

COMPLEMENTARY ELEMENTS FOR DISCUSSION UNDER ITEM 7 OF THE AGENDA FOR THE COMPLIANCE COMMITTEE

Prepared by IOTC Secretariat, 15 APRIL, 2017

The Secretariat has received the following documents which are being made available through this report for the consideration of CPCs and for them to take any action that they may feel is appropriate, at the 14th Session of the Compliance Committee.

Attachment 1 – Information on the vessels Ephraem 1 and Vaazhvin Manna, flagged to India, submitted by the UK (OT).

Attachment 2 – Information on the vessels Kavidya, Lakpriya 5 and Superfresh2, flagged to Sri Lanka, submitted by the UK (OT) and responses from Sri Lanka received on 1st March and 3rd May 2017.

Attachment 3 – Communication from Thailand on the litigation of the Thai fishing vessel, JIN SHYANG YIH 668 (IOTC Circular 2016-070, 2017-033 and 2017-053).

Attachment 4 – Communication from Bolivia regarding vessels using fake certificates. The information has been previously provided through IOTC CIRCULAR 2016-089b.

Attachment 5 – Communication from Thailand regarding IOTC Circular 2016-089b. The information has been previously provided through IOTC CIRCULAR 2016-094.

Attachment 6 – Communication from Thailand on the cases of the vessels CERIBU, MOOK ANDAMAN 018, MOOK ANDAMAN 028, YU LONG 6, YU LONG 125 and HUNG CHI FU 68, flagged to Thailand.



IQVE 'Tgr qt vpi 'lqt o 'lqt 'Kngi cilCevkxw{

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)	Ephraem 1 ((IND-TN-15-MM-5271)
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)	Not known.
h	Operator (previous operator/s, if any) and Master/Fishing Master	Master - Maria Jerin Yesudhason
i	Date of alleged IUU fishing activities	26/05/2016
j	Position of alleged IUU fishing activities	07° 03.85'S; 71° 17.22'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT waters and possession of prohibited fishing gear.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Owner found guilty of fishing without a licence and use of illegal gear. No action taken by Flag state.
m	Outcome of Actions taken	Fine paid in full

D0F gvc ku'qh IQVE 'T guq nwkqp 'Gigo gpw'E qpv t cxgpgf '''

(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 – Record of Proceedings.

Appendix III – Report on Record of Proceedings to flag State (India).

Appendix IV – Request for Further Information on Ephraem 1 from flag State (India).

Appendix V – Report of payment of fine and release of vessel to flag State (India).

D. Recommended Actions

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

Appendix I – Photographs.

(a) Port



(b) Starboard



(c) Stern



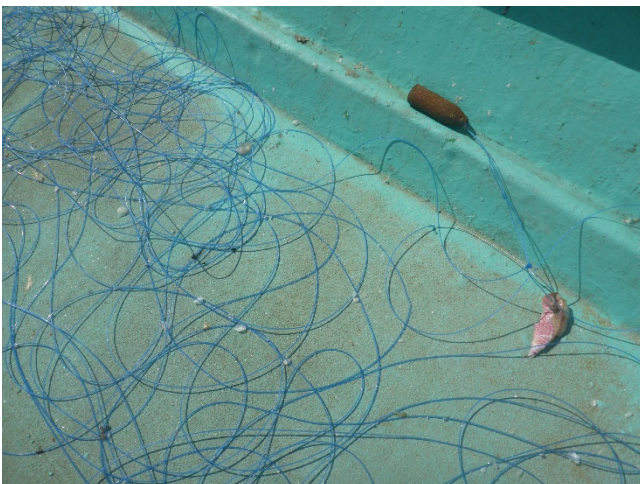
(d) Fish in hold (1)



(e) Fish in hold (2)



(f) Longline fishing gear on deck (unstowed ready to deploy)



Appendix II – Record of Proceedings.



Mr Ryan Bilton
Clerk of the Magistrates' Court
Diego Garcia
British Indian Ocean Territory
BFPO 485

Tel: 00246 370 3506
Email: Ryan.Bilton.UK@fe.navy.mil

RECORD OF PROCEEDINGS

Name: Maria Jerin Yesudhason

On the 3rd day of June 2016, before the British Indian Ocean Territory (BIOT) Magistrates' Court, Maria Jerin Yesudhason admitted having committed the following criminal offences:

CHARGE ONE

That you, Maria Jerin Yesudhason, being the Master of Indian Fishing Vessel Ephraem 1 (IND-TN-15-MM-5271) did, between the 20th day of May 2016 and the 27th day of May 2016, fish within the waters of the British Indian Ocean Territory without a licence.

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

PARTICULARS OF CHARGE ONE

On Thursday the 26th day of May 2016 the Indian Fishing Vessel Ephraem 1 (IND-TN-15-MM-5271) of which you are the Master was intercepted by the British Patrol Vessel the Pacific Marlin in the vicinity of Pitt Bank within the Marine Protected Area (MPA) 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.

CHARGE TWO

That you, Maria Jerin Yesudhason, being the Master of Indian Fishing Vessel Ephraem 1 (IND-TN-15-MM-5271) on which there was found within the fishing waters of the British Indian Ocean Territory on the 26th day of May 2016 prohibited fishing gear, namely wire trace line.

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

PARTICULARS OF CHARGE TWO

On Thursday the 26th day of May 2016 the Indian Fishing Vessel Ephraem 1 (IND-TN-15-MM-5271) of which you are the Master was found an amount of fishing gear which is not legal to possess in the British Indian Ocean Territory, namely wire trace line.

SENTENCE PASSED BY THE MAGISTRATES' COURT

On the 10th day of June 2016, the following sentence was passed by the Magistrates' Court of the British Indian Ocean Territory.

In respect of the charge of fishing without a licence within the waters of the British Indian Ocean Territory **Maria Jerin Yesudhason** was ordered to pay a fine of 2866.66 GBP.

In respect of the charge of being in possession of illegal fishing gear, namely wire trace line within the waters of the British Indian Ocean Territory **Maria Jerin Yesudhason** was ordered to pay a fine of 133.34 GBP.

The Magistrate reduced the totality of the fines to 3,000 GBP to take into account the early pleas and co-operation.

Maria Jerin Yesudhason was also ordered to pay court costs of 100 GBP.

It was also ordered that all fishing equipment shall be seized and destroyed.

Payment was ordered to be made within 7 days or the deposit of a legal security for payment in full, for the total financial penalty. In the meantime, the vessel Ephraem 1 will remain in Diego Garcia pursuant to the provisions of section 20 of the Fisheries (Conservation and Management) Ordinance 2007.

If payment is not made within 7 days **Maria Jerin Yesudhason** may appear back before the court and the Magistrate will reassess the position.

If payment is not made within 30 days, the vessel may be forfeited and destroyed.

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
BIC/SWIFT:	RBOSGB2L
IBAN:	GB43RBOS16003800717735

Written advice of credit is to be sent by Royal Bank of Scotland to:

The Royal Bank of Scotland PLC, London Drummonds Branch, 49 Charing Cross, London, SW1A 2DX.

Given under my hand and the seal of this court.

Mr Ryan Bilton
Clerk of the Magistrates' Court
British Indian Ocean Territory

Appendix III – Report on Record of Proceedings to flag State (India).



18 Queen Street
London
W1J 5PN
United Kingdom

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

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

17 June 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>)
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandey@yahoo.co.in)

Dear Dr Vijayakumar,

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

The Indian flagged vessel FV Ephraem 1 (IND-TN-15-MM-5271) 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, Maria Jerin Yesudhason, 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 10th June 2016 the vessel Owner was fined £2866.66 for illegal fishing and £133.34 for possession of illegal gear (plus £100 costs). All fishing gear was ordered to be confiscated and destroyed. If payment is not made within 7 days Maria Jerin Yesudhason may appear back before the court and the Magistrate will reassess the position. If payment is not made within 30 days, the vessel may be forfeited and destroyed. The Magistrate has reduced the costs by 1/3 for both fines (not including court costs) for the co-operation and early plea thus making the total amount payable £3000. The defendant was ordered to pay the penalty within 7 days and is to remain in the territory until such time as the payment is made.

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
ENCL: Record of Court Proceedings

Appendix IV – Request for Further Information on Ephraem 1 from flag State (India).



18 Queen Street
London
W1J 5PN
United Kingdom

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Fax: (+44) 020 7499 5388
E-Mail: enquiry@mrag.co.uk
Internet: www.mrag.co.uk

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

20 July 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandey@yahoo.co.in)

Dear Dr Vijayakumar,

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

Following up on our letter dated 20th June 2016, the BIOT Administration would be grateful if you could provide an update on any actions taken by your authorities against the above named vessel, its owner and Master, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). The original letter requested this information within 30 days, we assume that you need the additional time?

We note, through our British High Commission in Delhi, that there has been a general offer of assistance from the Indian Coastguard to pass on any data about Indian vessels heading towards BIOT, however we are looking for information on actions specifically against the Ephraem 1.

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

Appendix V – Report of payment of fine and release of vessel to flag State (India).



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Tel: (+44) 020 7255 7755
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E-Mail: enquiry@mrag.co.uk
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Dr. S Vijayakumar I.A.S by email: (ahsec@tn.gov.in)
Secretary to Government
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600-009

20 June 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandey@yahoo.co.in)

Dear Dr Vijayakumar,

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

As previously notified to you on (17 June 2016) the master of the Indian flagged vessel FV Ephraem 1 (IND-TN-15-MM-5271) was issued a fine of £3000 for fishing illegally and for possession of illegal fishing gear in the BIOT MPA.

The BIOT Administration can confirm that the fine has been paid. The FV Ephraem 1 was released at 16:00 (local) on 18/06/2016. The Ephraem 1 estimated it would take up to 10-12 days to return to its home port.

The BIOT Administration would be grateful if you could provide within 30 days of this letter (i.e. 20 July 2016) details of the actions taken in respect of the vessel, owner or master after the vessel has returned to port, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). Please could you indicate if additional time is needed to provide this information?

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

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,

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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 Vaazhvin Manna. The vessel is not on the IOTC Record of Authorised Vessels as defined under Resolution 15/04.

These details are provided as notification to IOTC Secretariat and Compliance Committee only. No further action is recommended.

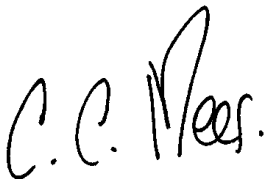
The attached evidence shows:

- That the vessel, equipped with gill nets and longlines, had tuna and tuna like species on board (see Appendix I and II);
- The Master of the vessel was found guilty of fishing without a licence and possession of illegal gear in BIOT waters and was fined. The fine has been paid in full
- That the BIOT Administration has kept the Indian Authorities fully informed;
- That the Indian Authorities have provided no details of any actions they may have taken.

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, Vaazhvin Manna

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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)	Vaazhvin Manna
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)	Antony Benjamin; 110/26/72 Thadeupuram, Vallavila 1, Kanniyakumari, K K District, Tamil Nadu 629160
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° 15.04'S; 71° 30.04'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. Approx. 2000kg of assorted reef fish species (red snapper, jobfish, rainbow runner, barracuda) and 1 x large tuna. Reef shark species (black/white tip). No logbook present. No licence present.
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 licence and use of illegal gear. No action taken by Flag state.
m	Outcome of Actions taken	Guilty of offences/ Fine paid in full.

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(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 - Record of Proceedings.

Appendix IV – Report on Record of Proceedings to flag State (India).

Appendix V – Request for Further Information on Ephraem 1 from flag State (India).

Appendix VI – Report of payment of fine and release of vessel to flag State (India).

D. Recommended Actions

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

Appendix I – Photographs.



Figure 1 Vessel whole, identification and unmarked gear.



Figure 2 Some fish caught in the hold including red snapper and jobfish



Figure 3 Some fish caught in the hold including reef shark species (black/white tip)



Figure 4 Some fish caught in the hold including barracuda and tuna.

Appendix II – Inspection Report

INSPECTION REPORT – RG004

1 Summary

Date of boarding	27/05/2016
Patrol type and number	BIOT 515
Vessel name	Vaazhvin Madda
Vessel type	GN
Vessel flag and home port	India, Colochel
Vessel identification number	IND-TN-15-MM-4669
Vessel identification type	Registration number
IOTC# (if registered)	Null
Vessel Master name	Antony B
SFPO	R Gater
FPO / FPOs	W J Hemajith De Silva
Outcome of boarding	Detained and brought to Diego Garcia

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 11:40	(DD/MM/YY HH:MM)
Position vessel boarded	07 03.45S 071 16.59E	
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	Antony B	
Vessel Master nationality	IND	
Vessel Master address	110/26/72 Thatheypuram, Kannikumari, K K District, Tamil Nadu, 629160	
Vessel Master D.o.B	19/05/89	(DD/MM/YY)
Number of crew	9	
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	11:40	(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)	2000kg 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)	2000kg		
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	N
Description of catch: Assorted reef fish species (red snapper, jobfish, rainbow runner, barracuda) and 1 x large tuna. Reef shark species (black/white tip)			
Comments			
Photographic Evidence Collected (See Annex 1).	Gear		
	Catch		

	Hold	
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5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	X
Fishing with prohibited fishing gear	
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):	
<p>12:05 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), and for possession of prohibited gear (wire traces) contrary to Section 6 of Ordinance 5 2007.</p> <p>The captain was ordered to follow the BPV back to Diego Garcia for further investigation.</p>	

¹ Mark with an 'X'

7 Disembarkation and recovery

Time FV disembarked	12:10	(HH:MM)
Time Workboat recovered to the BPV	13:10	(HH:MM)
Comments: This vessel was re-boarded on 28/05/2016 10:10. SFPO remained aboard until 19:20 ensuring vessel continued SE.		

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 - Record of Proceedings.



Mr Ryan Bilton
Clerk of the Magistrates' Court
Diego Garcia
British Indian Ocean Territory
BFPO 485

Tel: 00246 370 3506
Email: Ryan.Bilton.UK@fe.navy.mil

RECORD OF PROCEEDINGS

Name: **Antony S/O Benjamine**

On the 3rd day of June 2016, before the British Indian Ocean Territory (BIOT) Magistrates' Court, **Antony S/O Benjamine** admitted having committed the following criminal offences:

CHARGE ONE

That you, Antony S/O Benjamine, being the Master of Indian Fishing Vessel Vaazhvin Manna (IND-TN-15-MM-4669) did, between the 20th day of May 2016 and the 27th day of May 2016, fish within the waters of the British Indian Ocean Territory without a licence.

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

PARTICULARS OF CHARGE ONE

On Thursday the 26th day of May 2016 the Indian Fishing Vessel Vaazhvin Manna (IND-TN-15-MM-4669) of which you are the Master was intercepted by the British Patrol Vessel the Pacific Marlin in the vicinity of Pitt Bank within the Marine Protected Area (MPA) 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.

CHARGE TWO

That you, Antony S/O Benjamine, being the Master of Indian Fishing Vessel Vaazhvin Manna (IND-TN-15-MM-4669) on which there was found within the fishing waters of the British Indian Ocean Territory on the 26th day of May 2016 prohibited fishing gear, namely wire trace line.

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

PARTICULARS OF CHARGE TWO

On Thursday the 26th day of May 2016 the Indian Fishing Vessel Vaazhvin Manna (IND-TN-15-MM-4669) of which you are the Master was found an amount of fishing gear which is not legal to possess in the British Indian Ocean Territory, namely wire trace line.

SENTENCE PASSED BY THE MAGISTRATES' COURT

On the 10th day of June 2016, the following sentence was passed by the Magistrates' Court of the British Indian Ocean Territory.

In respect of the charge of fishing without a licence within the waters of the British Indian Ocean Territory **Antony S/O Benjamin** was ordered to pay a fine of 3166.66 GBP.

In respect of the charge of being in possession of illegal fishing gear, namely wire trace lines within the waters of the British Indian Ocean Territory **Antony S/O Benjamin** was ordered to pay a fine of 133.34 GBP.

The Magistrate reduced the totality of the fines to 3,300 GBP to take into account the early pleas and co-operation.

Antony S/O Benjamin was also ordered to pay court costs of 100 GBP.

It was also ordered that all fishing equipment shall be seized and destroyed.

Payment was ordered to be made within 7 days or the deposit of a legal security for payment in full, for the total financial penalty. In the meantime, the vessel Vaazhvin Manna will remain in Diego Garcia pursuant to the provisions of section 20 of the Fisheries (Conservation and Management) Ordinance 2007.

If payment is not made within 7 days **Antony S/O Benjamin** may appear back before the court and the Magistrate will reassess the position.

If payment is not made within 30 days, the vessel may be forfeited and destroyed.

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
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.

Given under my hand and the seal of this court.

Mr Ryan Bilton
Clerk of the Magistrates' Court
British Indian Ocean Territory

Appendix IV – Report on Record of Proceedings to flag State (India).



18 Queen Street
London
W1J 5PN
United Kingdom

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

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

17 June 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandev@yahoo.co.in)

Dear Dr Vijayakumar,

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

The Indian flagged vessel FV Vaazhvin Manna (IND-TN-15-MM-4669) 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, Antony S/O Benjamine 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 10th June 2016 the vessel Master was fined £3,166.66 for illegal fishing and £133.34 for possession of illegal gear (plus £100 costs). All fishing gear was ordered to be confiscated and destroyed. The Owner of the vessel has 90 days to pay the fines. The Magistrate has reduced the costs by 1/3 for both fines (not including court costs) for the co-operation and early plea thus making the total amount payable £3300. If payment is not made within 7 days Antony S/O Benjamine may appear back before the court and the Magistrate will reassess the position. If payment is not made within 30 days, the vessel may be forfeited and destroyed.

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
ENCL: Record of Court Proceedings

Appendix V – Request for Further Information on Ephraem 1 from flag State (India).



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Internet: www.mrag.co.uk

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

20 July 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjav_rpandev@yahoo.co.in)

Dear Dr Vijayakumar,

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

Following up on our letter dated 20th June 2016, the BIOT Administration would be grateful if you could provide an update on any actions taken by your authorities against the above named vessel, its owner and Master, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). The original letter requested this information within 30 days, we assume that you need the additional time?

We note, through our British High Commission in Delhi, that there has been a general offer of assistance from the Indian Coastguard to pass on any data about Indian vessels heading towards BIOT, however we are looking for information on actions specifically against the Vaazhvin Manna.

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

Appendix VI – Report of payment of fine and release of vessel to flag State (India).



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

20 June 2016

Cc Aditya K. Joshi (jsfy@nic.in) / (adityaj0185@gmail.com)
Dr. Paul Pandian (paul pandian <pl_pndn@yahoo.com>
Mr. I.A. Siddiqui (frio4@nic.in)
Dr. Sanjay Pandey (sanjay_rpandey@yahoo.co.in)

Dear Dr Vijayakumar,

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

As previously notified to you on (17 June 2016) the master of the Indian flagged vessel FV Vaazhvin Manna (IND-TN-15-MM-4669) was issued a fine of £3300 for fishing illegally and for possession of illegal fishing gear in the BIOT MPA.

The BIOT Administration can confirm that the fine has been paid. The FV Vaazhvin Manna was released at 16:00 (local) on 18/06/2016. The Vaazhvin Manna estimated it would take up to 10-12 days to return to its home port.

The BIOT Administration would be grateful if you could provide within 30 days of this letter (i.e. 20 July 2016) details of the actions taken in respect of the vessel, owner or master after the vessel has returned to port, including supporting evidence as per IOTC Resolution 10/11 (para.17.5). Please could you indicate if additional time is needed to provide this information?

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



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

Dear Dr Anganuzzi,

Tguqmwkqp'33I25'Qp'gucdrikj lpi 'c'hu'qh'xgugni'rt guwo gf 'vq'j cxc'ect tlgf 'qww'KWWlkj lpi 'lp'vj g' IQVE'Ctgc'qhEgo r gvgpeg<'Ut kNcpmp'Hrci i gf 'XgugniMcxf {c"

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying correspondence with Sri Lanka for the Sri Lankan flagged vessel Kavidya. Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities who have indicated that they will take action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2016).

Noting the effective bilateral relationship established with Sri Lanka, and their firm and demonstrated commitment to combat IUU perpetrated by vessels flagged to Sri Lanka we recommend '(b) Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'. This recommendation is subject to the submission of evidence of the actions taken by Sri Lanka to the Compliance Committee, and we reserve the option of changing our recommendation to '(c) Recommended for inclusion on IOTC IUU list' should this not be forthcoming.

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, Kavidya.



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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)	Kavidya
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	IMUL-A-0730-KLT
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	13/12/2016
j	Position of alleged IUU fishing activities	06° 25.26'S; 71° 29.03'E
k	Summary of alleged IUU activities (see section B for more detail)	Suspected of fishing without a licence in BIOT waters. No boarding / inspection possible. Vessel ordered to leave the BIOT MPA.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	n/a
m	Outcome of Actions taken	n/a

D0F gvc ku'qhiKVE 'T guq nwkqp 'Ggo gpw'E qpv t cxgpgf '''

(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 – Letter to DFAR Sri Lanka

Appendix III – Response from DFAR, Sri Lanka

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 type="checkbox"/>

Appendix I – Photographs.

(a) Bow identification



(b) Port – Not available

(c) Starboard



(d) Stern – Not available

(e) Catch including tuna and tuna-like species



Appendix II – Letter to DFAR, Sri Lanka - Kavidya



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

22 December 2016

E-Mail: mclfernando@gmail.com

Dear Mr. Fernando,

Report on the boarding and inspection of the Sri Lankan vessel KAVIDYA in British Indian Ocean Territory (BIOT) Waters

The Sri Lankan flagged vessel KAVIDYA (IMUL-A-0730-KLT, IOTC No. N/A) was boarded and inspected on 13 December 2016. It was suspected of being involved in illegal activities, namely illegal fishing and possessing illegal fishing gear. Fresh fish, including tuna species, were observed and photographed on the vessel as was an amount of wire trace.

It was further noted that despite operating outside the Sri Lankan EEZ, the vessel was not found to have a VMS on board.

The owner of the vessel, according to the boat departure form, is given below.

Owner Name	Owner address
K. L. D De Silva	53 Temple Road, Beruwala.

Having seized the catch taken in BIOT, the BIOT Senior Fisheries Protection Officer instructed the Master to leave BIOT waters directly and return to his home port.

In respect of our bilateral cooperation to combat illegal fishing in BIOT we would kindly request the assistance of DFAR, and request notification of any actions taken by DFAR in conducting a regulatory investigation into the activities of the vessel. Previous actions carried out by DFAR in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) have included the following:

- Recall the vessel to port immediately;
- Notify the relevant port authorities to detain the vessel on arrival;
- Suspension of the licence of the vessel and other relevant flag State actions;
- If available, release details of the vessel's VMS records from 1st December to the current date;
- Confirm the vessel owner's details;
- 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 Sri Lankan authorities we would request that the vessel is detained in port.



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Internet: www.mrag.co.uk

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'. The signature is written in a cursive, slightly slanted style.

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

Appendix III – Email response from DFAR, Sri Lanka – Kavidya

From: Kalyani Hewapathirana <hewakal2012@gmail.com>
Sent: 18 January 2017 04:55
To: James Clark
Cc: Chris C Mees; John Pearce; denise; Nicola.Carnie@fco.gov.uk; Mihindukulasooriya C. L. Fernando
Subject: Re: Vessels KAVIDA and LAKPRIYA 5 (MragRef:IO0785)

Dear Mr. Clark

Director General has ordered to hand over the files to panel of experts for Administrative Penalt Advisory Committee to take actions under the provisions of section 52 of FARA ,1996 No.02 , amended 2016 no. 02., for the vessels Kavindya and Lakpriya 05.

Panel Ref. No. IMUL -A- 0730 KLT - 2017.CAO/001
IMUL -A- 0156 KLT - 2017.CAO/002

The decision of the APAC is still not received. The two vessels are being anchored at the Beruwala fishery harbour until come to a decision.

This is the present status for your information please.

Please acknowledge the receipt.

Best regards

Kalyani Hewapathirana

Deputy Director

Department of Fisheries and Aquatic Resources

New Secretariat

Maligawatta

Colombo 10

Sri Lanka

Tel: +94 11 2470439

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

Dear Dr Anganuzzi,

**Tguqmwkqp'33I25'Qp'gucdtkij lpi 'c'hu'qh'xgugni'rt guwo gf 'vq'j cxc'ect tlgf 'qww'KWWtkij lpi 'lp'vj g'
KQVE'Ctgc'qhEgo r gvgpeg<'Ut kNcpmp'Hxi i gf 'XgugniNcmr t k c''**

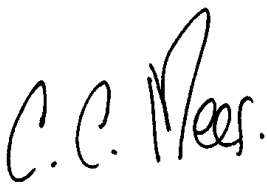
As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying correspondence with Sri Lanka for the Sri Lankan flagged vessel Lakpriya. Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities who have indicated that they will take action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2016).

Noting the effective bilateral relationship established with Sri Lanka, and their firm and demonstrated commitment to combat IUU perpetrated by vessels flagged to Sri Lanka we recommend '(b) Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'. This recommendation is subject to the submission of evidence of the actions taken by Sri Lanka to the Compliance Committee, and we reserve the option of changing our recommendation to '(c) Recommended for inclusion on IOTC IUU list' should this not be forthcoming.

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, Lakpriya



අනුමතව පැවැත්වූ විදේශීය මත්ස්‍ය උල්ලංචන

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)	Lakpriya 5 (IMUL-A-0156-KLT)
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	n/a
e	Photo	Yes, See Appendix 1
f	Call Sign (previous call sign, if any)	n/a
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Hewarathnasinghage Dayananda Silva; 20 Temple Road, Beruwala. ID 503161559V, Mob: 0778801970; home: 034227911.
h	Operator (previous operator/s, if any) and Master/Fishing Master	n/a
i	Date of alleged IUU fishing activities	13/12/2016
j	Position of alleged IUU fishing activities	06° 25.30'S; 71° 29.10'E
k	Summary of alleged IUU activities (see section B for more detail)	Suspected fishing without a licence in BIOT waters. No licence present. Total of 2500kg of assorted reef fish on board, mainly composed of reef shark, particularly grey reef shark, black and white tip reef shark, lemon shark and sandbar shark. Shark had been stored in the fish hold in ice. In addition there was one small kawakawa
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Vessel ordered to leave the BIOT MPA and return to home port for further investigation
m	Outcome of Actions taken	Vessel departed BIOT MPA. Reported to flag State.

D0F gvcnu'qhiKQVE 'Tguqnwklp'Ggo gpw'E qpv c xgpgf '''

(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 – Letter to DFAR, Sri Lanka – Lakpriya 5

Appendix III – Email response from DFAR, Sri Lanka – Lakpriya 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 type="checkbox"/>

Appendix I – Photographs.

(a) Bow identification



(b) Vessel identification – IMUL Number



(c) Port – Not available

(d) Starboard



(e) Catch including tuna and tuna-like species.



Appendix II – Letter to DFAR, Sri Lanka – Lakpriya 5



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

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

03 January 2017

E-Mail: mclfernando@gmail.com

Dear Mr. Fernando,

Report on the boarding and inspection of the Sri Lankan vessel LAKPRIYA 5 in the British Indian Ocean Territory (BIOT) Waters

The Sri Lankan flagged vessel LAKPRIYA 5 (IMUL-A-0156-KLT, IOTC No. IOTC0010091) was boarded and inspected on 13 December 2016. It was suspected of being involved in illegal activities, namely illegal fishing and possessing illegal fishing gear. Fresh fish, including tuna species were observed and photographed on the vessel as was an amount of wire trace.

It was further noted that despite operating outside the Sri Lankan EEZ, the vessel was not found to have a VMS on board.

The owner of the vessel, according to the licence issued by DFAR (reference Y 13HS0029KLT), is given below.

Owner Name	Owner address
Hewarathnasinghage Dayananda Silva	20 Temple Road, Beruwala. ID 503161559V

Having seized the catch taken in BIOT, the BIOT Senior Fisheries Protection Officer instructed the Master to leave BIOT waters directly and return to his home port in Sri Lanka.

In respect of our bilateral cooperation to combat illegal fishing BIOT waters we would kindly request the assistance of DFAR, and request notification of any actions taken by DFAR in conducting a regulatory investigation into the activities of the vessel. Previous actions carried out by DFAR in order to meet the requirements of IOTC Resolution 10/11 on Port State Measures (para 17.4) have included the following:

- Recall the vessel to port immediately;
- Notify the relevant port authorities to detain the vessel on arrival;
- Suspension of the licence of the vessel and other relevant flag State actions;
- If available, release details of the vessel's VMS records from 1st December to the current date;
- Confirm the vessel owner's details;
- 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 Sri Lankan authorities we would request that the vessel is detained in port.



18 Queen Street
London
W1J 5PN
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Internet: www.mrag.co.uk

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 that reads 'C.C. Mees'.

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

Appendix III – Response from DFAR, Sri Lanka – Lakpriya 5

From: Kalyani Hewapathirana <hewakal2012@gmail.com>
Sent: 18 January 2017 04:55
To: James Clark
Cc: Chris C Mees; John Pearce; denise; Nicola.Carnie@fco.gov.uk; Mihindukulasooriya C. L. Fernando
Subject: Re: Vessels KAVIDA and LAKPRIYA 5 (MragRef:IO0785)

Dear Mr. Clark

Director General has ordered to hand over the files to panel of experts for Administrative Penalt Advisory Committee to take actions under the provisions of section 52 of FARA ,1996 No.02 , amended 2016 no. 02., for the vessels Kavindya and Lakpriya 05.

Panel Ref. No. IMUL -A- 0730 KLT - 2017.CAO/001
IMUL -A- 0156 KLT - 2017.CAO/002

The decision of the APAC is still not received. The two vessels are being anchored at the Beruwala fishery harbour until come to a decision.

This is the present status for your information please.

Please acknowledge the receipt.

Best regards

Kalyani Hewapathirana

Deputy Director

Department of Fisheries and Aquatic Resources

New Secretariat

Maligawatta

Colombo 10

Sri Lanka

Tel: +94 11 2470439

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

3rd March 2017

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

Dear Dr Anganuzzi,

**Tguqnlkqp'3325'Qp'gucdrkj lpi 'c'hu'qh'xgugni'rt guwo gf 'vq'j cxg'ect tlgf 'qww'kww'kuj lpi 'lp'vj g'
KQVE'ctgc'qhEqo r gvgpeg<'Ut kNcpmp'Hrci i gf 'XgugniUwr gt lt guj '4'YO WN/C/234:/I NG-0'**

As required in paragraph 2 of Resolution 11/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying correspondence with Sri Lanka for the Sri Lankan flagged vessel Superfresh 2. This vessel was found guilty of fishing within the waters of the British Indian Ocean Territory without a licence contrary to Section 7(1) and Section 7(2) of the Fisheries (Conservation and Management) Ordinance 2007. The catch included IOTC tuna and tuna like species (Kawakawa). The owner of the vessel was fined. The attached reporting form indicates that to date the fine has not been paid.

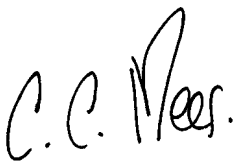
Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities who have indicated verbally by telephone today (3 March 2017) that they will take appropriate action under the provisions of national fisheries legislation (FARA 1996/2016) against the owner/master of Superfresh 2 when it arrives back in Sri Lankan waters. At the time of writing (in response to the 70 day deadline required in Resolution 11/03) we have not received written confirmation of the same.

Noting the effective bilateral relationship established with Sri Lanka, and their firm and demonstrated commitment to combat IUU perpetrated by vessels flagged to Sri Lanka we present these details for the information of the Compliance Committee and recommend '(b) Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State', noting that BIOT-A has already notified this activity to the flag State and requires no further action by the Compliance Committee at this stage pending further details of the actions taken by Sri Lanka. This recommendation is subject to the submission of evidence of the actions taken by Sri Lanka to the Compliance Committee, and we reserve the option of changing our recommendation to '(c) Recommended for inclusion on IOTC IUU list' should this not be forthcoming.

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, Superfresh 2.



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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)	Superfresh 2
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	n/a
d	Lloyds IMO Number, if available	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)	Abdul Cader Mohamed Ramseen
h	Operator (previous operator/s, if any) and Master/Fishing Master	As for owner above
i	Date of alleged IUU fishing activities	12/02/2017
j	Position of alleged IUU fishing activities	06° 10.86'S 71° 42.74'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT waters.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Convicted in the Magistrates Court on Diego Garcia of fishing in BIOT waters without a licence on 2 March 2017.
m	Outcome of Actions taken	Fined £4300 plus £100 costs, Fine due within 90 days of 1 March 2017, not yet received to date (2 March 2017)

D0F gvc ku'qh IQVE 'T guq nwkqp 'Ggo gpw'E qpv t cxgpgf '''

(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 – Request for confirmation of ownership
- Appendix III – DFAR Confirmation of ownership
- Appendix IV – SFPO Inspection Report
- Appendix V - Certificate of Conviction
- Appendix VI – Departure of vessel
- Appendix VII – DFAR actions up to 1 March 2017

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 type="checkbox"/>

Appendix I – Photographs.

(a) Port



(b) Starboard



(c) Stern



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

13 February 2017

E-Mail: mclfernando@gmail.com

Dear Mr. Fernando,

Investigation into the Sri Lankan vessel SUPERFRESH 2 (IMUL-A-0128-GLE).

The Sri Lankan flagged vessel **Superfresh 2 (IMUL-A-0128-GLE)** 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
Confirmation by Master / Owner	Abdul Cader Mohamed Ramseen 111/01 Maradana Road, Beruwala, Sri Lanka

Please can you confirm the ownership details for the vessel? We would be grateful for a formal signed response with a DFAR letterhead, which can be scanned and sent by email as soon as possible, preferably before 15th February 2017. Thank you for your cooperation.

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

Yours sincerely



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

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த. பெட்டி }
P. O. Box }
දුරකථනය } 446183
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Telephone }
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பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170
Office of Director General } 472187



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தொலை நகல் } 449170
Fax No. }

මගේ අංකය }
எனது இல. } DFAR/FM/K/IUU/2017
My No. }
මගේ අංකය }
உமது இல. }
Your No. }

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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

Mr. John Pearce
Principal Consultant, MRAG Ltd
18 Queen Street
London, W1J 5PN
United Kingdom

Dear Mr. John

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10
புதிய செயலகம், மாளிகாவத்த, கொழும்பு 10.
New Secretariat, Maligawatta, Colombo 10.

දිනය }
திகதி } 14 /02/2017
Date }

Confirmation of ownership details of the Vessel "SUPERFRESH 2" (IMUL-A-0128-GLE)

This is in reference to your letter dated 13th January 2017 requesting confirmation of the ownership details of the Vessel "SUPERFRESH 2" (IMUL-A-0128-GLE).

We confirm the owner of the above vessel is as follows.

Owner Name/address	Sources
RIMSAN AKM (National ID No. 771450806V) 111/01, Maradana Road, Beruwala, Sri Lanka	DFAR Vessel Registry, DFAR operation license registry (within EEZ)- Copy of the vessel registration attached.

The owner has been granted permission to operate only within EEZ of Sri Lanka. There is provisions under the Fisheries and Aquatic Resources Act No. 2 of 1996 Sri Lanka and the amendments to take legal actions against the fishers who violate the conditions of the licenses issued. Therefore we would much appreciate if you send the vessel and the fishers to Sri Lanka with your the findings of the investigation to this Department to take legal actions.

Further the full report of the actions taken for the vessels reported on passing BIOT waters for the past few months without asking permission for innocent passage and entered without being in the Record of Authorized Vessels (RAV) will be provided to you and the IOTC within one week period.

Your continuous support of providing information of the Sri Lanka vessels those engage in irresponsible fishing activities in BIOT waters is highly appreciate to achieve the our target of elimination of the IUU fishing by the vessels of Sri Lanka.

Thank you
Yours sincerely

H.P.K. Hewapathirana
Deputy Director

Vessel Registration Certificate

Boat Registration No

IMUL-A-0128GLE

Certificate Serial No

14505

Date of First Registration

16-Mar-05

Vessel Material

FRP

Year of Manufacture

2004

Length

35.33 Feet

Engine No

3TM-GGEC-0817

Engine Type Yanmar

Horse Power

39

Boat Yard

Boat Yard No.

Owner Details

Name

Address

National ID

Effective Date

RIMSAN AKM

111/01, MARADANA ROAD,
BERUWALA, -

771450806V

07-Dec-16

Insurance No **14724**

Insurance Date **07-Sep-16**

1. Port Name **Beruwala Harbour**

2. Port Name **Not available**

Date

For Director General

Department of Fisheries and Aquatic Resources

Registration Certificate recieved

Signature of Applicant

Management Division - Vessel Registry Unit
Tuesday, February 14, 2017

BPV GRAMPIAN FRONTIER INSPECTION REPORT

INSPECTION REPORT – JGC008

1 Summary

Date of boarding	12/02/2017
Patrol type and number	FIPA03
Vessel name	SUPERFRESH 2
Vessel type	IMUL
Vessel flag and home port	SKA
Vessel identification number	IMUL-A-0128-GLE
Vessel identification type	IMUL-A
IOTC# (if registered)	Null
Vessel Master name	Abdul Cader Mohamed Ramseen
SFPO	John Caddle
FPO / FPOs	Alexander Hawken
Outcome of boarding	Detained

2 Initial sighting details (from Marlin only)

Date and time of first sighting	12/02/2017 0808			
Sighted by	Master GF Killian Hickey	Radar	Visual	x
Position of target 1	06 10.86 S 071 42.74 E			
Course	158			
Speed	0.9 nmh			
Range	253 degrees by gyro			
Bearing	5.1 nm			
Comments: SFPO called and attended bridge				
Fisheries Pennant and Sierra Quebec Three Raised	12/08/2017 0821			
Target requested to stop and prepare for boarding.	12/02/2017 0833 on VHF Channel 16			
Response to request for boarding	Nil response			

3 Launching of workboat

Time workboat launched	12/02/2017 0845 & 1225
Workboat crew	Jack Munro (Coxswain) Ryszard Welyczko (Boatman)
<p>Comments on the approach to the FV: On approach it was noticed that there was what looked like buoys in the water and a net. On getting closer it was obvious that this net was coming from the bow of the target vessel. SFPO instructed the Coxswain to passage the buoys and find the last one. On arrival at the last buoy SFPO asked the GF to plot the FV and the FRC on ECDIS to ascertain a distance of the net and buoys. GF Master confirmed he had done this. SFPO photographed the last buoy with a flag on it and proceeded to photograph buoys on way to vessel. As we approached the vessel SFPO asked who the Master was and ID'd himself explaining he was going to board and photograph the net attached to the boat which he did. At this point the SFPO asked if any of the crew spoke English and the master indicate he spoke "A little" in broken English the SFPO instructed the Master to haul his line returning any live fish to the water and retain any dead fish on the deck. He reiterated this to ensure the Master understood. When asked if he understood the master said yes.</p>	

BPV GRAMPIAN FRONTIER INSPECTION REPORT

The SFPO at this point returned to the GF to seek advice on a way ahead and inform the ROPOs of events. A further boarding would take place to confirm ID details and vessel details on completion of hauling the net.

Photographic Evidence Collected (See Annex 1).	Port	X
	Starboard	X
	Stern	X
	Fishing gear	X
	Other	Net in water with buoys attached

4 Boarding details

Date and time vessel boarded	12/02/2017 0928 & 1227	
Position vessel boarded	06 10.86 S 071 42.74 E & 06 12.6 S 71 43.9 E	
Boarding party team	John Caddle and Alexander Hawkens	
Language spoken	English	
Interpreter needed (Y/N)?	Name	Nil available

4.1 Crew details

Vessel Master name	Abdul Cader Mohamed Ramseen	
Vessel Master nationality	Sri Lankan	
Vessel Master address	111/01 Maradana Road, Beruwla	
Vessel Master D.o.B	24/05/1977	
Number of crew	4 (Including Master)	
Vessel crew nationality	Sri Lankan	
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	Master was very cooperative all the way through the inspection and asked to be forgiven on various occasions. SFPO said he wished to confirm ID and vessel details	
Photographic Evidence Collected (See Annex 1).	Captain ID	x
	Other crew id	x

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	TSKP0343KLT	
Fishing licence date of issue, expiry and issuing authority	21/09/2016	
FV owner name (as per licence)	Abdul Cader Mohamed Ramseen (Master is the owner)	
FV owner details (as per licence)	Master	
Fishing logbook present (y/n) and number if relevant	LB-17 2265	
Issuing authority	Sri Lankan Fisheries authority	
Date of last entry	No entries for fishing	
Position of last entry		
Other paperwork: Identification paperwork, Temporary Fishing Licence and Departure Port documentation.		
Photographic Evidence Collected (See Annex 1).	Licence	X

BPV GRAMPIAN FRONTIER INSPECTION REPORT

	Logbook	X
	Other	x

BPV GRAMPIAN FRONTIER INSPECTION REPORT

4.3 Interview with Captain

Time of interview	1228 (HH:MM)
Captain's rights read and understood?	No spoken to for clarification of Identification and Vessel details
FV Port of departure	Beruwala
Date of departure	27/01/2017
Travelling to or from fishing grounds?	Beruwala
Amount of fish onboard (t)	1-1.5
If fish onboard where caught?	Yes
If fish onboard when caught?	One to two days
If fish onboard how caught?	Net
Destination	Beruwala
Port of return	Beruwala
Anticipated date of return	21/02/2017
Comments:	

4.4 Vessel inspection

Fishing gear type	Gill Net and Longline		
Comments; All long line was stowed correctly and was not prepared in any way to fish. The only gear in use was the Net and floats in the water.			
Catch onboard (estimated t)	1-1.5		
IOTC species onboard (Y/N)	Yes	Endangered species onboard (Y/N)	No
Description of catch Mainly Tuna plus 5 x various Shark and 5 x sucker fish			
Comments The fish on deck from the net were 5 x Shark, 3 x Kawakawa and 5 x Sucker fish			
Photographic Evidence Collected (See Annex 1).	Gear	X	
	Catch	X	
	Hold	X	

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	X
Fishing with prohibited fishing gear	
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: During the whole process the Master was very cooperative and apologetic at all times and repeatedly asked to be forgiven when checking the hold and asked what fish were there the Master said Tuna and caught over two days. One of the Crew said "No outside" The Master said "No two days here" He had not been cautioned at this point. SFPO stopped any further statements being made and cautioned the Master and explained that he believed he was fishing in BIOT waters without	

¹ Mark with an 'X'

BPV GRAMPIAN FRONTIER INSPECTION REPORT

a licence. At that point a member of the crew read the statement from the translation cards exactly as was said by the SFPO, the caution and the fact the SFPO believed he was fishing in BIOT waters without a licence. The SFPO asked of the Master understood and the Master indicated yes he did. At this point it was explained to the Master he would be able to give his side of the story to the Police in Diego Garcia and the Master said: ok sir, please give me a chance please.

BPV GRAMPIAN FRONTIER INSPECTION REPORT

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)	N/A
No state issued logbook (if relevant i.e., >24m)	
No state issued licence	
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	
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)	X
Master given verbal warning and released	
No further action, vessel released	
Comments (when detained / escorted)	

7 Disembarkation and recovery

Time FV disembarked	1340	(HH:MM)
Time Workboat recovered to the BPV	1342	(HH:MM)
Comments		

8 Vessel records and history

Vessel on IOTC register (Y/N)	N	IOTC number	N/A
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			N
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)		Inspection report ID	
Master previously boarded (Y/N)		Inspection report ID	
Owner previously boarded (Y/N)		Inspection report ID	
Crew previously boarded (Y/N)		Inspection report ID	
Comments: Vessel or Master not held on archive as being boarded before within details held on SFPO databases.			

John Caddle
BIOT Senior Fisheries Protection Officer
12/02/2017

BPV GRAMPIAN FRONTIER INSPECTION REPORT

Annex 1: Photograph / Video Log

Stage of Boarding / Inspection	Type of Photograph	Still Video /	Filename(s)
Prior to Boarding	Port	X	
	Starboard	X	
	Stern	X	
	Fishing gear	X	
	Other	X	
Crew identification	ID photographs	X	
	Captain photos	X	
	Crew photos	X	
Vessel Documentation	Licence	X	
	Logbook	X	
	Other	X	
Vessel Inspection	Gear	X	
	Catch	X	
	Hold	X	



CERTIFIED TRUE COPY

02 MAR 2017

CLERK OF THE COURT
BIOT

Ms India Dalton
Clerk of the Magistrate's Court
Diego Garcia
British Indian Ocean Territory
BFPO 485

Tel: 00246 370 3506

Email: india.dalton.UK@fe.navy.mil

CERTIFICATE OF CONVICTION

Case Number: 05/17

This is to certify that on the 17th day of February 2017 Mr Abdul Cader Mohammed Ramseen attended the Magistrate's Court in Diego Garcia and on his own admission a guilty plea was entered to the following charge:

1. Abdul Cader Mohammed Ramseen, being the Master and Owner of Sri Lankan Fishing Vessel Superfresh 2 IMUL-A-0128-GLE did, between the 10th day of February 2017 and the 13th day of February 2017, 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.

SENTENCE

1. Fine in the sum of 4300 GBP. Payment to be made in full within 7 days of the sentence.
2. Costs in the sum of 100 GBP. Payment to be made in full within 7 days of the sentence.
3. FV Superfresh 2 ordered to be further detained, pursuant to section 20 of the Fisheries (Conservation and Management) Ordinance 2007 pending payment, or provision of security for payment, of the financial penalties.
4. Fishing equipment on board the FV Superfresh 2 ordered to be forfeited and destroyed.

On the 1st day of March 2017 Mr Abdul Cader Mohammed Ramseen attended the Magistrate's Court in Diego Garcia and the sentence was amended to read:

1. Fine in the sum of 4300 GBP. Payment to be made in full within 90 days from 1st March 2017 (30 May 17).
2. Costs in the sum of 100 GBP. Payment to be made in full within 90 days from 1st March 2017 (30 May 17).

3. FV Superfresh 2 released.



Principal Immigration Officer
Diego Garcia
British Indian Ocean Territory

Tel: +246 370 3500
Email: Edward.Lees.UK@fe.navy.mil

Abdul Cader Mohammed Ramseen
Master of the fishing vessel Superfresh 2

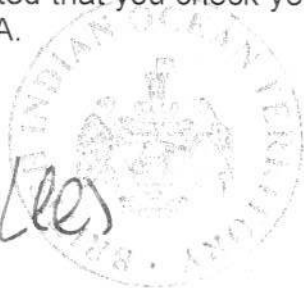
Date: 2 March 2017

Departure of Superfresh 2 IMUL-A-0128-GLE and crew from Diego Garcia, British Indian Ocean Territory

Abdul Cader Mohammed Ramseen, you and your crew are subject to the conditions of a removal order, dated 17th January 2017.

From this day, 2 March 2017, you are required to leave Diego Garcia and British Indian Ocean Territory waters. You may do so by using your fishing vessel Superfresh 2.

It is hereby requested that you check your vessel to ensure that it is sea-worthy and sign the form at Annex A.



Mr Edward Lees
Principal Immigration Officer
Diego Garcia
British Indian Ocean Territory

DEPARTURE FORM

I hereby re-take possession and control of the fishing vessel Superfresh 2 IMUL-A-0128-GLE (the fishing vessel), for the purposes of departure from Diego Garcia and the British Indian Ocean Territory waters.

I confirm the following:

1. I have inspected the fishing vessel to ensure that it is sea-worthy and fit for the purpose of transit from Diego Garcia to Sri Lanka.
2. The authorities in Diego Garcia have provided me with the following:
 - a. 57 gallons of fuel,
 - b. 500 litres of potable water,
 - c. 3 x 9.07Kg bags of rice and
 - d. 2 x Handlines for fishing for personal consumption only.
3. I have checked the radio and navigation systems on board the fishing vessel to ensure that they are in working order.
4. I wish to use the fishing vessel to leave Diego Garcia and the waters of the British Indian Ocean Territory with my crew.

Signed:

Abdul Cader Mohammed Ramseen

Date/time 02-03-17

Witnessed by:

Name India Dalton

Date/time 02:03:17 1336 Hrs.

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



මගේ අංකය }
 எனது இல. } DFAR/FM/K/IUU/2017
 My No. }
 ඔබේ අංකය }
 உமது இல. }
 Your No. }

අධ්‍යක්ෂ ජනරාල් කාර්යාලය } 449170
 பணிப்பாளர் நாயகத்தின் அலுவலகம் } 472187
 Office of Director General }

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 தொலை நகல் } 449170
 Fax No. }

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கடற்பொழிவு, நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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

නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10
 புதிய செயலகம். மாளிகாவத்த, கொழும்பு 10.
 New Secretariat, Maligawatta, Colombo 10.

දිනය }
 திகதி } 01/03/2017
 Date }

Mr. John Pearce
 Principal Consultant, MRAG Ltd
 18 Queen Street, London, W1J 5PN
 United Kingdom

cc: Mr. Alejandro Anganuzzi
 Executive Secretary (interim)
 Indian Ocean Tuna Commission
 Mahe, Seychelles

Dear Mr. John

Status report of the Sri Lanka vessels reported on fishing in BIOT territory as at 1st of March 2017.

This report is provided in two sections as follows.

1. The Vessels found guilty on IUU fishing in BIOT waters in Year 2014, 2015 and 2016 prosecuted in BIOT and the fine not paid - Table-01
2. Sri Lanka flagged vessels reported on suspicious fishing activities in BIOT waters from 22.12.2016. (Table-02)

Table- 01

No	Vessel Name,	Registration No & IOTC No at the time of arrest	Date of arrested in BIOT	Arrived date to Sri Lanka	Case number At Magistrate Courts, Kalutara	Status as at 1 st of March in November 2016
1	Sulara 2 *	IMUL-A-0341KLT (IOTC 011118)	28 th March 2014	7 th July 2014	number 46203	- Senior Fisheries Protection Officer of BIOT didn't appear in the courts for witness.
2	Imasha 2*	IMUL-A- 0352KLT IOTC0015411	18 th April 2014	22 nd July 2014	number 46206	- Accepted the guilty.
3	Nirodha putha *	IMUL-A-0543KLT IOTC 014386	15 th June 2014	1 st September 2014	number 46205	- Imposed Administrative penalty as per the section 52A of FARA Act No.2 as amended 1996.
4	Otto 2	IMUL-A-0523KLT (IOTC014364)	6 th November 2014	16 th December 2014	number 58835	- Agreed to settle the administrative penalties.
5	Kavinda Duwa,	IMUL-A-0155KLT (IOTC12322)	6 th November 2014	16 th December 2014	number 58836	- Fishing operation in 2017 suspended until settle the payments.
6	Stef Ania Duwa	IMUL-A-0374 KLT)(IOTC010130)	21 st June 2014	28 th July 2014	number 58834	- Case over
7	Thiwanka 05*	IMUL-A-0086MTR (IOTC 011479)	22 nd June 2014	22 nd July 2014	number 46204	- Senior Fisheries Protection Officer of BIOT didn't appear in the courts for witness.
						- Accept the guilty.

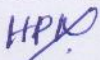
						<ul style="list-style-type: none"> - Administrative penalty imposed (350,000SLR). as per the section 52A of FARA Act No.2 1996. - Payment on going in installments. - Case over
8	Lakshi Duwa No.01	IMUL-A-0131KLT (IOTC0015748)	6 th May 2015	16 th June 2015	number 48270 Date- 07.16.2015	<ul style="list-style-type: none"> - Imposed administrative penalties under the section 52A of FARA Act No.2 1996. - Fine paid. - Case over
9	Jane/ Chuti Kumari	IMUL-A-0524 KLT) (IOTC010130)	17 th January 2016	10th February 2016	number 55441- Date- 02.26.2016	<ul style="list-style-type: none"> - Imposed administration penalties (550,000SLR under the section 52A of FARA Act No.2 1996. - Fine paid. - Case over

Table -02

No	Vessel name & Registration No.	Date boat in BIOT waters	Date of report to Sri Lanka	Actions taken
1	IMUL-A-0730- KLT Kavidya	13.12.2016	22.12.2016	<ul style="list-style-type: none"> • Detained the vessel at the Beruwala fishery harbor after arrival to Sri Lanka. • Suspension of the skipper license for six months • Imposed Administrative penalty(500,000SLR) as per the section 52A of FARA Act No.2 1996 as amended 2016 • Accepted guilty • Payment on going on in installments.
2	IMUL-A-0156- KLT Lakpriya 05	13.12.2016	22.12.2016	
5	IMUL-A-0519KLT Lakpriya 06	04.02.2017	06.02.2017	<ul style="list-style-type: none"> • Detained the vessel at the Beruwala fishery harbor after arrival to Sri Lanka. • Suspension of the skipper license for six months • Pleaded not guilty. • Cases filed under the provisions of FARA Act No.2 1996 as amended 2016 • Case numbers are as follows. • IIMUL-A-0519 KLT -70080/17 MC Kalutara • IMUL-A-0620 KLT-70081/17 MC Kalutara • IMUL-A-0486MTR-69995/17 MC Kalutara
4	IMUL-A-0620KLT Lakpriya 08	03.02.2017	06.02.2017	
3	IMUL-A-0486- MTR	28.01.2017	31.01.2017	
6	IMUL-A-0128-GLE Super fresh- 02	Not given	13.02.2017	<ul style="list-style-type: none"> • Vessel apprehended by BIOT authorities. • Trial ongoing in BIOT Courts. • Skipper crew and the vessel detained. • Bilateral communications are going with the Principal Legal advisor / Head of prosecution BIOT.

Note: DFAR has enforced legal actions merely based on the letter of communication of BIOT authorities reporting the fishing positions and their sighting of those vessels within BIOT territory. However since some vessel owners pleaded not guilty Sri Lanka requires certified evidences conduct a prosecution. Therefore Sri Lanka appreciate the provision of **certified** position data and the photographic evidences on this regard. Updated status report close to the dates of compliance committee will be submitted.

Thank You
Yours sincerely



Kalyani Hewapathirana
Deputy Director
Department of Fisheries and Aquatic Resources
For Head of Delegate to IOTC
Sri Lanka

கூ.பெ.
த. பெட்டி
P. O. Box } 531

දුරකථන
தொலைபேசி } 446183
Telephone } (3 lines)

අධ්‍යක්ෂ ජනරාල් කාර්යාලය
பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170
Office of Director General } 472187



දුරකථන
தொலை நகல் } 449170
Fax No. }

මගේ අංකය
எனது இல. } DFAR/FM/K/TUU/2017
My No. }

ඔබේ අංකය
உமது இல. }
Your No. }

ඩිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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

Dr Alejandro Anganuzzi
Executive Secretary (Interim)
Indian Ocean Tuna Commission
Mahe Seychelles.

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

Updated status of the Sri Lanka Vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Vessel Kavidya, Lakpriya 05 and Superfresh 02

This has reference to the IOTC-2017-CoC14-08a(E) – *Complementary Elements for Discussion item 7 of the Agenda for the Compliance Committee.*

Further to the Communications of Sri Lanka in the Attachment 2, Appendix III and the letter dated 1st March 2017, I would like to provide the recent updates of the three vessels referred in the above document forwarded to the 14th Compliance Committee meeting.

	Vessel Name & Reg.No	Status as at 3 rd May 2017
1.	Kavidya IMUL-A -0730 KLT	<ul style="list-style-type: none">Total administrative penalty (500,000 SLR) paid on the date of 8th March 2007 – (receipt attached- Annex I)VMS has been installed as per the conditions imposed by DFAR.Fishing license issued only for within EEZ.
2.	Lakpriya 05 IMUL-A - 0156 KLT	<ul style="list-style-type: none">Total administrative penalty (500,000 SLR) paid on the date of 8th March 2007 – (receipt attached- Annex I)VMS has been installed as per the conditions imposed by DFAR.Fishing license issued only for within EEZ
3.	Supersfresh 02 IMUL-A – 0128 GLE	<ul style="list-style-type: none">Since the vessel owner cannot be subjected to a double jeopardy, Officials of Department of Fisheries and Aquatic Resources, Sri Lanka advised (in writing) the Owner cum Skipper of the vessel to pay the fine imposed by courts of Diego Garcia as agreed, within the 90 days period starting from 1st March 2017.In the same letter it was warned that in the event of failing to do so after the 90 days period, DFAR will take legal actions based on the certified evidence received from the BIOT authorities against the violations.

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

Thank You
Yours sincerely

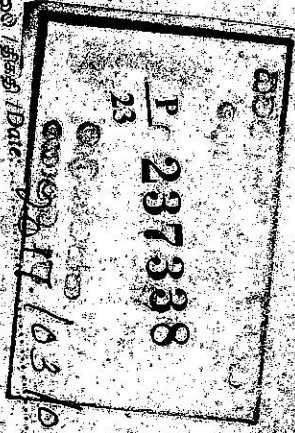
M. C. L. Fernando
Director General

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திகதி } 3 /05/2017
Date }

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

இல் பிடிவை
மூலப்பிரதி
Original

472 புகை டைப் புகைப் பட்டி
பொது 172
General 172
144 - 21 ஓரிட: buff &
(dup. white) 5/51



இரட்டை இரட்டை
பணம் பெற்றுக்கொண்டதற்குப் பற்றுச்சீட்டு
CASH RECEIPT

இரட்டை இரட்டை
பணம் பெற்றுக்கொண்டதற்குப் பற்றுச்சீட்டு
Received from

K 1 D 3 ரூபாய்

இரட்டை இரட்டை
பணம் பெற்றுக்கொண்டதற்குப் பற்றுச்சீட்டு
The amount received

ரூபாய்/ரூபாய்/ The sum of Rupees ரூபாய்
239

காரணம் / காரணம் / Reason

2017/CAAD/002 266 விசுவாசம்
பணம் பெற்றுக்கொண்டதற்குப் பற்றுச்சீட்டு
INMULA-A-0730 KLT

ரூ. / ரூ. / Rs. 50000/-

கையொப்பம் செய்துள்ளவரின் பெயர்
Signature and Designation

H 046765 - 10,000 (2015/11)P. ஐ சைவ இரட்டை இரட்டை இரட்டை

இல் பிடிவை
மூலப்பிரதி
Original

172 புகை டைப் புகைப் பட்டி
பொது 172
General 172
144 - 21 ஓரிட: buff &
(dup. white) 5/51



இரட்டை இரட்டை
பணம் பெற்றுக்கொண்டதற்குப் பற்றுச்சீட்டு
CASH RECEIPT

H 1 D 1 ரூபாய்

இரட்டை இரட்டை
பணம் பெற்றுக்கொண்டதற்குப் பற்றுச்சீட்டு
Received from

இரட்டை இரட்டை
பணம் பெற்றுக்கொண்டதற்குப் பற்றுச்சீட்டு
The amount received

ரூபாய்/ரூபாய்/ The sum of Rupees ரூபாய்
27000

காரணம் / காரணம் / Reason

2017/CAAD/001 266 விசுவாசம்
பணம் பெற்றுக்கொண்டதற்குப் பற்றுச்சீட்டு
INMULA-A-0156 KLT

ரூ. / ரூ. / Rs. 50000/-

கையொப்பம் செய்துள்ளவரின் பெயர்
Signature and Designation

H 046765 - 10,000 (2015/11)P. ஐ சைவ இரட்டை இரட்டை இரட்டை

20 September 2016 / 20 septembre 2016

IOTC CIRCULAR 2016-070 / CIRCULAIRE CTOI 2016-070

Dear Sir/Madam,

SUBJECT: COMMUNICATION FROM THAILAND

Please find attached a communication from Thailand, concerning the progress of litigation of the Thai fishing vessel, JIN SHYANG YIH 668.

Madame/Monsieur,

OBJET: COMMUNICATION DE THAÏLANDE

Veillez trouver en pièce jointe une communication de Thaïlande, concernant la situation du litige du navire de pêche Thaïlandais, JIN SHYANG YIH 668.

Yours sincerely / Cordialement



Executive Secretary (a. i) / Secrétaire exécutif (a. i)

Attachments / Pièces jointes:

- Communication from Thailand / Communication de Thaïlande

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Chairperson IOTC / Président de la CTOI

Cooperating Non-Contracting Parties/ Parties coopérantes non-contractantes: Bangladesh, Djibouti, Liberia, Senegal/Sénégal.

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No. 0505.3/ 9006



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

12 September B.E. 2559 (2016)

Dear Sir,

Subject: Progress Litigation of JIN SHYANG YIH 668

Referring to the 20th Session of the Indian Ocean Tuna Commission held in La Reunion, France during 23-27 May 2016. The commission requested Thailand to submit report investigation of JIN SHYANG YIH 668, within 90 days after the meeting, and report progress every 3 months. In this regard, I wish to inform you that the Department of Fisheries has filed the case for JIN SHYANG YIH 668 on 16 March 2016, as the vessel did not use Vessel Monitoring System in accordance with the Order of the Head of National Council for Peace and Order No. 10/2558, dated 29 April 2015. The sentence for this would be an imprisonment for the period of not more than one year, the fine of not more than THB 100,000 or both. Currently this case is under consideration to proceed to court.

For the case of conducting fishing activities without permission; currently Department of Fisheries has already filed with JIN SHYANG YIH 668 on 5 September 2016 which violates Article 48 of the Royal Ordinance on Fisheries B.E. 2558; Item 9 of the Ministerial Regulation on seeking permission to conduct fishing operation outside Thai waters B.E. 2559, dated 10 February 2016; and Item 9 of the Order of the Head of National Council for Peace and Order No.10/2558. The sentence for this would be fine around THB 10,000,000 – 20,000,000 or calculate quintuple of aquatic values. The case is in process of investigation.

Please be assured of our full cooperation.

Yours sincerely,

(Dr. Adisorn Promthep)
Director - General

Mr. Alejandro Anganuzzi
Executive Secretary (Ad Interim) Indian Ocean Tuna Commission (IOTC)
IOTC Secretariat Le Chantier Mall (2nd floor)
PO Box 1011, Victoria Mahé, SEYCHELLES
Tel: +248 4225494 Fax: +248 4224364

Fisheries Foreign Affairs Division
Tel/Fax: 662 5797947



3 March 2017 / 3 mars 2017

IOTC CIRCULAR 2017-033 / CIRCULAIRE CTOI 2017-033

Dear Sir/Madam,

SUBJECT: COMMUNICATION FROM THAILAND

Please find attached a communication from Thailand, concerning the progress of litigation of the Thai fishing vessel, JIN SHYANG YIH 668.

Madame/Monsieur,

OBJET: COMMUNICATION DE LA THAILANDE

Veuillez trouver en pièce jointe une communication de la Thaïlande, concernant la situation du litige du navire de pêche Thaïlandais, JIN SHYANG YIH 668.

Yours sincerely / Cordialement

Alejandro Anganuzzi (Dr.)
Executive Secretary (*a. i.*) / Secrétaire exécutif (*a. i.*)

Attachments / Pièces jointes:

- Letter from DoF, Thailand/ Lettre de DoF, Thaïlande.

Distribution / Destinataires

IOTC Contracting Parties/ Parties contractantes de la CTOI: Australia/Australie, 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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No. 0512.3/ 1513

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

17 February B.E. 2560 (2017)

Dear Sir,

Subject: Progress Litigation of JIN SHYANG YIH 668

Kindly refer to the 20th Session of Indian Ocean Tuna Commission held in La Reunion, France during 23-27 May 2016. The commission requested Thailand to submit report investigation of JIN SHYANG YIH 668, within 90 days after the meeting, and report progress every 3 months.

According to the previous report on dated 12 September 2016, the Department of Fisheries has filed the case for JIN SHYANG YIH 668 on 16 March 2016 as the vessel did not use Vessel Monitoring System. Currently the court notified the official lawyer to be a witness for this case on 28 July 2017.

For the case of conducting fishing activities without permission, filed on 5 September 2016, which JIN SHYANG YIH 668 violated Article 48 of the Royal Ordinance on Fisheries B.E. 2558 and Item 9 of the Order No. 10/2558 of the Head of National Council for Peace and Order. The case is in process of investigation.

Please be assured of our fullest cooperation.

Yours Sincerely,

(Dr. Adisorn Promthep)
Director - General

Florian Giroux
Fisheries Officer - Compliance
Indian Ocean Tuna Commission
P.O. Box 1011, Seychelles
Tel: +248 4225494
Fax: +248 4224364

Fisheries Foreign Affair Division
Tel/Fax: +662 5797947

4 May 2017 / 4 mai 2017

IOTC CIRCULAR 2017-053 / CIRCULAIRE CTOI 2017-053

Dear Sir/Madam,

SUBJECT: COMMUNICATION FROM THAILAND

Please find attached a communication from Thailand, concerning the progress of litigation of the Thai fishing vessel, JIN SHYANG YIH 668.

Madame/Monsieur,

OBJET: COMMUNICATION DE LA THAILANDE

Veuillez trouver en pièce jointe une communication de la Thaïlande, concernant la situation du litige du navire de pêche Thaïlandais, JIN SHYANG YIH 668.

Yours sincerely / Cordialement



Alejandro Anganuzzi (Dr.)
Executive Secretary (*a. i.*) / Secrétaire exécutif (*a. i.*)

Attachments / Pièces jointes:

- Letter from DoF, Thailand/ Lettre de DoF, Thaïlande.

Distribution / Destinataires

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No. 0527.2/3969

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

28 April B.E. 2560 (2017)

Dear Sir,

Subject: Progress Litigation of JIN SHYANG YIH 668

Kindly refer to the 13th Session of the Compliance Committee held in La Reunion, France 16–18 May 2016. The committee recommended Thailand to report investigation of JIN SHYANG YIH 668, within 90 days of the end of the 20th Session of the Commission, and report progress every 3 months.

The Department of Fisheries would like to inform that the progress litigations of JIN SHYANG YIH 668 remained the same of previous report dated on 17 February 2017, the Department of Fisheries has filed the case for JIN SHYANG YIH 668 on 16 March 2016 as the vessel did not use Vessel Monitoring System. Currently the court notified the official lawyer to be a witness for this case on 28 July 2017.

For the case of conducting fishing activities without permission, filed on 5 September 2016, which JIN SHYANG YIH 668 violated Article 48 of the Royal Ordinance on Fisheries B.E. 2558 and Item 9 of the Order No. 10/2558 of the Head of National Council for Peace and Order. The case is in process of investigation.

Please be assured of our fullest cooperation.

Yours Sincerely,

(Dr. Adisorn Promthep)
Director - General

Mr. Alejandro Anganuzzi
Executive Secretary, Indian Ocean Tuna Commission
PO Box 1011, Victoria, Seychelles.
Phone: +248 4225 494 Fax: +248 4224 364
E-mail : secretariat@iotc.org

Oversea Fisheries and Transshipment Control Division
Tel/Fax: +662 558 0187

7 December 2016 / 7 décembre 2016

IOTC CIRCULAR 2016-089b *CORRIGENDUM* / CIRCULAIRE CTOI 2016-089b *CORRIGENDUM*

Dear Sir/Madam,

SUBJECT: COMMUNICATION FROM BOLIVIA

Further to IOTC Circular 2016-089, which was circulated on the 2nd December 2016, we wish to bring to your attention that the attachment "Email from Bolivia" was omitted as the Annex 1. This is now found in the attachment.

The IOTC Secretariat extends its sincere apologies for any inconvenience this may have caused.

The IOTC Secretariat has received a message from the Bolivian International Registry of Ships, Bolivian Maritime Authority, which provides information on vessels using fake certificates (Registration, Ship Radio Station Licence and International Tonnage), which were discovered on board a number of vessels calling into the port of Phuket, Thailand, and in Malaysia.

The vessels that entered in Phuket port are:

- "YUTUNA NO.1"	Registration ID 6900440166	IRCS: CPA302
- "YUTUNA NO.3"	Registration ID 6900440127	IRCS: 3436
- "ABUNBANT 1"	Registration ID 6900446010	IRCS: CPA226
- "ABUNBANT 3"	Registration ID 6900446011	IRCS: CPA201
- "ABUNBANT 6"	Registration ID 6900446015	IRCS: CPA221
- "ABUNBANT 9"	Registration ID 6900446016	IRCS: CPA222
- "ABUNBANT 12"	Registration ID 6900446017	IRCS: CPA202
- "SHUN LAI"	Registration ID 6900147818	IRCS: CPA514
- "SHENG JI QUN 3"	Registration ID 6900546023	IRCS: CPA311

The vessel that has called in Malaysian port is:

- "OCEAN 31"	Registration 69 00 5 41 125	Call sign CPA 825
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The message of Bolivia is provided in the Annex 1 and the fake certificates found on board the vessels may be downloaded from the following link:

http://www.iotc.org/sites/default/files/documents/2016/12/Link_1_fake_certificates.pdf.

Examples of valid certificates issued by Bolivia may be downloaded from the following link:

http://www.iotc.org/sites/default/files/documents/2016/12/Link_2_valid_certificates.pdf.

The IOTC Secretariat would like to encourage CPCs that have information on these vessels and their activities in the IOTC Area of Competence, to provide such information to the Secretariat which will be circulated to CPCs and contribute to the fights against Illegal, Unreported and Unregulated (IUU) fishing activities.

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OBJET: COMMUNICATION DE LA BOLIVIE

Suite à la Circulaire CTOI 2016-089, qui a été distribué le 2 Décembre 2016, nous nous tenons à vous informer qu'il y avait une omission du "courriel de la Bolivie" en Annexe 1. Cela est maintenant trouvé en pièce jointe.

Le Secrétariat de la CTOI présente ses sincères excuses pour tout inconvéient que cela a pu causer.

Le secrétariat de la CTOI a reçu un message du Registre International des Navires Bolivien, Autorité maritime Bolivienne, qui fournit des informations sur des navires utilisant des faux certificats (immatriculation, licence de station de radio de navire et jauge international) qui ont été découverts à bord d'un certain nombre de navires appelant le port de Phuket, en Thaïlande, et en Malaisie.

Les navires qui sont entrés dans le port de Phuket sont:

- "YUTUNA NO.1"	N° Immatriculation 6900440166	Indicatif d'appel: CPA302
- "YUTUNA NO.3"	N° Immatriculation 6900440127	Indicatif d'appel: 3436
- "ABUNBANT 1"	N° Immatriculation 6900446010	Indicatif d'appel: CPA226
- "ABUNBANT 3"	N° Immatriculation 6900446011	Indicatif d'appel: CPA201
- "ABUNBANT 6"	N° Immatriculation 6900446015	Indicatif d'appel: CPA221
- "ABUNBANT 9"	N° Immatriculation 6900446016	Indicatif d'appel: CPA222
- "ABUNBANT 12"	N° Immatriculation 6900446017	Indicatif d'appel: CPA202
- "SHUN LAI"	N° Immatriculation 6900147818	Indicatif d'appel: CPA514
- "SHENG JI QUN 3"	N° Immatriculation 6900546023	Indicatif d'appel: CPA311

Le navire qui a appelé dans le port malaisien est:

- "OCEAN 31"	ID Immatriculation 69 00 5 41 125	Indicatif d'appel CPA 825
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Le message de la Bolivie figure à l'annexe 1 et les faux certificats trouvés à bord des navires sont disponibles au lien suivant http://www.iotc.org/sites/default/files/documents/2016/12/Link_1_fake_certificates.pdf.

Des exemples de certificats valides délivrés par la Bolivie sont disponibles au lien suivant http://www.iotc.org/sites/default/files/documents/2016/12/Link_2_valid_certificates.pdf.

Le Secrétariat de la CTOI souhaiterait encourager les CPC qui ont des informations sur ces navires et leurs activités dans la zone de compétence de la CTOI à fournir ces informations au Secrétariat qui seront distribuées aux CPC pour contribuer à lutter contre la pêche illégale, non déclarée et non réglementée.

Yours sincerely / Cordialement.



Executive Secretary (*a. i.*) / Secrétaire exécutif (*a. i.*)

Attachment / Pièce jointe:

- Email from Bolivia/ Courriel de la Bolivie

Annex 1 - Email from Bolivia / Courriel de la Bolivie (Disponible uniquement en anglais)

De: SOM. Javier Delgado Loayza [<mailto:cotizaciones@ribb.gob.bo>]

Enviado el: viernes, 18 de noviembre de 2016 12:25 p.m.

Para: 'secretariat@iotc.org'

CC: 'CF. DIM. Juan Freddy Zapata Flores'

Asunto: RE: FAKE CERTIFICATES

Dear Sir/Madame,

I send this email on behalf of BOLIVIAN INTERNATIONAL REGISTRY OF SHIPS, part of BOLIVIAN MARITIME AUTHORITY and through this way we request your kind assistance in order to take note that we receive a communication from Department of Fisheries of Thailand telling us that some vessels are navigating holding FAKE CERTIFICATES as follows:

1. "YUTUNA NO.1" registration ID 6900440166 IRCS: CPA302
2. "YUTUNA NO.3" registration ID 6900440127 IRCS: 3436
3. "ABUNBANT 1" registration ID 6900446010 IRCS: CPA226
4. "ABUNBANT 3" registration ID 6900446011 IRCS: CPA201
5. "ABUNBANT 6" registration ID 6900446015 IRCS: CPA221
6. "ABUNBANT 9" registration ID 6900446016 IRCS: CPA222
7. "ABUNBANT 12" registration ID 6900446017 IRCS: CPA202
8. "SHUN LAI" registration ID 6900147818 IRCS: CPA514
9. "SHENG JI QUN 3" registration ID 6900546023 IRCS: CPA311

In the area of PHUKET PORT.

In addition we receive another communication from Department of Fisheries of Malaysia telling us that they receive an application from the fishing vessel "OCEAN 31" registration 69 00 5 41 125, Call sign CPA 825, that in the same case hold FAKE CERTIFICATES.

Immediately we send many emails requesting collaboration in order receive information and contact details of corresponding PORT STATE CONTROL of Thailand and Malaysia to proceed with confiscation of FAKE CERTIFICATES and request the detention of mentioned fishing vessels until these explain when, where and who give these FAKE CERTIFICATES.

But till today we didn't receive any answer.

Your kind collaboration on this regard will be highly appreciated for BOLIVIAN MARITIME AUTHORITY in compliance of paragraph 34 et seq. FAO 2001, INDNR.

We hope to hear soon from you.

Sincerely yours.

TECNICO DE REGISTRO
BOLIVIAN INTERNATIONAL SHIP'S REGISTRY
Phones: ++(591)2-2407718 - 2407732
Fax Number: ++ (591) 2 - 2407730
cotizaciones@ribb.gob.bo

21 December 2016 / 21 décembre 2016

IOTC CIRCULAR 2016-094 / CIRCULAIRE CTOI 2016-094

Dear Sir/Madam,

SUBJECT: COMMUNICATION FROM THAILAND REGARDING IOTC CIRCULAR 2016-089

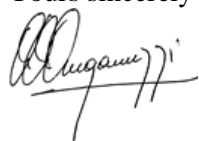
Please find attached a communication from Thailand regarding IOTC Circular 2016-089 (message from the Bolivian International Registry of Ships, Bolivian Maritime Authority, which provides information on vessels using fake certificates (Registration, Ship Radio Station License and International Tonnage), which were discovered on board a number of vessels calling into the port of Phuket, Thailand, and in Malaysia).

Madame/Monsieur,

OBJET: COMMUNICATION DE LA THAÏLANDE CONCERNANT LA CIRCULAIRE CTOI 2016-089

Veillez trouver en pièce jointe une communication de la Thaïlande au sujet de la circulaire CTOI 2016-089 (message du Registre International des Navires Bolivien, Autorité maritime Bolivienne, qui fournit des informations sur des navires utilisant des faux certificats (immatriculation, licence de station de radio de navire et jauge international) qui ont été découverts à bord d'un certain nombre de navires appelant le port de Phuket, en Thaïlande, et en Malaisie).

Yours sincerely / Cordialement


Executive Secretary (*a. i.*) / Secrétaire exécutif (*a. i.*)

Attachments / Pièces jointes:

- Communication from Thailand / Communication de la Thaïlande

Distribution / Destinataires

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Communication from Thailand

From: chutima pokhun [mailto:chutimapok@hotmail.com]

Sent: 19 December 2016 08:28

To: secretariat@iotc.org; iuu@iotc.org

Subject: vessels using fake certificates and landing into the port of Phuket, Thailand

Dear Sir/Madam,

Regarding the IOTC CIRCULAR 2016-089 of December 2, 2016 that the IOTC Secretariat informed its members of the message from the Bolivian International Registry of Ships, Bolivian Maritime Authority, which provides information on vessels using fake certificates and landing into the port of Phuket, Thailand. In this connection, we are glad that you provide the useful information. In addition, we would like to inform you that we've found some mistakes in the circular, which are the names of the vessels and we would like to correct them from "ABUNBANT" to "ABUNDANT". And we'd also would like to inform you that, based on exchanges of information that have occurred between Thailand and Bolivia, we can confidently report that those vessels were not registered under Bolivian flag. These vessels are in detention at Phuket Port and an investigation is ongoing. Unfortunately we must report that two of the vessels, the SHEN JI QUN 3 and YUTUNA NO. 1, left the Phuket Port before we recognized this fleet, we will be releasing INTERPOL Purple Notices asking the global community for further information and action on these vessels shortly. For further action we will inform to you soon.

Best regards,

Ms.Chutima Pokhun,
Fisheries Biologist,
Fisheries Foreign Affairs Division,
Department of Fisheries,
Bangkok, Thailand,10900
Tel./Fax: (662) 562 0529

Communication de la Thaïlande

De : chutima pokhun [mailto:chutimapok@hotmail.com]

Envoyé : 19 décembre 2016 08:28

À: secretariat@iotc.org; iuu@iotc.org

Objet : navires utilisant des certificats falsifiés et débarquant dans le port de Phuket, Thaïlande

Madame, Monsieur,

En ce qui concerne la Circulaire CTOI 2016-089 de la CTOI du 2 décembre 2016, le Secrétariat de la CTOI a informé ses membres du message du Registre des navires international bolivien, (Autorité maritime bolivienne), qui fournit des informations sur les navires utilisant de faux certificats et débarquant dans le port de Phuket, Thaïlande. À cet égard, nous apprécions que vous fournissiez les informations utiles. En outre, nous aimerions vous informer que nous avons trouvé des erreurs dans la circulaire, concernant les noms des navires et nous souhaiterions corriger « ABUNBANT » en « ABUNDANT ». Nous aimerions également vous informer que, sur la base des échanges d'informations qui ont eu lieu entre la Thaïlande et la Bolivie, nous pouvons affirmer avec confiance que ces navires n'étaient pas immatriculés sous pavillon bolivien. Ces navires sont en détention au port de Phuket et une enquête est en cours. Malheureusement, nous devons signaler que deux des navires, SHEN JI QUN 3 et YUTUNA NO. 1 ont quitté le port de Phuket avant que nous ayons reconnu cette flotte [sic], et nous publierons sous peu des Notices mauves d'INTERPOL demandant à la communauté mondiale de fournir toute information disponible et de prendre les actions requises à l'égard de ces navires. Nous vous informerons dans les meilleurs délais de toute action complémentaire.

Cordialement,

Ms.Chutima Pokhun,
Fisheries Biologist,
Fisheries Foreign Affairs Division,
Department of Fisheries,
Bangkok, Thailand,10900
Tel./Fax: (662) 562 0529

Message from the IOTC Secretariat:

From: IUU [mailto:iuu@iotc.org]

Sent: 31 January 2017 09:54

To: 'Arpita Karmokar' <arpita.k@hotmail.co.th>

Cc: chumnarnp@gmail.com; panawonfifad@gmail.com; 'Sarayoot boonkumjad' <sboonkumjad@yahoo.com>; spanjarat@yahoo.com; suttinel@gmail.com; 'IUU' <iuu@iotc.org>

Subject: THAILAND - CoC13 - Vessels CERIBU, MOOK ANDAMAN 018, MOOK ANDAMAN 028, YU LONG 6, YU LONG 125 and HUNG CHI FU 68

Dear Ms Arpita,

We would like to remind Thailand that according to the Compliance Report of the CoC13, Thailand shall report on the progress of legal actions against these vessels when the cases have been concluded.

CERIBU, MOOK ANDAMAN 018, MOOK ANDAMAN 028, YU LONG 6, YU LONG 125 and HUNG CHI FU 68

54 The CoC RECOMMENDED that Thailand should keep CPCs informed of progress of the legal actions being taken against these vessels and report back to the Commission via the IOTC Secretariat when the cases have been concluded. The IOTC Secretariat shall notify the Commission via Circulars following receipt of the reports from Thailand.

Would you be able to provide us with an update concerning those vessels and if the cases have been concluded we look forward to your reports on the subject in order to notify the Commission via a Circular.

Best regards.

Florian Giroux
Fisheries Officer - Compliance
Indian Ocean Tuna Commission
P.O. Box 1011, Seychelles
Tel: +248-4225494
Fax: +248-4224364
E-mail: florian.giroux@iotc.org
<http://www.iotc.org>





No. 0512.3/ 1508

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

17 February B.E. 2560 (2017)

Dear Sir,

Subject: Report on the progress of legal actions against of six vessels

Kindy refer to your letter dated 31 January, 2017, requesting the report on the progress of legal actions against of six vessels, "CERIBU, MOOK ANDAMAN 018, MOOK ANDAMAN 028, YULONG 6, YU LONG 125 and HUNG CHI FU 68" according to the Compliance Report of the CoC13.

In this connection, Department of Fisheries of Thailand would like to report on the progress of the investigations were still in the process of the court.

Please be assured of our fullest cooperation.

Yours Sincerely,

(Dr. Adisorn Promthep)
Director - General

Florian Giroux
Fisheries Officer Compliance
Indian Ocean Tuna Commission
P.O. Box 1011, Seychelles
Tel: +248-4225494
Fax: +248-4224364

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