN
United Kingdom

Tel: (+44) 020 7255 7755
Fax: (+44) 020 7499 5388
E-Mail: enquiries@mrag.co.uk
Internet: www.mrag.co.uk

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

23 December 2014

E-mail: jsfv@nic.in

Dear Dr Vundru

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

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

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

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

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

Yours Sincerely

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



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

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

24 February 2015

For Attention Of:

Mr K Titus,

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

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

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

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

You were found not guilty of the charges below:

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

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

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

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

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

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

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

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

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

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

Regards,



Mr Kerry Cunningham
Clerk of the Court
HQBF BIOT
Diego Garcia





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

RECORD OF PROCEEDINGS 24th February 2015

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

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

STATEMENT OF OFFENCE

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

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

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

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

PARTICULARS OF OFFENCE

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

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

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

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

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

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

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

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

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

Mr K Titus was found guilty of the following charges:

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

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

Mr K Titus was sentenced as follows:

Pay a fine of **15,000 GBP** for Fishing without Licence

Pay a fine of **3,000 GBP** for being in possession of prohibited fishing gear

Pay Court costs of **200 GBP**

Fishing Gear to be forfeited to the Crown for disposal.

Payment must be made within 30 days.

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

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

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

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



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





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

Case Number: 33/14

Court Code: 04/15

CERTIFICATE OF CONVICTION

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

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

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

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

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

And was sentenced as follows:

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

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

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

Fishing Gear to be forfeited to the Crown for disposal.



Clerk of Court:

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Date: 26/2/15

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

26 February 2015

E-mail: jsfy@nic.in

cc. IOTC Secretariat for the attention of the Compliance Committee

Dear Dr Vundru

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

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

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

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

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

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

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

Yours Sincerely



Dr C.C. Mees

Head of UK(OT) Delegation to IOTC

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

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

09 April 2015

E-mail: fyic-ahd@nic.in

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

Dear Dr Mathew,

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

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

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

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

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

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

Yours Sincerely



James Moir Clark

On behalf of

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

IOTC Reporting form for Illegal Activity

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

A. Details of Vessel

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

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

B. Details of IOTC Resolution Elements Contravened

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

C. Associated Documents

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

D. Recommended Actions

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

Appendix 1: Boarding Report

BOARDING REPORT

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

1. Introduction

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

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

Position 06° 03.4S 071° 32.3E

Course 008°.

Range 10.0nm

Bearing 052°

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

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

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

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

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

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

7. 05° 59.1S 071° 36.8E

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

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

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

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

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

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

2. Boarding Details

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

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

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

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

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

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

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

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

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

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

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

3. Recovery

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

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

Robert Samuel Clark

BIOT Senior Fisheries Protection Officer

11th December 2014

Appendix 2: Photographs



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



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



*Figure 3 Stern view - **King Jesus***



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



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

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



Foreign &
Commonwealth
Office

NOTE VERBALE No: SAD/118/14

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

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

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

- S Titus S/O Sese - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/65
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

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

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

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

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

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

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

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

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

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



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



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London
W1J 5PN
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Dr. Raja Sekhar Vundru,
Joint Secretary (Fisheries)
Room No. 221-A,
Department of Animal Husbandry, Dairying & Fisheries,
Ministry of Agriculture, Krishi Bhavan,
New Delhi-110 001.

23 December 2014

E-mail: jsfv@nic.in

Dear Dr Vundru

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

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

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

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

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

Yours Sincerely

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

IOTC Reporting form for Illegal Activity

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

A. Details of Vessel

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

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

B. Details of IOTC Resolution Elements Contravened

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

C. Associated Documents

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

D. Recommended Actions

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

Appendix 1: Boarding Report

BOARDING REPORT

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

1. Introduction

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

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

Position 06° 03.4S 071° 32.3E

Course 008°.

Range 10.0nm

Bearing 052°

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Boarding Details

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

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

1. 15 ID cards

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

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

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

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

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

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

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

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

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

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

3. Recovery

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

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

Robert Samuel Clark

BIOT Senior Fisheries Protection Officer

11th December 2014

Appendix 2: Photographs



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



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



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



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



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



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



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

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



Foreign &
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NOTE VERBALE No: SAD/118/14

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

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

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

- S Titus S/O Sesu - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/65
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

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

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

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

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

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

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

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

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

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



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



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

23 December 2014

E-mail: jsfv@nic.in

Dear Dr Vundru

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

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

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

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

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

Yours Sincerely

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

IOTC Reporting form for Illegal Activity

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

A. Details of Vessel

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

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

B. Details of IOTC Resolution Elements Contravened

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

C. Associated Documents

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

D. Recommended Actions

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

Appendix 1: Boarding Report

BOARDING REPORT

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

1. Introduction

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

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

Position 06° 03.4S 071° 32.3E

Course 008°.

Range 10.0nm

Bearing 052°

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

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

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

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

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

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

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

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

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

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

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

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

2. Boarding Details

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

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

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

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

At 11: 42 the SFPO walked around her fishing deck and noted that a lime coloured basket was to the side of the vessel, containing bait on hooks in such a position as to indicate they were ready to be deployed. On a board to the forward of the wheelhouse a hook terminated with wire trace and her decks were covered in blue commercial fishing line. All fish that had been noted at first pass had now been removed.

At 11:44 the SFPO requested that Mr Melbin open the forward fish hold so that it may be inspected. This instruction was followed.

At 11:45 the SFPO witnessed a large number of Reef Fish laid on the floor of the ice hold that had not been stowed in ice as would normally be expected. This indicated to the SFPO that all these fish were freshly captured.

The SFPO then informed Mr Melbin that his vessel was detained by making the internationally recognised hand signal of crossed wrists. Mr Melbin did not respond and just shook his head in such a manner that the SFPO understands to mean “yes”, in South Asian cultures.

At 11:47 the SFPO seized all documents and the following communications and navigation equipment.

1. ICOM – FM Transceiver IC2300H Radio – 10013546-0
2. Garmin GPS128 – No serial number but a stickers with the words “St Marris”
3. KODEN Echo Sounder CVS-118MkII – No serial number

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

At 11:48 the SFPO disembarked the vessel and proceeded to the next vessel.

3. Recovery

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

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

Robert Samuel Clark

BIOT Senior Fisheries Protection Officer

11th December 2014

Appendix 2: Photographs



Figure 1 Starboard side photograph – St Mary's No.2



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



Figure 3 Deck photograph – St Mary's No.2



Figure 4 Example of catch – St Mary's No.2



Figure 5 Example of catch – St Mary's No.2



Figure 6 Example of catch – St Mary's No.2



Figure 7 Fishing hooks on board – St Mary's No.2



Figure 8 Fishing gear on board – St Mary's No.2



Figure 9 Discarded fish – St Mary's No.2

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



Foreign &
Commonwealth
Office

NOTE VERBALE No: SAD/118/14

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

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

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

- S Titus S/O Sese - Age 40 (No DOB on ID) (MASTER and OWNER)
- Anthony J Johnson - DOB: 25/05/80
- Sahayam Konchilas - Age as of 1/1/97: (20)
- Wilfred Manuel - Age as of 1/1/97: (32)
- Jaron Ampurose - DOB: 05/10/81
- Jermans Soosai - DOB: 10/05/57
- Rajamani Sabasthiyan pilla - DOB: 13/12/69
- Davi Marsalin - DOB: 03/07/65
- Justin Silva Adima- Age as of 1-1-97 27
- Unidentified man

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

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

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

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

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

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

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

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

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



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



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

23 December 2014

E-mail: jsfv@nic.in

Dear Dr Vundru

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

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

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

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

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

Yours Sincerely

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

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;
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:	19th 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 19th 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 Solomon 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 2nd 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

20th April, 2015

Appendix III – Letter to India – Requesting ownership details



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Internet: 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

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

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 27th 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

RECORD OF PROCEEDINGS 27th 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

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 **26th 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 before the **26th August 2015**.

Given under my hand and the stamp of the Court, this 27th 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



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W1J 5PN
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E-Mail: enquiry@mrag.co.uk
Internet: 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

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 27th 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) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink, appearing to read '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



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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

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 28th 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 27th 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 (27th August 2015).

We would request that India as flag State of the vessel provides to the BIOT Administration within 30 days (i.e. 26th 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 26th September.

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

Yours Sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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

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OWNERSHIP AND TECHNICAL DETAILS OF THE FISHING VESSELS

Sl. No	Mechanised Fishing Boat Details	Owner Details	Measurements Hull Length/ Beam/ 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 : BENAIHA 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
Chanakyaपुरी
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;
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

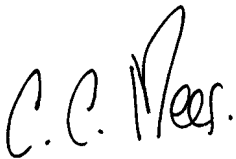
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Appendix IX - kawakawa and dogtooth tuna);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains 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

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:	11th May 2015
VESSEL:	Joshva
REGISTRATION N°.	IND-AN-SA-MM-794P 02/12/2009
MASTER:	Unkown
SFPO:	David Hughes
FPO:	3rd 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 10th 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 3rd 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 11th 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



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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

5th 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



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Department of Animal Husbandry, Dairying and Fisheries,
Ministry of Agriculture, Krishi Bhawan,
New Delhi-110 001,
India.
Email: 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 3rd 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 10th 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 22nd 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) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink, appearing to read '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

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

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

If payment has not been received by the **26th 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 before the **26th August 2015**.

Given under my hand and the stamp of the Court, this 27th 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

RECORD OF PROCEEDINGS 27th 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

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 **26th 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 before the **26th August 2015**.

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

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



Appendix VII – Letter to India – Record of Proceedings



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India.
Email: 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 27th 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) or John Pearce (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.



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India.
Email: 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 28th 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 27th 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 (27th August 2015).

We would request that India as flag State of the vessel provides to the BIOT Administration within 30 days (i.e. 26th 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 26th September. If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or John Pearce (j.pearce@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

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

Appendix IX – Joshva catch on board

Species	Number	Weight
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

AH D&F DEPT

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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
Chanakyaपुरी
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;
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

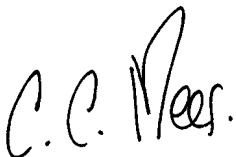
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see photos);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains the case);
- That the BIOT 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:	11th May 2015
VESSEL:	Joshva No1
REGISTRATION N°.	IND-TN-15-mm-4598 &26/12/2014
MASTER:	A Shiji
SFPO:	David Hughes
FPO:	3rd 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 10th 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 3rd 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 11th 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



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Department of Animal Husbandry, Dairying and Fisheries,
Ministry of Agriculture, Krishi Bhawan,
New Delhi-110 001,
India.
Email: fyic-ahd@nic.in

5th 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



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Ministry of Agriculture, Krishi Bhawan,
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India.
Email: 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 3rd 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 10th 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 22nd 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) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink, appearing to read '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

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

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

If payment has not been received by the **26th 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 before the **26th August 2015**.

Given under my hand and the stamp of the Court, this 27th 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

RECORD OF PROCEEDINGS 27th 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

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 **26th 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 before the **26th August 2015**.

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

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



Appendix VII – Letter to India – Record of Proceedings



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India.
Email: 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 27th 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) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink, appearing to read '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.



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India.
Email: 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 28th 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 27th 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 (27th August 2015).

We would request that India as flag State of the vessel provides to the BIOT Administration within 30 days (i.e. 26th 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 26th September. If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink, appearing to read '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

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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
Chanakyaपुरी
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;
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

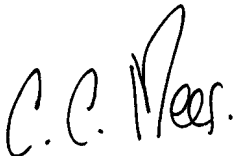
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see photos and Statement of Evidence);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains the 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 th 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 nd 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
Internet: 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

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 6th 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) or John Pearce (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
Internet: 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

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 30th 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 5th 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

RECORD OF PROCEEDINGS

Name: Mr Newton S/O Paniadimai

On the **28th 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 **28th 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) or 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

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.
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

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 Sacred Heart in British Indian Ocean Territory (BIOT) Waters

As previously notified to you on 11th 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 30th 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 28th January 2016).

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

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or John Pearce (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

3rd 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

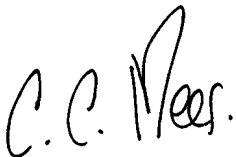
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Statement of Evidence, tuna and marlin);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains 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

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: 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 3rd 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 whether 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 where 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
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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

5th 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



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Ministry of Agriculture, Krishi Bhawan,
New Delhi-110 001,
India.
Email: 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 27th 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) or John Pearce (j.pearce@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink, appearing to read '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

RECORD OF PROCEEDINGS 27th 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

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 27th 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

RECORD OF PROCEEDINGS 27th 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

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 **26th 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 before the **26th August 2015**.

Given under my hand and the stamp of the Court, this 27th 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



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Department of Animal Husbandry, Dairying and Fisheries,
Ministry of Agriculture, Krishi Bhawan,
New Delhi-110 001,
India.
Email: 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 28th 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 27th 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 (27th August 2015).

We would request that India as flag State of the vessel provides to the BIOT Administration within 30 days (i.e. 26th 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 26th September.

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

Yours Sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

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

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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



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
Chanakyaपुरी
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;
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

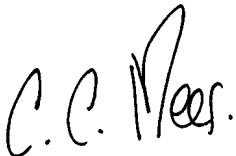
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Statement of Evidence- Kawakawa);
- Was found guilty by the BIOT Court on Diego Garcia of illegal fishing and was fined;
- That the fine has not been paid (and at the time of writing this remains the 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

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 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

Initial Sighting Details					
Date and time of first sighting	6 th 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 nd 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
Comments: Crew only understand very little English. Communication was with a mix of sign language and repeating key words.			

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		
Observations Mixture of ID available, some photocopies, some originals. A total of 4 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	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 numberTN2/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



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London
W1J 5PN
United Kingdom

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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

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 6th 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) or John Pearce (j.pearce@mrag.co.uk). We look forward to your cooperation.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

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

Appendix IV – Letter to India – Outcome of court proceedings



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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

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 30th 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 5th 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) or John Pearce (j.pearce@mrug.co.uk). We look forward to your continued cooperation.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

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

RECORD OF PROCEEDINGS

Name: Mr Lawrence S/O Vincent

On the **28th 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 **4th 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 **5th 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 **30th 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

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

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 11th 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 30th 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 28th January 2016).

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

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or John Pearce (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

31 August 2016 / 31 août 2016

IOTC CIRCULAR 2016-068 / CIRCULAIRE CTOI 2016-068

Dear Sir/Madam,

SUBJECT: CONCERNING THE FIFTEEN INDIAN FLAGGED VESSELS ON THE IOTC PROVISIONAL IUU VESSELS LIST

As permitted in Resolution 11/03 paragraph 14a, the Twentieth Session of the Indian Ocean Tuna Commission agreed that India shall provide the Executive Secretary with supplementary information, within 90 days of the meeting, to show that it has taken effective actions in response to the alleged IUU fishing activities with respect to the below listed vessels.

These vessels are, namely, BENAIHA, BOSIN, CARMAL MATHA, DIGNAMOL 1, DIGNAMOL II, GREESHMA 1, KING JESUS, ST MARY'S NO.1, ST MARY'S NO.2, BEO HINGIS, JOSHVA, JOSHVA NO.1, SACRED HEART, VACHANAM and WISDOM.

In line with the procedures set out in Resolution 11/03 paragraphs 14b and 14c, I would like to provide CPCs with the supplementary information that India has submitted, and remind CPCs that they are required to notify the Secretary, within 30 days of this transmission, whether or not they support the above-mentioned vessels being included on the IOTC IUU Vessels List.

Madame/Monsieur,

OBJET: CONCERNANT LES QUINZE NAVIRES BATTANT PAVILON DE L'INDE SUR LA LISTE PROVISIOIRE DES NAVIRES INN

Comme il est permis par le paragraphe 14a de la résolution 11/03, la vingtième session de la Commission des thons de l'océan Indien a convenu que l'Inde devrait fournir au Secrétaire exécutif des renseignements complémentaires, dans les 90 jours suivant la réunion, pour montrer que l'Inde a pris des mesures efficaces en réponse aux activités de pêche présumées INN concernant les navires cités ci-dessous.

Ces navires sont: BENAIHA, BOSIN, CARMAL MATHA, DIGNAMOL 1, DIGNAMOL II, GREESHMA 1, KING JESUS, ST MARY'S NO.1, ST MARY'S NO.2, BEO HINGIS, JOSHVA, JOSHVA NO.1, SACRED HEART, VACHANAM and WISDOM.

Conformément aux procédures énoncées dans les paragraphes 14b et 14c de la Résolution 11/03, je souhaite fournir aux CPC les informations complémentaires que l'Inde a soumis, et de rappeler les CPC qu'ils sont tenus de notifier au secrétariat, dans les 30 jours suivant cette transmission, si oui ou non ils soutiennent l'inclusion des navires mentionnés ci-dessus dans la liste des navires INN de la CTOI.

Yours sincerely / Cordialement



Executive Secretary (a. i) / Secrétaire exécutif (a. i)

Attachments / Pièces jointes:

- Communication from India / Communication de l'Inde

Distribution / Destinataires

IOTC Contracting Parties/ Parties contractantes de la CTOI: Australia/Australie, Belize, China/Chine, Comoros/Comores, Eritrea/Erythrée, European Union/Union européenne, France (Territories/DOM-TOM), Guinea/Guinée, India/Inde, Indonesia/Indonésie, Iran (Islamic Rep of/Rép. islamique d'), Japan/Japon, Kenya, Rep. of Korea/Rép. de Corée, Madagascar, Malaysia/Malaisie, Maldives, Mauritius/Ile Maurice, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia/Somalie, South Africa/Afrique du Sud, Sri Lanka, Sudan/Soudan, United Rep. of Tanzania/Rép.-Unie de Tanzanie, Thailand/Thaïlande, United Kingdom (OT)/Royaume-Uni(TOM), Yemen/Yémen.

Chairperson IOTC / Président de la CTOI

Cooperating Non-Contracting Parties/ Parties coopérantes non-contractantes: Bangladesh, Djibouti, Liberia, Senegal/Sénégal.

Intergovernmental organisations & Non-governmental organisations / Organisations intergouvernementales et non-gouvernementales
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F.No.27016/09/2015-Fy(IC)
Government of India
Ministry of Agriculture and Farmers' Welfare
Department of Animal Husbandry, Dairying & Fisheries

Krishi Bhawan, New Delhi
Dated the 24th August, 2016

To,

The Executive Secretary,
Indian Ocean Tuna Commission (IOTC),
IOTC Secretariat, Le Chantier Mall (2nd floor)
PO Box 1011, Victoria Mahé - SEYCHELLES.
E.mail: secretariat@iotc.org.
Fax: +248 224 364

Subject: IUU listing of Indian vessels by IOTC – Action Taken Report - reg.

Sir,

I am directed to refer to the 20th Session of the Indian Ocean Tuna Commission held at La Reunion, France during 23-27 May, 2016. The Commission agreed that the following 15 vessels shall be kept on the IOTC Provisional IUU Vessels List, as per Resolution 11/03 para-14:

- | | |
|-------------------|-------------------|
| 1. BENAIHAH | 9. ST MARY'S NO.2 |
| 2. BOSIN | 10. BEO HINGIS |
| 3. CARMAL MATHA | 11. JOSHVA |
| 4. DIGNAMOL I | 12. JOSHVA NO.1 |
| 5. DIGNAMOL II | 13. SACRED HEART |
| 6. GREESHMA I | 14. VACHANAM |
| 7. KING JESUS | 15. WISDOM |
| 8. ST MARY'S NO.1 | |

2. In this connection, it is informed that the matter has been taken up by this Department with the concerned authority, i.e., Government of Tamil Nadu to take appropriate action against the owners/operators of the said fishing vessels, and to furnish the action taken report in respect of these vessels.

3. The Government of Tamil Nadu vide their letter No.1079/FS-6/2015, dated 24.8.2016 has now informed about the action taken by them in respect of the following thirteen fishing boats registered in Tamil Nadu state:

1. BENAIHAH
2. BOSIN
3. CARMAL MATHA
4. DIGNAMOL I
5. DIGNAMOL II
6. GREESHMA I
7. KING JESUS
8. ST MARY'S NO.1
9. ST MARY'S NO.2
10. JOSHVA
11. JOSHVA NO.1
12. SACRED HEART
13. WISDOM.

4. According to the action taken report submitted in respect of the above thirteen fishing boats, the Government of Tamil Nadu has further informed that the Authorized Officer / Assistant Director of Fisheries, Colachel has framed charges under *Section 5 and Section 6 – Sub-Section 6 (X) and 6(XII) of the Tamil Nadu Marine Fishing Regulation Act, 1983* against the boat owners, who carried out fishing in BIOT region and recommended the same to the Adjudicating Officer / Deputy Director of Fisheries, Kanyakumari, for further enquiry and to issue appropriate orders.
5. In continuation, the Adjudicating Officer / Deputy Director of Fisheries, Kanyakumari has made enquiries in respect of said thirteen boat owners and accordingly imposed a fine of INR 15,000 each to the seven boat owners, INR 30,000 against one boat owner and INR 50,000 each to five boat owners. In accordance with the orders issued by the Adjudicating Officer / Deputy Director of Fisheries, Kanyakumari, so far seven boat owners have paid the fine amount, which has been remitted in the Government account.
6. The remaining six boat owners neither appeared for personal enquiry nor remitted the fine amount imposed by the Adjudicating Officer / Deputy Director of Fisheries, Kanyakumari. The Authorized Officer / Assistant Director of Fisheries, Colachel has issued orders for impounding the said six boats, the owners of which have not paid the fine amount till date. In addition, further expected action in cases of repeated violations would include suspension of fishing licenses and cancellation of their vessel registration.
7. A statement showing the details of the action taken against the said thirteen fishing boat is enclosed herewith. Besides, the Government of Tamil Nadu has conducted a campaign for awareness and sensitization of local fishermen for not indulging in such fishing activities which tantamount to IUU fishing.
8. In respect of the remaining two boats viz. BEO HINGIS and VACHANAM which are registered with Government of Kerala and Marine Products Export Development Authority (MPEDA) respectively, both the concerned authorities have been asked to take strict punitive action against the two said boats as per existing legal provisions. The action taken report with respect to these two boats shall be intimated to the IOTC in due course, upon receipt of the same from the concerned authorities.
9. It is reiterated that India is strongly against IUU fishing in any form and manner and is committed to take punitive action against violating vessels and their operators and also necessary preventive measures to deter IUU fishing activities within and outside its national jurisdiction. Accordingly, the concerned authorities have been requested to take appropriate punitive action against all such fishing boats engaged in acts of IUU fishing.
10. As regards the Indian vessels on the provisional list of IUU vessels, it is observed that these are not large sized industrial vessels but of intermediate size (c 15 m OAL). Moreover, they are not resource specific vessels capable of commercially targeting Tuna or Tuna like species covered under the management mandate of IOTC. However, such vessels are neither authorized nor encouraged by India to fish in BIOT waters or other waters beyond its national jurisdiction.

11. In view of the above action taken report, it is requested that the IOTC may consider de-listing of the above-mentioned 15 fishing vessels from the provisional IUU list.

Yours faithfully,


(I. A. Siddiqui)
Assistant Commissioner (Fisheries)

Copy to:

1. Principal Secretary (Fisheries), (Shri Gagandeep Singh Bedi), Govt of Tamil Nadu, AHD & Fisheries Department, Secretariat, Chennai- 600 009 (Fax No. 044-25672937)
2. Commissioner of Fisheries, (Dr Smt. Beela Rajesh), Dept. of Fisheries, Govt. of Tamil Nadu, Admin. Buildings, Teynampet, Chennai-600006 (Fax 044-243335585/24320791), E-mail:-tnfisheries@nic.in , coffisheries@gmail.com
3. Joint Secretary (EPMP), (Shri Santosh Sarangi), M/O Commerce, Dept. of Commerce, Room No. 241, Udyog Bhawan, New Delhi. Tel. 23061818
4. Joint Secretary (IOR), (Ms. Renu Pall), M/O External Affairs, South Block, New Delhi. Fax.011- 23014717

ACTION TAKEN ON THE MECHANIZED FISHING BOATS CARRIED OUT ILLEGAL FISHING IN BIOT WATERS

S.No	Name of the Boat Owners & Reg. No	Name of the Boat	No. of crew	Date of Occurrence	Place of Occurrence	Date of Charge Sheet given by ADF, Colachel	1 st Summon issued Date	1st Summon Appeared or not	2nd Summon issued Date	2nd Summon Appeared or not	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
1	Thiru. Dicosthan S/o.Mariyanipillai Punitha Thamos Street, Colachel TN2-FV-01662/2013	Dignamol -II	12	11.12.2014	Diego Garcia	14.03.2015	15.04.2016	Appeared	-	-	Rs.15,000/- fine imposed and amount remitted in Govt A/c
2	Thiru. Titus S/o.Kastheen Thoothoorchinnathurai. IND-TN-15-MM-155	Greeshma	14	12.12.2014	Diego Garcia	14.03.2015	15.04.2016	Appeared	-	-	Rs.15,000/- fine imposed and amount remitted in Govt A/c
3	Thiru. Peter S/o.Antonyadimai Punitha Thomas Nagar, Thoothoor. TN/15/MFB/597	St.Mary's II	13	11.12.2014	Diego Garcia	14.03.2015	15.04.2016	Appeared	-	-	Rs.15,000/- fine imposed and amount remitted in Govt A/c
4	Thiru. Peter S/o.Antonyadimai Punitha Thomas Nagar, Thoothoor. TN2/FV/01644/12	St.Mary's I	17	11.12.2014	Diego Garcia	14.03.2015	15.04.2016	Appeared	-	-	Rs.15,000/- fine imposed and amount remitted in Govt A/c
5	Thiru. Titus S/o.Sesaiyan Thoothoor IND-TN-15-MM-4086	Bosin	10	15.12.2014	Diego Garcia	14.03.2015	15.04.2016	Appeared	-	-	Rs.15,000/- fine imposed and amount remitted in Govt A/c
6	Thiru. Selvathason S/o.Rajappan 16/46 A, Kalingarajapuram, Thoothoor IND-TN-15-MM-4598 TN2/FV/00353/07	Joshva I	12	11.05.2015	Diego Garcia	09.06.2015	15.04.2016	Appeared	-	-	Rs.15,000/- fine imposed and amount remitted in Govt A/c

7.	Thiru. Selvathason S/o.Rajappan 16/46 A, Kalingarajapuram, Thoothoor.	Joshva		11.05.2015	Diego Garcia	09.06.2015	15.04.2016	Appeared	-	-	Rs.15,000/- fine imposed and amount remitted in Govt A/c
8	Thiru. Lawrance S/o.Vincent Eraviputhenthurai IND-TN-15-MM-395	Wisdom	12	09.10.2015	Diego Garcia	29.12.2015	15.04.2016	Not Appeared	18.05.2016	Appeared on 21.06.2016	Rs.30,000/- fine imposed on 21.06.2016. Impounding order issued by Assistant Director of Fisheries, Colachel
9	Thiru. Metlan S/o.Paniadimai St.Joseph Colony, Eraviputhenthurai IND-TN-15-MM-4874	Sacred Heart	11	09.10.2015	Diego Garcia	29.12.2015	15.04.2016	Not Appeared	18.05.2016	Not Appeared	Rs.50,000/- fine imposed on 21.06.2016. Impounding order issued by Assistant Director of Fisheries, Colachel
10	Thiru. Raju S/o.John Rose 11-4-137, K.R.Puram Thoothoor. IND-TN-15-MM4473.	Benaiah	13	11.12.2014	Diego Garcia	14.03.2015	15.04.2016	Not Appeared	18.05.2016	Not Appeared	Rs.50,000/- fine imposed on 21.06.2016. Impounding order issued by Assistant Director of Fisheries, Colachel
11	Thiru. Bibin S.R.Paul Miranda S/o.Stephen Near to Hospital, Thoothoor IND-TN-15-MM-403	King Jesus	13	11.12.2014	Diego Garcia	14.03.2015	15.04.2016	Not Appeared	18.05.2016	Not Appeared	Rs.50,000/- fine imposed on 21.06.2016. Impounding order issued by Assistant Director of Fisheries, Colachel
12	Thiru. Jelvis S/o.Dicosthan Near to Hospital, Thoothoor IND-TN-15-MM-125	Dignamol -I	15	11.12.2014	Diego Garcia	14.03.2015	15.04.2016	Not Appeared	18.05.2016	Not Appeared	Rs.50,000/- fine imposed on 21.06.2016. Impounding order issued by Assistant Director of Fisheries, Colachel
13	Thiru. Antony S/o.Joseph 111-7-28, Punitha Thomas Nagar, Thoothoor. TN2/FV/01675/13	Carmel Matha	13	11.12.2014	Diego Garcia	14.03.2015	15.04.2016	Not Appeared	18.05.2016	Not Appeared	Rs.50,000/- fine imposed on 21.06.2016. Impounding order issued by Assistant Director of Fisheries, Colachel

26 September 2016 / 26 septembre 2016

IOTC CIRCULAR 2016-072 / CIRCULAIRE CTOI 2016-072

Dear Sir/Madam,

SUBJECT: COMMUNICATION FROM THE UNITED KINGDOM (OT)

Please find attached a communication from the United Kingdom (OT), in response to IOTC Circular 2016-068 concerning the fifteen Indian Flagged Vessels on the IOTC Provisional IUU vessels list.

Madame/Monsieur,

OBJET: COMMUNICATION DU ROYAUME-UNI (TO)

Veuillez trouver en pièce jointe une communication du Royaume-Uni (TO), en réponse du Circulaire CTOI 2016-068 concernant les quinze navires battant pavillon de l'Inde sur la liste provisoire des navires INN.

Yours sincerely / Cordialement



Executive Secretary (a. i) / Secrétaire exécutif (a. i)

Attachments / Pièces jointes:

- Communication from the UK(OT) / Communication du RU(TO)

Distribution / Destinataires

IOTC Contracting Parties/ Parties contractantes de la CTOI: Australia/Australie, Belize, China/Chine, Comoros/Comores, Eritrea/Erythrée, European Union/Union européenne, France (Territories/DOM-TOM), Guinea/Guinée, India/Inde, Indonesia/Indonésie, Iran (Islamic Rep of/Rép. islamique d'), Japan/Japon, Kenya, Rep. of Korea/Rép. de Corée, Madagascar, Malaysia/Malaisie, Maldives, Mauritius/Ile Maurice, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia/Somalie, South Africa/Afrique du Sud, Sri Lanka, Sudan/Soudan, United Rep. of Tanzania/Rép.-Unie de Tanzanie, Thailand/Thaïlande, United Kingdom (OT)/Royaume-Uni(TOM), Yemen/Yémen.

Chairperson IOTC / Président de la CTOI

Cooperating Non-Contracting Parties/ Parties coopérantes non-contractantes: Bangladesh, Djibouti, Liberia, Senegal/Sénégal.

Intergovernmental organisations & Non-governmental organisations / Organisations intergouvernementales et non-gouvernementales

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Dr Alejandro Anganuzzi
Ag. Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

22 September 2016

cc. Mr Herminio Tembe, Chair of the Compliance Committee;

Mr Hosea Gonza Mbilinyi, Vice Chair;

Mr Aditya K. Joshi, Joint Secretary, DAHDF; Mr. I.A. Siddiqui, Assistant Commissioner (Fisheries), Government of India; Dr Vijayakumar, Authorities in Tamil Nadu (ahsec@tn.gov.in); Authorities in Kerala (via Government of India, no direct contacts)

Dear Dr Anganuzzi,

IOTC Circular 2016-068: Concerning the fifteen Indian Flagged Vessels on the IOTC Provisional IUU vessels list.

Thank you for your circular of 31 August covering a letter from the Assistant Commissioner (Fisheries) of the Government of India.

The British Indian Ocean Territory Administration [UK(OT)] acknowledges the progress made by India to address IUU by these 15 vessels indicated in its communication F.No.27016/09/2015-Fy(IC) dated 24th August 2016 (IOTC Circular 2016-068). India has requested that all 15 vessels be removed from this list. The intersessional listing process set out in Resolution 11/03 only allows for a vessel to be included on the IUU list, or to remain on the Provisional IUU list (Para 14d). Paragraph 10 of Resolution 11/03 provides the mechanism for removal of a vessel from the IOTC Provisional IUU Vessels List during the Compliance Committee Meeting.

UK(OT), having examined the information provided, consider that there is insufficient information to determine whether these vessels should be included on the IOTC IUU vessels list or removed from the Provisional IUU list. The flag State has not provided sufficient documented information or evidence to enable us to determine if the actions taken, and sanctions imposed, were effective and adequate in response to the IUU fishing activities in question, and to promote compliance with IOTC Conservation Management Measures. We therefore believe these vessels should remain on the provisional IUU list for review by the Compliance Committee at its meeting in 2017. We also request that additional supplementary evidence is provided by India for circulation by the Secretariat pursuant to paragraph 7 of IOTC Resolution 11/03. Once we have the necessary information or evidence we will be in a position to make a decision.

It would assist us in coming to a decision if you were able to secure the following information from the flag state:

1. We are informed that in relation to the boat owners of 13 of the fishing vessels registered to the Government of Tamil Nadu, action was taken pursuant to section 5 and 6(6)(X) and 6 (XII) of the Tamil Nadu Marine Fishing Regulation Act, 1983. Can we be provided with the detail of the offences? It would be helpful to understand the range of the fines applicable to these offences and if any mitigating factors were taken into consideration in imposing these fines? What actions have been taken in respect of the vessel Master?

2. For six of the vessels, an 'impounding order' was issued by the Assistant Director of Fisheries. What, if anything, has happened after the issuance of that order? What efforts have been taken to enforce payment of the outstanding fines?
3. We are told that the Government of Tamil Nadu has conducted a campaign 'for awareness and sensitization of local fishermen', but we have no details of this. How was that campaign conducted? Did any person connected with the 15 vessels participate at all? What guidance, if any, was given to those persons?
4. We have no details at all as to what, if anything has happened in relation to persons connected with Beo Hingis registered with Government of Kerala and Vachanam, registered with Marine Exports Development Authority (MEDA), and no details of which State MEDA relates to. The Commission agreed at its 20th Session that where no information is received for any individual vessel, that vessel shall immediately be placed on the IOTC IUU vessels list. We note that the Government of India has asked the State Authorities to take punitive action. In light of this, and in a spirit of cooperation, UK(OT) can accept that these two vessels be retained on the Provisional IUU List pending information on the actions taken. Should none be forthcoming, these vessels should be IUU listed.

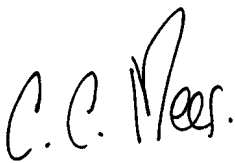
As the CPC that proposed listing these 15 vessels, we refer members of the Compliance Committee to the details provided in respect of each vessel, vessel owner, or vessel Master in 2015 (IOTC-2015-CoC12-07E) and 2016 (IOTC-2016-CoC13-07_Rev1E). At this point in time we can confirm that none of the vessel owners nor vessel masters have paid their fines to the BIOT.

Furthermore, we recall that the Commission agreed at its 20th Session that each vessel shall be considered individually, as is standard practice at the Compliance Committee. We therefore remind the Indian Authorities of this requirement, to present a separate file for each vessel, thereby avoiding any confusion, and enabling any differences between individual cases to be fully appreciated when determining if actions taken and sanctions imposed were effective and adequate in response to the IUU fishing activities in question for that vessel, and to promote compliance with IOTC 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

24 November 2016 / 24 novembre 2016

IOTC CIRCULAR 2016-084 / CIRCULAIRE CTOI 2016-084

Dear Sir/Madam,

SUBJECT: COMMUNICATION FROM THE CHAIRPERSON OF THE INDIAN OCEAN TUNA COMMISSION

I wish to inform you that the Chairperson of the Indian Ocean Tuna Commission has considered the responses received from four CPCs (Australia, European Union, Japan and the United Kingdom (Territory)), in relation to IOTC Circulars 2016-068, concerning the fifteen Indian vessels on the IOTC Provisional IUU List, from the 20th Session of the Commission. The Chairperson has concluded that *“due to a lack of interventions from the majority of the CPCs and with no quorum”*, the vessels should remain on the IOTC Provisional IUU Vessels List, in accordance with paragraph 14 d (iii) of IOTC Resolution 11/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*.

Madame/Monsieur,

OBJET: COMMUNICATION DU PRÉSIDENT DE LA COMMISSION DES THONS DE L'Océan INDIEN

Je tiens à vous informer que le Président de la Commission des thons de l'océan Indien a examiné les réponses reçues de quatre CPCs (Australie, l'Union européenne, le Japon et le Royaume-Uni (Territoire)), en relation avec les circulaires CTOI 2016-068, concernant les quinze navires indiens sur la liste provisoire INN de la CTOI, de la 20^{ième} session de la Commission. Le président a conclu que *“en raison d'un manque d'intervention de la majorité des CPC et sans quorum”*, les navires doivent rester sur la liste provisoire des navires INN de la CTOI, conformément au paragraphe 14 d (iii) de la Résolution 11/03 de la CTOI *visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illégales, non déclarées et non réglementées dans la zone de compétence de la CTOI*.

Yours sincerely / Cordialement



Chairman of the IOTC / Président de la CTOI

Attachments / Pièces jointes:

- None / Aucune

Distribution / Destinataires

IOTC Contracting Parties/ Parties contractantes de la CTOI: Australia/Australie, Belize, China/Chine, Comoros/Comores, Eritrea/Erythrée, European Union/Union européenne, France (Territories/DOM-TOM), Guinea/Guinée, India/Inde, Indonesia/Indonésie, Iran (Islamic Rep of/Rép. islamique d'), Japan/Japon, Kenya, Rep. of Korea/Rép. de Corée, Madagascar, Malaysia/Malaisie, Maldives, Mauritius/Ile Maurice, Mozambique, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Somalia/Somalie, South Africa/Afrique du Sud, Sri Lanka, Sudan/Soudan, United Rep. of Tanzania/Rép.-Unie de Tanzanie, Thailand/Thaïlande, United Kingdom (OT)/Royaume-Uni(TOM), Yemen/Yémen.

Chairperson IOTC / Président de la CTOI

Cooperating Non-Contracting Parties/ Parties coopérantes non-contractantes: Bangladesh, Djibouti, Liberia, Senegal/Sénégal.

Intergovernmental organisations & Non-governmental organisations / Organisations intergouvernementales et non-gouvernementales

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Dr Alejandro Anganuzzi
Ag. Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

1st March 2017

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

Dear Dr Anganuzzi,

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 Ephraem

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 Ephraem. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

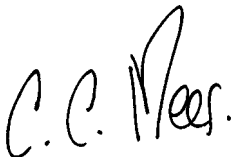
- That the vessel, equipped with gill nets and longlines, had pelagic species on board (tuna and tuna like species, full identification not possible as the vessel fled (see Appendix I);
- The vessel evaded arrest and fled;
- That the BIOT Administration has kept the Indian Authorities fully informed;
- That the Indian Authorities have provided no details of vessel ownership and at the time of writing have provided no indication of any actions they may have taken.

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, Ephraem

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)	Ephraeem
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)	n/a
h	Operator (previous operator/s, if any) and Master/Fishing Master	n/a
i	Date of alleged IUU fishing activities	27/05/2016
j	Position of alleged IUU fishing activities	07° 03.23'S; 71° 16.31'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT waters and possession of prohibited fishing gear. No Logbook present. No licence present. Initial observation showed approx. 1500 kg assorted reef species (red snapper, jobfish etc.), pelagic species, reef shark species (black/white tip). No logbook present. No licence present. Vessel fled whilst detained and being escorted to port for further investigation.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Vessel detained for fishing illegally in BIOT and possession of prohibited fishing gear. Vessel fled during escort to port for further investigation on 28/05/2016.
m	Outcome of Actions taken	Report to IOTC and seek IUU listing.

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

C. Associated Documents

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

Appendix I – Photographs.

Appendix II – Inspection report

Appendix III – Notification of Investigation and Request for Cooperation

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.

Figure 1 Starboard view



Figure 2 Stern view.



Figure 3 Bow showing vessel identification



Figure 4 Port view with vessel ID



Figure 5 Pelagic fish species in hold (I)



Figure 6 Fish in the hold (II)



Appendix II – Inspection Report – Ebhraeem (later confirmed as Ephraeem)

INSPECTION REPORT – RG001

1 Summary

Date of boarding	27/05/2016
Patrol type and number	BIOT 515
Vessel name	Ebhraeem
Vessel type	GN
Vessel flag and home port	India, Colochel
Vessel identification number	IND-TN-15-MM-4779
Vessel identification type	Registration number
IOTC# (if registered)	Null
Vessel Master name	Y Jegadish
SFPO	R Gater
FPO / FPOs	W J Hemajith De Silva
Outcome of boarding	Detained but escaped during escort

2 Initial sighting details (from Marlin only)

Date and time of first sighting	26/05/16 21:45 (DD/MM/YY HH:MM)				
Sighted by	OOW	Radar		Visual	x
Position of target 1	07 15 4S 071 30 4E				
Course	Var				
Speed	Var				
Range	8.5nm				
Bearing	340				
Comments:					
At 2144 bright working deck lights are seen on Pitt Bank, at a range of 8.5nm range. Visual identification was made of two lights, suggesting a second vessel. The BPV continued its westerly course.					
2200 Radar target now with variable course and speed of 0.8kt. Position of target is on the south eastern edge of Pitt Bank at 07° 15.4S 071°30.4E. BPV alters course to port to maintain distance and prevent them being alerted to our presence. The intention was to shadow the two targets during the night as per safety SOPs and due to the potential danger to the BPV of fouling by deployed fishing gear. Targets now approximately 0.5nm apart with variable speeds of 0-4kts moving generally NW. This is behaviour indicative of fishing activity.					
27/05/2016					
0240 Three more radar targets are detected, very close together and located approximately 6nm north of the original two targets, but still on the eastern Pitt Bank. Their behaviour is similar to the first two targets, with variable course and speed indicative of fishing activity. Bright working deck lights are visible.					
0635 BPV alters course to intercept the 4 radar targets closest.					
0705 At a range of 4nm, all five target vessels increase speed and alter course to run west, and away from the BPV. Targets now steaming at 7kts; The BPV increases to a speed of 9knts					
0805 Positive visual identification of the closest four targets as Indian gillnet fishing vessels, now heading NW at speeds varying between 6.5-7kts.					

Five vessel targets detected during the night, so all five have same details recorded for first sighting date, time and position for the purposes of this report as their individual identities was unknown at this stage.

Fisheries Pennant and Sierra Quebec Three Raised	27/05/16 06:50	(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding.	27/05/16 06:50	(DD/MM/YY HH:MM)
Response to request for boarding	No response	

3 Launching of workboat

Time workboat launched	27/05/16 09:12 (DD/MM/YY HH:MM)	
Workboat crew	Boson Bhoy & FPO Jomil	
<i>Comments on the approach to the FV:</i> The vessel was ordered to slow down verbally and by hand gestures.		
Photographic Evidence Collected (See Annex 1).	Port	
	Starboard	
	Stern	
	Fishing gear	
	Other	

4 Boarding details

Date and time vessel boarded	27/05/16 09:25	(DD/MM/YY HH:MM)
Position vessel boarded	07 01.94S 071 16.94E	
Boarding party team	R Gater / W J Hemajith De Silva	
Language spoken	Tamil dialect	
Interpreter needed (Y/N)?	Y	Name W J Hemajith De Silva

4.1 Crew details

Vessel Master name	Y Jegadish	
Vessel Master nationality	IND	
Vessel Master address	11-10-163/2, Anbiyan-18, Thoothoor, Kalkulam, K K District	
Vessel Master D.o.B	14/02/85	(DD/MM/YY)
Number of crew	10	
Vessel crew nationality	IND	
Are any crew under 18 (Y/N), if ‘Y’ provide details below.	No	
Do any crew have health issues (Y/N), if ‘Y’ provide details below.	No	
Observations Captain and crew presented various types of identification (Fishermens ID, Driving licence, Electoral cards). Identification was not provided by all crew, and it was not possible to determine if the identification documents related to the crew present. Neither was it possible to determine if the individual who presented himself as the captain was indeed the captain of the vessel.		
Photographic Evidence Collected (See Annex 1).	Captain ID	
	Other crew id	

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	N	
Fishing licence date of issue, expiry and issuing authority	Null (DD/MM/YY)	
FV owner name (as per licence)	Null	
FV owner details (as per licence)	Null	
Fishing logbook present (y/n) and number if relevant	Null	
Issuing authority	Null	
Date of last entry	Null	Null
Position of last entry	Null	
Other paperwork: Registration document		
Photographic Evidence Collected (See Annex 1).	Licence	
	Logbook	
	Other	

4.3 Interview with Captain

Time of interview	09:25 (HH:MM)
Captain's rights read and understood?	Yes
FV Port of departure	India (port not ascertained)
Date of departure	Not ascertained (DD/MM/YY)
Travelling to or from fishing grounds?	Neither
Amount of fish onboard (t)	1500kg approx
If fish onboard where caught?	Pitt Bank
If fish onboard when caught?	Last 2 days
If fish onboard how caught?	Hand lines
Destination	India
Port of return	India (port not ascertained)
Anticipated date of return	Not ascertained (DD/MM/YY)
Comments: Language difficulties as no English and Tamil not the interpreters 1 st language	

4.4 Vessel inspection

Fishing gear type		Gillnet and Hand lines	
Comments Baited hand lines located on decks			
Catch onboard (estimated t)		1500kg	
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	N
Description of catch: mixed reef species (jobfish, red snapper, emperors, giant trevally). Some small reef sharks (black/white tip)			
Comments			
Photographic Evidence Collected (See Annex 1).	Gear		
	Catch		
	Hold		

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	X
Fishing with prohibited fishing gear	
Possession of prohibited fishing gear	
Obstruction of a fisheries patrol officer	
Possession of sea cucumbers or molluscs	
Traversing or landing on an SNR	
Comments	

5.2 IOTC CMM violations

Vessel not marked with name or callsign	
Fishing gear not marked with name or callsign	X
No VMS (if relevant i.e., >15m)	X
VMS not tamperproof (if relevant i.e., >15m)	X
No state issued logbook (if relevant i.e., >24m)	
No state issued licence	X
Possession of drift net over 2.5km.	
Not on the IOTC authorised list	X
Not on the IOTC Record Active Tuna / Swordfish	X
No turtle de hooker on board	X
Comments	

6 SFPO actions²

Vessel and Master detained and escorted to DG	X
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed (Res: 11/03)	
Master given verbal warning and released	
No further action, vessel released	
Comments (when detained / escorted): 10:05 Informed that I was detaining his vessel for illegal fishing within BIOT waters without a licence contrary to Section 7(i) of Ordinance 5 2007 (BIOT Fisheries Law). The captain was ordered to follow the BPV back to Diego Garcia for further investigation.	

¹ Mark with an 'X'

7 Disembarkation and recovery

Time FV disembarked	10:10	(HH:MM)
Time Workboat recovered to the BPV	13:10	(HH:MM)
Comments: Escaped during escort to Diego Garcia (this vessel was being towed at last sighting)		

8 Vessel records and history

Vessel on IOTC register (Y/N)	N	IOTC number	Null
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			N
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	N	Inspection report ID	
Owner previously boarded (Y/N)	N	Inspection report ID	
Cre previously boarded (Y/N)	N	Inspection report ID	
Comments:			

Robert Gater
BIOT Senior Fisheries Protection Officer
02/06/2016

Appendix III – Notification of Investigation and Request for Cooperation



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London
W1J 5PN
United Kingdom

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Fax: (+44) 020 7499 5388
E-Mail: enquiry@mrags.co.uk
Internet: 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

01 June 2016

Cc Aditya K. Joshi

Dear Dr Vijayakumar,

Report on the investigation of the Indian vessels N. S. MATHA 1, SHALOM and EBHRAEEM in British Indian Ocean Territory (BIOT) Waters

Further to my letter dated 31 May 2016 that referred to a number of Indian flagged vessels had been detained in BIOT waters on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

Three of the vessels, N. S. MATHA (TN2/FV/01683/13), SHALOM (IND-TN-15-MM-5269) and EPHRAEEM (IND-TN-15-MM-4479) have since evaded detention and refused to follow the BIOT Patrol Vessel as instructed, it is assumed they have left the territory and are returning to India. The remaining two vessels, VAAZHVIN MANNA (IND-TN-MM-4669) and EPHRAEEM 1 (IND-TN-15-MM-5271) are currently being held in port in Diego Garcia. None of the five are on the IOTC Registry of Authorised Vessels.

In respect of our mutual cooperation to combat illegal fishing through our membership of IOTC we would kindly request the assistance of the Indian Authorities, both Federal and State, and request notification of any actions taken by India in conducting a regulatory investigation into the activities of the vessels that evaded detention. Relevant actions in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) include the following:

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

The BIOT Administration will inform the owners and masters of the vessel of further actions.

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

Yours Sincerely

James Moir Clark
Senior Consultant
On behalf of Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

MRAG Ltd
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VAT Registration No 877 7013 92

In association with
Marine Education and Conservation Trust
Reg. Charity No. 297 193

Dr Alejandro Anganuzzi
Ag. Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

1st March 2017

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

Dear Dr Anganuzzi,

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 Shalom

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 Shalom. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

The attached evidence shows

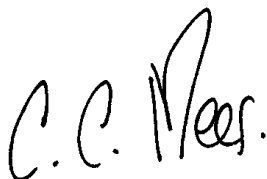
- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Appendix I and II - kawakawa);
- The vessel evaded arrest and fled;
- That the BIOT Administration has kept the Indian Authorities fully informed;
- That the Indian Authorities have provided no details of vessel ownership and at the time of writing have provided no indication of any actions they may have taken.

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, Shalom

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)	Shalom
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)	n/a
h	Operator (previous operator/s, if any) and Master/Fishing Master	n/a
i	Date of alleged IUU fishing activities	27/05/2016
j	Position of alleged IUU fishing activities	07° 03.23'S; 71° 16.31'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT waters and possession of prohibited fishing gear. No Logbook present. No licence present. Initial observation showed approx. 1500 kg assorted reef species (red snapper, jobfish etc.) kawakawa, reef shark species (black/white tip). No logbook present. No licence present. Vessel fled whilst detained and being escorted to port for further investigation.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Vessel detained for fishing illegally in BIOT and possession of prohibited fishing gear. Vessel fled during escort to port for further investigation on 28/05/2016.
m	Outcome of Actions taken	Report to IOTC and seek IUU listing.

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

C. Associated Documents

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

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

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.



Figure 1 Starboard view



Figure 2 Stern view.



Figure 3 Bow showing vessel identification



Figure 4 Port view with vessel ID



Figure 5 fish in hold including red snapper, jobfish and reef shark species (black/white tip)



Figure Fish in the hold including kawakawa.

Appendix II – Inspection Report

INSPECTION REPORT – RG005

1 Summary

Date of boarding	27/05/2016
Patrol type and number	BIOT 515
Vessel name	Shalom
Vessel type	GN
Vessel flag and home port	India, Kanyakumari
Vessel identification number	IND-TN-15-MM-5269
Vessel identification type	Registration number
IOTC# (if registered)	Null
Vessel Master name	Rabi Alphose
SFPO	R Gater
FPO / FPOs	W J Hemajith De Silva
Outcome of boarding	Detained but escaped during escort

2 Initial sighting details (from Marlin only)

Date and time of first sighting	26/05/16 21:45 (DD/MM/YY HH:MM)				
Sighted by	OOW	Radar		Visual	x
Position of target 1	07 15 4S 071 30 4E				
Course	Var				
Speed	Var				
Range	8.5nm				
Bearing	340				
Comments:					
At 2144 bright working deck lights are seen on Pitt Bank, at a range of 8.5nm range. Visual identification was made of two lights, suggesting a second vessel. The BPV continued its westerly course.					
2200 Radar target now with variable course and speed of 0.8kt. Position of target is on the south eastern edge of Pitt Bank at 07° 15.4S 071°30.4E. BPV alters course to port to maintain distance and prevent them being alerted to our presence. The intention was to shadow the two targets during the night as per safety SOPs and due to the potential danger to the BPV of fouling by deployed fishing gear. Targets now approximately 0.5nm apart with variable speeds of 0-4kts moving generally NW. This is behaviour indicative of fishing activity.					
27/05/2016					
0240 Three more radar targets are detected, very close together and located approximately 6nm north of the original two targets, but still on the eastern Pitt Bank. Their behaviour is similar to the first two targets, with variable course and speed indicative of fishing activity. Bright working deck lights are visible.					
0635 BPV alters course to intercept the 4 radar targets closest.					
0705 At a range of 4nm, all five target vessels increase speed and alter course to run west, and away from the BPV. Targets now steaming at 7kts; The BPV increases to a speed of 9knts					
0805 Positive visual identification of the closest four targets as Indian gillnet fishing vessels, now heading NW at speeds varying between 6.5-7kts.					

Five vessel targets detected during the night, so all five have same details recorded for first sighting date, time and position for the purposes of this report as their individual identities was unknown at this stage.

Fisheries Pennant and Sierra Quebec Three Raised	27/05/16 06:50	(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding.	27/05/16 06:50	(DD/MM/YY HH:MM)
Response to request for boarding	No response	

3 Launching of workboat

Time workboat launched	27/05/16 09:12 (DD/MM/YY HH:MM)	
Workboat crew	Boson Bhoy & FPO Jomil	
<i>Comments on the approach to the FV:</i> The vessel was ordered to slow down verbally and by hand gestures.		
Photographic Evidence Collected (See Annex 1).	Port	
	Starboard	
	Stern	
	Fishing gear	
	Other	

4 Boarding details

Date and time vessel boarded	27/05/16 12:25	(DD/MM/YY HH:MM)
Position vessel boarded	07 03.23S 071 16.31E	
Boarding party team	R Gater / W J Hemajith De Silva	
Language spoken	Tamil dialect	
Interpreter needed (Y/N)?	Y	Name W J Hemajith De Silva

4.1 Crew details

Vessel Master name	Rabi Alphose	
Vessel Master nationality	IND	
Vessel Master address	10/72B Toothoor, Kanagen Kumari District	
Vessel Master D.o.B	Null	(DD/MM/YY)
Number of crew	10	
Vessel crew nationality	IND	
Are any crew under 18 (Y/N), if 'Y' provide details below.	No	
Do any crew have health issues (Y/N), if 'Y' provide details below.	No	
Observations Various types of identification was presented by the crew (Fishermens ID, Driving licence, Electoral cards), but the captain claimed to not have his. Identification was not provided by all crew, and it was not possible to determine if the identification documents related to the crew present. Neither was it possible to determine if the individual who presented himself as the captain was indeed the captain of the vessel.		
Photographic Evidence Collected (See Annex 1).	Captain ID	
	Other crew id	

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	N
Fishing licence date of issue, expiry and issuing authority	Null (DD/MM/YY)
FV owner name (as per licence)	Null
FV owner details (as per licence)	Null
Fishing logbook present (y/n) and number if relevant	Null
Issuing authority	Null
Date of last entry	Null Null
Position of last entry	Null
Other paperwork: Registration document	
Photographic Evidence Collected (See Annex 1).	Licence
	Logbook
	Other

4.3 Interview with Captain

Time of interview	12:25 (HH:MM)
Captain's rights read and understood?	Yes
FV Port of departure	India (port not ascertained)
Date of departure	Not ascertained (DD/MM/YY)
Travelling to or from fishing grounds?	Neither
Amount of fish onboard (t)	1500kg approx
If fish onboard where caught?	Pitt Bank
If fish onboard when caught?	Last 2 days
If fish onboard how caught?	Hand lines
Destination	India
Port of return	India (port not ascertained)
Anticipated date of return	Not ascertained (DD/MM/YY)
Comments: Language difficulties as no English and Tamil not the interpreters 1 st language	

4.4 Vessel inspection

Fishing gear type		Gillnet and Hand lines	
Comments Baited hand lines located on decks			
Catch onboard (estimated t)		1500kg	
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	N
Description of catch: assorted reef species (red snapper, jobfish etc) kawakawa, reef shark species (black/white tip)			
Comments			
Photographic Evidence Collected (See Annex 1).	Gear		
	Catch		
	Hold		

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	X
Fishing with prohibited fishing gear	X
Possession of prohibited fishing gear	X
Obstruction of a fisheries patrol officer	
Possession of sea cucumbers or molluscs	
Traversing or landing on an SNR	
Comments	

5.2 IOTC CMM violations

Vessel not marked with name or callsign	
Fishing gear not marked with name or callsign	X
No VMS (if relevant i.e., >15m)	X
VMS not tamperproof (if relevant i.e., >15m)	X
No state issued logbook (if relevant i.e., >24m)	
No state issued licence	X
Possession of drift net over 2.5km.	
Not on the IOTC authorised list	X
Not on the IOTC Record Active Tuna / Swordfish	X
No turtle de hooker on board	X
Comments	

6 SFPO actions²

Vessel and Master detained and escorted to DG	X
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed (Res: 11/03)	
Master given verbal warning and released	
No further action, vessel released	
Comments (when detained / escorted): 12:50 Informed that I was detaining his vessel for illegal fishing within BIOT waters without a licence contrary to Section 7(i) of Ordinance 5 2007 (BIOT Fisheries Law), and for possession and use of prohibited gear (wire traces) contrary to Section 6 of Ordinance 5 2007 The captain was ordered to follow the BPV back to Diego Garcia for further investigation.	

¹ Mark with an 'X'

7 Disembarkation and recovery

Time FV disembarked	13:00	(HH:MM)
Time Workboat recovered to the BPV	13:10	(HH:MM)
Comments: The vessel was re-boarded later on the 27/05/2016 after the Shalom and the other four vessels had disobeyed my instructions and had altered course back to the NW in an attempt to escape. I re-boarded at 18:30 and remained aboard for an hour in an attempt to ensure the vessel complied and resumed the escort. During the following night the vessel again attempted to run NW along with the other four, and escaped on the morning of the 28/05/2016 when the BPV singled out vessel Vaazhvin Madda to re-board.		

8 Vessel records and history

Vessel on IOTC register (Y/N)	N	IOTC number	Null
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			N
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	N	Inspection report ID	
Owner previously boarded (Y/N)	N	Inspection report ID	
Cre previously boarded (Y/N)	N	Inspection report ID	
Comments:			

Robert Gater
BIOT Senior Fisheries Protection Officer
02/06/2016

Appendix III – Notification of Investigation and Request for Cooperation



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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

01 June 2016

Cc Aditya K. Joshi

Dear Dr Vijayakumar,

Report on the investigation of the Indian vessels N. S. MATHA 1, SHALOM and EBHRAEEM in British Indian Ocean Territory (BIOT) Waters

Further to my letter dated 31 May 2016 that referred to a number of Indian flagged vessels had been detained in BIOT waters on suspicion of being involved in illegal activities, namely illegal fishing, pending a criminal investigation into the same.

Three of the vessels, N. S. MATHA (TN2/FV/01683/13), SHALOM (IND-TN-15-MM-5269) and EPHRAEEM (IND-TN-15-MM-4479) have since evaded detention and refused to follow the BIOT Patrol Vessel as instructed, it is assumed they have left the territory and are returning to India. The remaining two vessels, VAAZHVIN MANNA (IND-TN-MM-4669) and EPHRAEEM 1 (IND-TN-15-MM-5271) are currently being held in port in Diego Garcia. None of the five are on the IOTC Registry of Authorised Vessels.

In respect of our mutual cooperation to combat illegal fishing through our membership of IOTC we would kindly request the assistance of the Indian Authorities, both Federal and State, and request notification of any actions taken by India in conducting a regulatory investigation into the activities of the vessels that evaded detention. Relevant actions in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) include the following:

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

The BIOT Administration will inform the owners and masters of the vessel of further actions.

If you have any questions or require assistance please do not hesitate to contact myself (j.clark@mrags.co.uk) or John Pearce (j.pearce@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

James Moir Clark
Senior Consultant
On behalf of Dr C.C. Mees
Head of UK(OT) Delegation to IOTC

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