
THE IOTC DRAFT IUU VESSELS LIST

Prepared by IOTC Secretariat, 04 June, 2019

PURPOSE

To provide information and evidence received by the IOTC Secretariat to the Compliance Committee to assist it in taking decisions on:

- Recommending to the Commission which, if any, vessels should be added to the IOTC IUU Vessels List.

In accordance with Paragraph 11 of IOTC Resolution 18/03 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC Area*, the list of vessels on the current IOTC IUU Vessels List (*adopted in May 2018 and last amended in March 2019*) and the Draft List of IUU Vessels (*circulated in April and May 2019*) proposed for inclusion in the IOTC IUU Vessels List are provided in [Annex 1](#) and [Annex 2](#), respectively.

INFORMATION REPORTED TO THE IOTC SECRETARIAT

Information, evidence and responses received against the four fishing vessels, IMULA 0293 KLT, IMULA 0030 GLE, IMULA 0728 KLT and IMULA 0207 GLE, to be considered for inclusion in the IOTC IUU Vessels List are provided in [Annex 3](#), of this document.

Information and evidence received against the fishing vessel, CHOTCHAINAVEE 35, which is stateless, to be considered for inclusion in the IOTC IUU Vessels List are provided in [Annex 4](#), of this document.

RECOMMENDATION/S

That the CoC16:

- 1) **NOTE** the information provided in document IOTC-2019-CoC16-09, which will assist it in its deliberations for recommending a Provisional IUU Vessels List for the consideration of the Twenty-third Session of the Commission.
- 2) **NOTE** the actions taken by Sri Lanka against the four Sri Lankan vessels listed in [Annex 2](#).
- 3) **NOTE** the revised recommendations in [Annex 3](#) (letter dated 30th May 2019 addressed to the IOTC Executive Secretary), with regards to the four Sri Lankan vessels listed in [Annex 2](#)
- 4) **NOTE** that the IOTC Secretariat has not received any information from any other party to dispute the claim that the fishing vessel, CHOTCHAINAVEE 35, operated illegally in the IOTC Area of competence.
- 5) **CONSIDER** if the actions taken by Sri Lanka against the concerned Sri Lankan vessels are of adequate severity and effective in combatting IUU fishing activities in the IOTC Area of competence.
- 6) **RECOMMEND** a Provisional IUU Vessels List for the consideration of the Twenty-third Session of the Commission.

Annex 1 - IOTC IUU Vessels List

Annexe 1 - Liste des Navires INN de la CTOI

No.	Current name of vessel (previous names) Nom actuel du navire (noms précédents)	Current flag (previous flags)/ Pavillon actuel (pavillons précédents)	Lloyds-IMO number/ Numéro Lloyds- IMO	Photo	Call sign (previous call signs) Indicatif d'appel (précédents)	Owner / beneficial owners (previous owners) Propriétaire / en équité (précédents)	Operator (previous operators)/ Armateur (précédents)	Summary of IUU activities/ Résumé des activités INN	Date included on IOTC IUU Vessels List/ Date d'inscription sur la Liste des navires INN de la CTOI
1	KIM SENG DENG 3	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
2	KUNLUN (TAISHAN)	EQUATORIAL GUINEA/ GUINÉE EQUATORIALE	7322897	Yes. Refer to report IOTC CIRCULAR 2015-004/ IOTC-2015-CoC12-07 CIRCULAIRE CTOI 2015-004	3CAG	Stanley Management Inc	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
3	YONGDING (JIANFENG)	EQUATORIAL GUINEA/ GUINÉE EQUATORIALE	90420011	Yes. Refer to IOTC Circular 2015-004/ Oui. Consulter le Circulaire CTOI 2015-004	3CAE	Stanley Management Inc.	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
4	WISDOM SEA REEFER	HONDURAS	7637527	Yes. Refer to IOTC Circular 2018-015/ Oui. Consulter le Circulaire CTOI 2018-015	HQXQ4	WISDOM SEA REEFER LINE S.A. (WISDOM SEA REEFER LINE S.A.)	CLAUDIA E. RAMOS CERRATO VIRGIN FISHING COMPANY MYO THANT - Master/capitaine	Contravention of IOTC Resolution 17/03/ Violation de la résolution de la CTOI 17/03	May/mai 2018
5	VACHANAM	INDIA/INDE	UNK/INC	Yes. Refer to report IOTC-2016-CoC13-07 Rev1/ Oui. Consulter le rapport IOTC-2016-CoC13- 07 Rev1.	UNK/INC	Satril T	J Robinson - Master/capitaine	Fishing without a license and use of prohibited gear in the waters of the UK (OT)/ Pêche sans licence et utilisation d'engins de pêche interdits dans les eaux du RU(TOM)	May/mai 2017
6	FULL RICH	UNK (BELIZE)/INC (BELIZE)	UNK/INC	Yes. Refer to report IOTC-2013-CoC10-08a/ Oui. Consulter le rapport IOTC-2013-CoC10- 08a	HMEK3	Noel International LTD (Noel International LTD)	UNK/INC	Contravention of IOTC Resolution 07/02/ Violation de la résolution de la CTOI 07/02	May/mai 2013
7	OCEAN LION	UNK (EQUATORIAL GUINEA)/ INC (GUINÉE ÉQUATORIALE)	7826233	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 02/04, 02/05, 03/05/ Violation de la résolution de la CTOI 02/04, 02/05, 03/05.	June/juin 2005
8	SONGHUA (YUNNAN)	UNK (EQUATORIAL GUINEA)/ INC GUINÉE EQUATORIALE	9319856	Yes. Refer to IOTC Circular 2015-004/ Oui. Consulter le Circulaire CTOI 2015-004	3CAF	Eastern Holdings	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
9	YU MAAN WON	UNK (GEORGIA)/ INC (GÉORGIE)	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 07/02/ Violation de la résolution de la CTOI 07/02	May/mai 2007
10	HOOM XIANG 101	UNK (MALAYSIA)/ INC (MALAISIE)	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
11	HOOM XIANG 103	UNK (MALAYSIA)/ INC (MALAISIE)	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
12	HOOM XIANG 105	UNK (MALAYSIA)/ INC (MALAISIE)	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
13	HOOM XIANG II	UNK (MALAYSIA)/ INC (MALAISIE)	UNK/INC	Yes. Refer to report IOTC-S14-CoC13-Add1/ Oui. Consulter le rapport IOTC-S14-CoC13- add1	UNK/INC	Hoom Xiang Industries Sdn. Bhd	UNK/INC	Contravention of IOTC Resolution 09/03/ Violation de la résolution de la CTOI 09/03	March/mars 2010
14	ABUNDANT 1 (YI HONG 06)	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2017-CoC14-07/ Oui. Consulter le rapport IOTC-2017-CoC14- 07.	CPA 226	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Hatto Daroi	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2017
15	ABUNDANT 12 (YI HONG 106)	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2017-CoC14-07/ Oui. Consulter le rapport IOTC-2017-CoC14- 07.	CPA 202	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Mendez Francisco Delos Reyes	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2017
16	ABUNDANT 3 (YI HONG 16)	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2017-CoC14-07/ Oui. Consulter le rapport IOTC-2017-CoC14- 07.	CPA 201	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Huang Wen Hsin	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2017
17	ABUNDANT 6 (YI HONG 86)	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2017-CoC14-07/ Oui. Consulter le rapport IOTC-2017-CoC14- 07.	CPA 221	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Huang Wen Hsin	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2017
18	ABUNDANT 9 (YI HONG 116)	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2017-CoC14-07/ Oui. Consulter le rapport IOTC-2017-CoC14- 07.	CPA 222	Huang Jia Yi C/O Room 18-E Tze Wei Commercial Building, No.8 6 Th Road Lin Ya District, Kaohsiung, Taiwan, China	Mr. Pan Chao Mao	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2017
19	ANEKA 228	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
20	ANEKA 228; KM.	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
21	CHI TONG	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
22	FU HSIANG FA 18	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
23	FU HSIANG FA NO. 01	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
24	FU HSIANG FA NO. 02	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
25	FU HSIANG FA NO. 06	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014

26	FU HSIANG FA NO. 08	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
27	FU HSIANG FA NO. 09	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
28	FU HSIANG FA NO. 11	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
29	FU HSIANG FA NO. 13	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
30	FU HSIANG FA NO. 17	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
31	FU HSIANG FA NO. 20	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
32	FU HSIANG FA NO. 21 ^a	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2013-CoC10-07 Rev1/ Oui. Consulter le rapport IOTC-2013-CoC10-07 Rev1	OTS 024 or OTS 089	UNK/INC	UNK/INC	Contravention of IOTC Resolution 07/02/ Violation de la résolution de la CTOI 07/02	May/mai 2013
33	FU HSIANG FA NO. 21 ^a	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
34	FU HSIANG FA NO. 23	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
35	FU HSIANG FA NO. 26	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
36	FU HSIANG FA NO. 30	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
37	GUNUAR MELAN 21	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 07/02/ Violation de la résolution de la CTOI 07/02	June/juin 2008
38	KUANG HSING 127	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
39	KUANG HSING 196	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
40	MAAN YIH HSING	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
41	SAMUDERA PERKASA 11	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
42	SAMUDRA PERKASA 12	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
43	SHENG JI QUN 3	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2017-CoC14-07/ Oui. Consulter le rapport IOTC-2017-CoC14-07.	CPA 311	Chang Lin, Pao-Chun No. 161, San Min Rd. Yufu Village, Kaohsiung City, Taiwan, China	Mr. Chen, Chen-Tsai	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2017
44	SHUEN SIANG	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014 and May/mai 2015
45	SHUN LAI (HSIN JYI WANG NO. 6)	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2017-CoC14-07/ Oui. Consulter le rapport IOTC-2017-CoC14-07.	CPA 514	Lee Cheng Chung No. 5 Tze Wei Road, Kaohsiung, Taiwan, China	Mr. Sun Han Min	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2017
46	SIN SHUN FA 6	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
47	SIN SHUN FA 67	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
48	SIN SHUN FA 8	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
49	SIN SHUN FA 9	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
50	SRI FU FA 168	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
51	SRI FU FA 18	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
52	SRI FU FA 188	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
53	SRI FU FA 189	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
54	SRI FU FA 286	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
55	SRI FU FA 67	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
56	SRI FU FA 888	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	June/juin 2014
57	TIAN LUNG NO.12	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
58	YI HONG 3	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
59	YU FONG 168	UNK/INC	UNK/INC	Not Available/Pas disponible	UNK/INC	UNK/INC	UNK/INC	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2015
60	YUTUNA 3 (HUNG SHENG NO. 166)	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2017-CoC14-07/ Oui. Consulter le rapport IOTC-2017-CoC14-07.	CPA 212	Yen Shih Hsiung Room 11-E. No.3 Tze Wei Forth Road, Kaohsiung, Taiwan. China	Mr. Lee, Shih-Yuan	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2017

61	YUTUNA NO. 1	UNK/INC	UNK/INC	Yes. Refer to report IOTC-2017-CoC14-07/ Oui. Consulter le rapport IOTC-2017-CoC14-07.	CPA 302	Tseng Ming Tsai Room 11-E, No. 3 Tze Wei Fort Road, Kaohsiung, Taiwan, China	Mr. Yen, Shih-Shiung	Contravention of IOTC Resolution 11/03/ Violation de la résolution de la CTOI 11/03	May/mai 2017
62	CHAICHANACHOKE 8	UNK/INC (DJIBOUTI, THAILAND/THAILAN DE)	UNK/INC	Yes. Refer to IOTC Circular 2018-015/ Oui. Consulter le Circulaire CTOI 2018-015	UNK/INC (HSN5721)	UNK/INC (MARINE RENOWN SARL)	UNK/INC	Contravention of IOTC Resolution 17/03/ Violation de la résolution de la CTOI 17/03	May/mai 2018
63	CHAINAVEE 54	UNK/INC (DJIBOUTI, THAILAND/THAILAN DE)	UNK/INC	Yes. Refer to IOTC Circular 2018-015/ Oui. Consulter le Circulaire CTOI 2018-015	UNK/INC (HSN5447)	UNK/INC (MARINE RENOWN SARL)	UNK/INC	Contravention of IOTC Resolution 17/03/ Violation de la résolution de la CTOI 17/03	May/mai 2018
64	CHAINAVEE 55	UNK/INC (DJIBOUTI, THAILAND/THAILAN DE)	UNK/INC	Yes. Refer to IOTC Circular 2018-015/ Oui. Consulter le Circulaire CTOI 2018-015	UNK/INC (HSB3852)	UNK/INC (MARINE RENOWN SARL)	UNK/INC	Contravention of IOTC Resolution 17/03/ Violation de la résolution de la CTOI 17/03	May/mai 2018
65	SUPPHERMNAVEE 21	UNK/INC (DJIBOUTI, THAILAND/THAILAN DE)	UNK/INC	Yes. Refer to IOTC Circular 2018-015/ Oui. Consulter le Circulaire CTOI 2018-015	UNK/INC (HSN5282)	UNK/INC (MARINE RENOWN SARL)	UNK/INC	Contravention of IOTC Resolution 17/03/ Violation de la résolution de la CTOI 17/03	May/mai 2018

Note: *: No information on whether the two vessels FU HSIANG FA NO. 21 are the same vessels / Aucune information indiquant si les deux navires FU HSIANG FA NO. 21 sont les mêmes navires.

UNK: UNKNOWN

INC: INCONNU

ANNEX 2 – DRAFT IOTC IUU VESSELS LIST (MAY 2019)

ANNEXE 2 - LISTE PROVISOIRE DES NAVIRES INN DE LA CTOI (MAI 2019)

No.	Current name of vessel (previous names) Nom actuel du navire (noms précédents)	Current flag (previous flags)/ Pavillon actuel (pavillons précédents)	Lloyds-IMO number/ Numéro Lloyds-IMO	Photo	Call sign (previous call signs) Indicatif d'appel (précédents)	Length overall (m)/Longueur hors tout (m)	Owner Name (Name of previous owners) Nom propriétaire (Nom propriétaire précédents)	Owner address (Previous owner addresses) Adresse propriétaire (Adresse propriétaire précédents)	Operator Name (Previous operators name)/ Nom armateur (Nom armateur précédents)	Operator address (Previous owner addresses) Adresse armateur (Adresse armateur précédents)	Summary of IUU activities/ Résumé des activités INN	Date included on IOTC IUU Vessels List/ Date d'inscription sur la Liste des navires INN de la CTOI
1	IMULA 0293 KLT	Sri Lanka	UNK/INC	Yes. Refer to IOTC Circular 2019–18/Oui. Consulter le Circulaire CTOI 2019–18	4SF2969	11.56	MJM Yoosuff	6/18C, 1st Lane, Katukurunda, Kalutara/S	UNK/INC	UNK/INC	Engaged in fishing or fishing related activities in waters of a coastal State without permission or authorisation/S'est engagé dans la pêche ou des activités liées à la pêche dans des eaux d'un État côtier sans la permission ou l'autorisation	Not applicable/Pas applicable
2	IMULA 0030 GLE	Sri Lanka	UNK/INC	Yes. Refer to IOTC Circular 2019–18/Oui. Consulter le Circulaire CTOI 2019–18	UNK/INC	UNK/INC	P.K.D. Dumidhul Susantha	Kekunu Udumulla, Kajuduwa Rd., Dodangoda	UNK/INC	UNK/INC	Engaged in fishing or fishing related activities in waters of a coastal State without permission or authorisation/S'est engagé dans la pêche ou des activités liées à la pêche dans des eaux d'un État côtier sans la permission ou l'autorisation	Not applicable/Pas applicable
3	IMULA 0728 KLT	Sri Lanka	UNK/INC	Yes. Refer to IOTC Circular 2019–18/Oui. Consulter le Circulaire CTOI 2019–18	SF4020	UNK/INC	H.R.D.D. Perera	42/4, Chamara Uyana, Ambepitiya, Beruwala	UNK/INC	UNK/INC	Engaged in fishing or fishing related activities in waters of a coastal State without permission or authorisation/S'est engagé dans la pêche ou des activités liées à la pêche dans des eaux d'un État côtier sans la permission ou l'autorisation	Not applicable/Pas applicable
4	IMULA 0207 GLE	Sri Lanka	UNK/INC	Yes. Refer to IOTC Circular 2019–18/Oui. Consulter le Circulaire CTOI 2019–18	UNK/INC	UNK/INC	Mahabaduge Pramaj Dilsara Fernando Jayasonga	71 18 Siriniwasa Mawatha, Nallbesa, Beruwala	UNK/INC	UNK/INC	Engaged in fishing or fishing related activities in waters of a coastal State without permission or authorisation/S'est engagé dans la pêche ou des activités liées à la pêche dans des eaux d'un État côtier sans la permission ou l'autorisation	Not applicable/Pas applicable
5	CHOTCHAINAVEE 35	Unknown (Djibouti)	UNK/INC	Yes. Refer to IOTC Circular 2019–20/Oui. Consulter le Circulaire CTOI 2019–20	UNK/INC	42.65	Green Laurel International SARL	P.O. Box 682, Djibouti, Republic of Djibouti	UNK/INC	UNK/INC	Engaged in fishing or fishing related activities in waters of a coastal State without permission or authorisation/S'est engagé dans la pêche ou des activités liées à la pêche dans des eaux d'un État côtier sans la permission ou l'autorisation	Not applicable/Pas applicable



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Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

28 March 2019

cc. Mr Hosea Gonza Mbilinyi, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr Kumara, and Mrs K Hewapathirana, DFAR, Sri Lanka

Dear Dr O'Brien,

Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged Vessel IMULA 0293 KLT

As required in paragraphs 5 and 6 of Resolution 18/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting IUU fishing activity for the Sri Lankan flagged vessel IMULA 0293 KLT. 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 taken action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2016).

The attached evidence shows that

- At the time of the incident, the vessel was on the IOTC Record of Authorised Vessels, IOTC011091
- The vessel had no stern markings
- VMS was switched off or not working and had no tamper-proof seal
- The vessel was equipped with gill nets and longlines; There were no gear markings
- The vessel had tuna and tuna like species on board - Swordfish; blue shark.
- The vessel was fishing within the waters of the British Indian Ocean Territory without a license;
- Sri Lanka has not provided sufficient information to enable the conclusion that sanctions of adequate severity have yet or shall be taken in respect of the owner of this vessel.
- The actions taken in respect of the skipper are inadequate but we note that such administrative powers that are currently available to deal with the skippers of IUU vessels have been applied.

We submit this vessel to IOTC Compliance Committee with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We will review this recommendation before the meeting in light of any additional information provided by Sri Lanka pursuant to paragraphs 10 and 12 of Resolution 18/03.

I would be grateful if you could circulate this material for the information and consideration 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, IMULA 0293 KLT

IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 18/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by UK(OT) in 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)	IMULA0293KLT
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)	4SF2969
g	Owner (previous owner/s, if any)	MJM Yoosuff Owner address: 6/18C, 1 st Lane, Katukurunda, Kalutara/S
h	Operator (previous operator/s, if any) and Master/Fishing Master	Not known
i	Date of alleged IUU fishing activities	22/10/2018
j	Position of alleged IUU fishing activities	04° 25.765-S; 072° 47.221'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT water. Fishing with, and possession of, prohibited fishing gear (wire trace) in BIOT water. No flag state issued fishing license or logbook presented during the inspection (although it was noted it was on the IOTC record of currently authorised vessels – IOTC011091). Fishing gear observed on-board did not have vessel markings or identification. The vessel stern had no vessel markings or identification. VMS system was present on board but appeared to be switched off or not working. No tamperproof seal.

		There was an estimated total of 1.5T onboard including swordfish, as well as blue and other unidentified shark species.
I	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was approached, photographed and boarded.
m	Outcome of Actions taken	Following approach and boarding the vessel was detained and escorted to Diego Garcia.

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 17/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

Item	Definition	Indicate
a	Engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	<input checked="" type="checkbox"/>
b	Engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	<input type="checkbox"/>
c	Failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	<input checked="" type="checkbox"/>
d	Taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
e	Engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
f	Used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
g	Transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	<input type="checkbox"/>
h	Engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	<input checked="" type="checkbox"/>
i	Engaged in fishing or fishing related activities whilst being without nationality; or	<input type="checkbox"/>
j	Engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	<input checked="" type="checkbox"/>
k	Engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	<input checked="" type="checkbox"/>

C. Associated Documents

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

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

D. Recommended Actions

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

Appendix I – Photographs.



Figure 1: Vessel photo, portside



Figure 2: Vessel photo starboard side, with vessel name and registration number



Figure 3: Vessel stern with no vessel name or identification

INSPECTION REPORT – SPB 002

1 Summary

Date of boarding	22 October 2018
Patrol type and number	FIPA 52
Vessel name	IMUL-A-0293-KLT
Vessel type	Multi-purpose longline and gill net fishing vessel
Vessel flag and home port	Sri Lanka
Vessel identification number	IMUL-A-0293-KLT
Vessel identification type	4SF2969
IOTC# (if registered)	IOTC011091 (valid until 31/12/2018)
Vessel Master name	Name not legible on photo copy of the ID card. Sri Lankan Skipper Licence Number SK0712KLT
SFPO	Simon Browning
FPO / FPOs	Andy Watson
Outcome of boarding	Vessel detained and escorted to Diego Garcia

2 Initial sighting details

Date and time of first sighting	21/10/2018 at 22:11 hours (DD/MM/YY HH:MM)				
Sighted by	Grampian Frontier James	Radar	x	Visual	x
Position of target 1	04 ⁰ 25.765S 72 ⁰ 47.221E				
Course	207 ⁰				
Speed	5.3 knots				
Range	5.7 n miles				
Bearing	180 ⁰				
Comments: A light was seen coming from the ship and a radar image was noted. The vessel was traveling at 5.3 knots and then slowed and stopped and then when the Grampian Frontier was within 0.5 n mile the fishing vessel increased speed to 6.7 knots heading away from the Grampian Frontier. The SFPO directed the Grampian Frontier to increase the speed to 10 knots and with two engine. The fishing vessel then slowed and eventually stopped.					
Fisheries Pennant and Sierra Quebec Three Raised	Raise during day light hours on 22 October 2018 at 07:00 (DD/MM/YY HH:MM)				
Target requested to stop and prepare for boarding.	No VHF communications established. Grampian Frontier came within 200m of the fishing vessel and two spot lights were trained onto the vessel and the SFPO went onto the deck and spoke through a load hailer. The vessel had stopped by 21 October 2018 at 23:59 hrs (DD/MM/YY HH:MM)				
Response to request for boarding	No VHF communications were established. On approach in the RHIB Daughter Craft there was no resistance to boarding				

3 Launching of workboat

Time workboat launched	22 October 2018 at 07:00hrs	(DD/MM/YY HH:MM)
-------------------------------	-----------------------------	------------------

Workboat crew	Donald Steve	
Comments on the approach to the FV: The RHIB conducted a 360 ^o of the fishing vessel. The fishing boat was stationary and the crew anticipating a boarding. The boarding was safely conducted with no resistance.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	Yes
	Other	Fishing in hold

4 Boarding details

Date and time vessel boarded	22 October 2018 at 07:20 hours	
Position vessel boarded	04° 28.823 S 072° 44.162 E	
Boarding party team	Simon Browning and Andrew Watson	
Language spoken	One crew member could speak some English.	
Interpreter needed (Y/N)?	Name	None available

4.1 Crew details

Vessel Master name	Name on the ID card was not legible	
Vessel Master nationality	Sri Lankan	
Vessel Master address	Idalketihena, Mawatta, Mathugama	
Vessel Master D.o.B	20 Dec 1981	(DD/MM/YY)
Number of crew	4	
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: All crew looked healthy with no injuries. The skipper had a minor cut on the right foot.		
Photographic Evidence Collected (See Annex 1).	Captain ID	Photo copy Sri Lankan Skipper Licence
	Other crew id	Passport and photo copy of ID cards

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	None seen during the inspection. On the boat departure form issued by the Beruwala Fisheries Operations Officer on the 10 October 2018 the form states that the vessel only has a Local Operation License and no High Sea Operation License
Fishing licence date of issue, expiry and issuing authority	No seen
FV owner name (as per licence)	No license seen
FV owner details (as per licence)	No license seen

Fishing logbook present (y/n) and number if relevant	No license seen	
Issuing authority	No license seen	
Date of last entry	No license seen	
Position of last entry	No license seen	
Other paperwork: Boat Departure Form FM/BD dated 10 October 2018		
Photographic Evidence Collected (See Annex 1).	Licence	No not seen during inspection
	Logbook	No not seen during inspection
	Other	Yes ID cards and Boat Departure Form

4.3 Interview with Captain

Time of interview	07:20 hrs (HH:MM)
Captain's rights read and understood?	I did not read the Captains rights and the Captain was spoken to but not interviewed. The Captains understanding of English was very poor. It was difficult to communicate. One member of the crew spoke English and through this person I was able to communicate with the Captain to an acceptable level.
FV Port of departure	Beruwala
Date of departure	10/10/2018 (DD/MM/YY)
Travelling to or from fishing grounds?	Beruwala
Amount of fish onboard (t)	It was not possible to estimate the total weight of fish on the vessel. The third storage hold had a bag of sharks fins and whole sharks. I did not get the sharks out of the hold onto the deck. I did get a bag of shark fins and I took samples out to take photos.
If fish onboard where caught?	Yes
If fish onboard when caught?	Between 6 to 10 hours. The sharks' fins were bloody red and dripping. The blood had not clotted. The whole shark seen in the hold was bloody and oozing fluid.
If fish onboard how caught?	Long-line and gill net
Destination	Beruwala
Port of return	Beruwala
Anticipated date of return	Not known (DD/MM/YY)
Comments: On inspecting the vessel it was obvious that the net stowage area was empty, I asked the crew member who spoke English where were the nets, he said out at sea pointing in the general directing of the vessels original location at 23:59 on 21 October 2018. I then stated that they must collect their fishing lines, the skipper agreed and set sail towards the location of the fishing vessel DAN marker buoys.	

4.4 Vessel inspection

Fishing gear type		Wire trace, longline and gill nets	
Comments: The gill nets were set at sea and hauled in by the crew once we had located the position, it had been soaking overnight and marked with DAN marker buoys. This was reported by the crew to be 1.5km in length. It took from 09:48 hours until 12:17 hours to haul in the net. The Longline wire trace fishing gear was also set in the water and hauled in by the fishing vessel crew, this was reported by the crew to be 5.5km in length. Hauling of the longlie took from 12:20 hours until 13:42 hours.			
Catch onboard (estimated t)		1.5 tonnes	
IOTC species onboard (Y/N)	Yes Sharks	Endangered species onboard (Y/N)	Shark species undetermined (a shore side examination will help identify species found on the vessel).
Description of catch: Shark fins and whole shark and Swordfish cut into small chunks and salted. Undetermined fish or shark fins were in a barrel on the wheel house deck. This appeared to have been processed. There was processed Swordfish in the Forward storage hold, salted and cut into chunks.			
Comments: The crew were cooperative throughout the inspection offering freely the fact that their gill nets were set and the longlines with wire trace. The skipper sailed the fishing boat to where the fishing gear was set in the water and the crew hauled in the nets without me requesting that they do so. I asked where the fishing gear was noting on the deck inspection that the storage hold was empty. The crew freely offered the information that the nets were set at sea as were the longlines and wire trace. The fishing gear recovered was the same as the longlines and wire trace remaining on the fishing vessel. The DAN marker buoys recovered were the same design as those recovered from the setting lines. The crew never disputed that the fishing gear in the sea were the fishing vessels.			
Photographic Evidence Collected (See Annex 1).		Gear	Yes
		Catch	Yes
		Hold	Yes

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	Yes
Fishing with prohibited fishing gear	Yes
Possession of prohibited fishing gear	Yes
Obstruction of a fisheries patrol officer	No the crew were cooperative
Possession of sea cucumbers or molluscs	No
Traversing or landing on an SNR	No
Comments: Exact species and quality by weight was difficult to estimate due to hull size and limited deck space.	

5.2 IOTC CMM violations

Vessel not marked with name or callsign	Vessel had call signed marked on the hull and IMULA number.
Fishing gear not marked with name or callsign	Fishing gear was not marked.

No VMS	VMS was on the fishing boat inside the wheel house. The crew stated that this was not working due to a problem with the Sri Lankan authorities.
VMS not tamperproof	The VMS set did not have a visible tamper seal.
No state issued logbook	No logbook was seen during the inspection.
No state issued licence	The Boat Departure Form issued by the Beruwala High Seas Unit state that the vessel does not have a High Seas Operation License
Possession of drift net over 2.5km.	No the net was 1.5km
Not on the IOTC authorised list	The vessel is listed on the IOTC list IOTC011091 valid until 31/12/2018
Not on the IOTC Record Active Tuna / Swordfish	The crew stated that Swordfish had been caught and was in the Forward hold 4 th of 4 storage holds.
No turtle de hooker on board	No turtle was seen on board during the inspection.
Comments	

6 SFPO actions²

Vessel and Master detained and escorted to DG	Yes
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed (Res: 11/03)	Yes
Master given verbal warning and released	No
No further action, vessel released	N/A
Comments (when detained / escorted):	
<p>The skipper was informed that his vessel was to proceed to Diego Garcia following the <i>Grampian Frontier</i>. He was informed that British Officers would be there to meet him and talk to him through an interpreter. I issued a Boarding Receipt Form at 14:05 hours and at that point informed him that the vessel and crew were detained and to be escorted to Diego Garcia.</p>	

7 Disembarkation and recovery

Time FV disembarked	22 October 2018 at (HH:MM) 14:10 hours
Time Workboat recovered to the BPV	22 October 2018 at (HH:MM) 14:20 hours
Comments: The fishing vessel followed the Grampian Frontier keeping to the stern as a speed of 4.5 to 5 knots.	

8 Vessel records and history

Vessel on IOTC register (Y/N)	Yes	IOTC number	IOTC011091
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			Yes Swordfish
Version of IOTC database referenced:			IOTC positive list-2018-08-02
Vessel previously boarded (Y/N)	No	Inspection report ID	No
Master previously boarded (Y/N)	Not known	Inspection report ID	Not known
Owner previously boarded (Y/N)	Not known	Inspection report ID	Not known
Crew previously boarded (Y/N)	Not known	Inspection report ID	Not known
Comments:			

Simon Browning
BIOT Senior Fisheries Protection
Officer 22 October 2018

Appendix III – Notification of Investigation and Request for Cooperation



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Geethamali Chandrasiri
Assistant Director
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

22 October 2018

E-Mail: Geethamali Chandrasiri ip@fisheriesdept.gov.lk

Cc: Director General mclfenando@gmail.com;
Nuwan Gunawardana nuwan54@gmail.com;
Kalyani Hewapathirana hewakal2012@gmail.com

Dear Dr Chandrasiri,

Request for Confirmation of Ownership of the Sri Lankan vessel IMUL-A-0293-KLT

The Sri Lankan flagged vessel **IMUL-A-0293-KLT**, (IOTC11091 (current record expires 31/12/2018)) is currently the subject of a criminal investigation into suspected illegal fishing activity. In order to complete the investigation, the BIOT Administration needs to be clear as to the accurate details of the registered owner before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of this vessel are preliminary, no finding has been made by the Administration of any such activity.

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

Source	Owner Name / Address
IOTC Record of Active Vessels	MJM YOOSUFF 6/18C, 1ST LANE, KATUKURUNDA, KALUTARA/S

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.

The vessel has a VMS unit onboard, but this has been reported to be switched off. If possible, please could you supply any VMS records for the recent trip that could provide information in relation to the vessel's movements.

The vessel, being escorted by the BIOT Patrol vessel, is currently estimated to arrive into Diego Garcia on the 22nd October. We would be grateful for an early indication of whether you plan to request that Sri Lankan authorities deal with the vessel if it is confirmed that it is in violation of the fisheries regulations of Sri Lanka.

Thank you for your cooperation.

Yours sincerely

Linsey Billing
BIOT Administrator

Dr Christopher Mees
Head of UK Delegation to IOTC

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VAT Registration No 877 7013 92

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 பணிப்பாளர் நாயகத்தின் அலுவலகம்
 Office of Director General
 449170
 472187

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 தொலை நகல்
 Fax No.
 449170

මගේ අංකය
 எனது இல.
 My No.
 DFAR/DFO/UU/BIOT/2018

ඔබේ අංකය
 உமது இல.
 Your No.

ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்பொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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නව මහලක් කාර්යාලය, මැලිගාවත්ත, කොළඹ 10
புதிய செயலகம், மாலிகாவத்த, கொழும்பு 10.
New Secretariat, Maligawatta, Colombo 10.

දිනය
 திகதி
 Date
 30.10.2018

Ms. Linsey Biling
BIOT Administrator

Dr. C. Mees
Head of UK Delegate to IOTC

Request for Confirmation of Ownership of the Sri Lanka Fishing Vessel IMUL-A 0293KLT

This is reference to your letter dated 22.10. 2018 on the above and to the confirmation of the ownership of the Sri Lanka Fishing Vessel IMUL-A 0293KLT by the Director Operation of this Department by e-mail dated 25.10.2018.

As per our investigations this vessel has VMS onboard and authorized to operate in High seas. However the boat operator has violated the high seas fishing conditions of the fishing license by power-off the VMS on board.

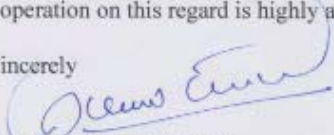
I would like to inform you that the DFAR will take legal actions against the vessel owner/s as per the FARA Act no 2 of 1996 amended 2016 by receiving confirmed evidence of violation of the fisheries regulations of Sri Lanka by this vessel. For this purpose please send the reports of investigations to this Department with statements they produced at the investigation conducted by BIOT authorities.

The officials of investigation unit of DFAR will question based on those reports and if they accept guilty legal actions will take as per the section 52 (B) Of FARA Act No. 2 as amended in 2016 for the first offense. However if they not accepted guilty a case will be filed against the vessel owner and during the trials the prosecuting officer will directly request evidence from your authority.

I would oblige you to release the vessel allowing this Department to take legal actions once this vessel arrived to Sri Lanka. We will take actions to apprehend the vessel on arrival to Sri Lanka in the Port of call to legal actions to be conducted.

Your cooperation on this regard is highly appreciated.

Yours Sincerely


Ginige Prasanna Janaka Kumara
Director General

Vessel Registration Certificate

Boat Registration No	IMUL-A-0293KLT		
Certificate Serial No	13538		
Date of First Registration	02-Oct-06		
Vessel Material	FRP		
Year of Manufacture	2005		
Length	38.5	Feet	
Engine No	SP33-027198	Engine Type	Other
Horse Power	90		
Boat Yard	PRASANNA MARINE	Boat Yard No.	38/PM 63

Owner Details

Name	Address	National ID	Effective Date
NANDANA KAD	86B/13, MUNHENA, MAGGONA, KALUTARA	642290371V	31-Aug-18
LAKSHAN KKDT	-, ANANDAGAMA, MINHENA, MAGGONA	993031348V	31-Aug-18

Insurance No	PDOSHH 000167	Insurance Date	04-Apr-08
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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
Thursley, October 25, 2018

Geethamali Chandrasiri
Assistant Director
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

05 November 2018

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Nuwan Gunawardana nuwan54@gmail.com
Kalyani Hewapathirana hewakal2012@gmail.com

Dear Ms Chandrasiri,

Release of the Sri Lankan vessel (IMUL-A-0293-KLT)

Thank you for your letter dated 30 October 2018 confirming the proposed actions you intend to take against the Sri Lankan flagged vessel identified as IMUL-A-0293-KLT.

This vessel was boarded and inspected, in accordance with BIOT laws, by the BIOT Fisheries Protection Officer on the 22nd October 2018.

It was suspected of being involved in illegal fishing activities in BIOT waters. Fresh fish, including shark species were seen and photographed on the vessel as was an amount of longline and gillnet gear that had been set and was seen being hauled in. The vessel had a VMS on board it was not switched on. Please find attached the Fishery Protection Officers Inspection report which fully details the boarding and inspection of the vessel.

On Saturday the 24th October 2018 a Criminal Prosecution, for fishing without a licence and possession of illegal fishing gear, was commenced against the Master. Having heard from both the Prosecution and Master of the vessel the Magistrate Ordered the destruction of the catch that had been seized from the vessel.

On 31st October 2018 the criminal prosecution was stopped and the Master and crew were served with removal orders, issued by the Principal Immigration Officer in accordance with BIOT Immigration law.

The Master was instructed to leave BIOT waters directly and return to his home port in Sri Lanka. The vessel was released at approximately 18:25 hours on 31st October 2018.

We would like to request that as well as taking action against the owner of this vessel, DFAR take such action as they can against the Master of the vessel so as to discourage him and others Masters from entering BIOT waters and engaging in illegal fishing activity.

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;
- Notification of the owner / master to comply with any FPN or court order that may arise from the BIOT



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authorities; and,

- Pending further action by Sri Lankan authorities we would request that the vessel is detained in port.

As the vessel was presumed IUU and fishing in BIOT waters the BIOT Administration will submit an IOTC IUU Reporting Form to the Compliance Committee in 2019 in respect of this vessel.

We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean.

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

Yours Sincerely

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

Ginigie Prasanna Janaka Kumara
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

04 March 2019

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Geethamali Chandrasiri ip@fisheriesdept.gov.lk
Janak Pushpakumara kumara84janaka@gmail.com
Nuwan Gunawardana nuwan54@gmail.com

Dear Mr. Ginige Prasanna Janaka Kumara,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

I refer to an email of 20/01/2019 from Kalyani Hewapathirana to Denise Bradshaw, BIOT Principal Legal Advisor, with attached table: 'Update on the actions taken in respect of Sri Lankan vessels reported on IUU in BIOT waters during 2017 and 2018', copied to me. As you know it is necessary to inform IOTC of presumed IUU by a deadline of 70 days before the Compliance Committee. Ahead of submitting any reports, we have a number of questions on the historic cases previously submitted to IOTC and the new vessels that we will report this year.

We note the actions taken against a number of vessels boarded and inspected in BIOT (in your table, those numbered 1, 2, 3, 5, 7, 8, 9, 10, and 12). We will continue to provide similar inspection reports as you have requested. These vessels will not be separately reported to IOTC although they will be included in any information paper we may produce as in previous years 'Reporting of vessels in transit through BIOT waters for potential breach of IOTC Conservation and Management Measures'. We further note your letter dated 20/07/2018 on 'Implementation of VMS to the multiday fishing vessels operate within the EEZ of Sri Lanka'. We welcome the extension of the VMS programme to include all multi day vessels, not just those authorised to fish on the high seas, and note the delays in implementing this. We would be grateful if you can keep us informed of progress.

The remainder of this letter relates to vessels where the inspection by the BIOT Senior Fisheries Protection Officer indicated fishing activity in BIOT waters and presumed IUU, and so may be reported to IOTC. As you are aware Paragraph 14d of IOTC Resolution 17/03 requires the flag State to provide information that demonstrates that:

- (1) effective action has been taken in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements. And,
- (2) Every CPC shall report any actions and measures that it has taken in accordance with Resolution 07/01, in order to promote compliance with IOTC Conservation and Management Measures by vessels that fly its flag.' (i.e. to investigate the engagement of natural or legal persons engaged in IUU)

We note that the table of actions you have provided largely covers the first element (i.e. prosecution and sanctions imposed; other flag State actions such as detention of the vessel, installation of VMS, revised licensing conditions etc.). We further note that these actions largely relate to the vessel owner. However, there is limited information provided that relates to the second element of 14d, the actions taken against those engaged in IUU. Here we particularly refer to the Master (or Skipper) of the vessel rather than the crew,

although for the latter we would be interested if any action was taken e.g. to better educate them about IUU.

As soon as possible, and no later than 21st March (noting BIOT will be making its submission to IOTC on 28th March) we would be grateful to receive additional information, including supporting evidence, from you as set out below.

A. Vessels previously reported to IOTC

At the time of submission to CoC, BIOT's recommendation for the following vessels was: *'(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.* Hence these vessels were not included in the draft IUU vessel list and were for information only.

We would like to close these cases as far as IOTC reporting is concerned, and so would appreciate your response to the following which, we trust, should enable us to do so.

(4) Superfresh 02 – IMUL-A-0128 GLE (presented to IOTC in 2017)

This vessel was prosecuted and fined in the BIOT Court on Diego Garcia, but has not paid the fine. We note the actions taken by Sri Lanka against the owner of the vessel, indicated in the table the provided, and that the vessel is currently anchored in Beruwala harbour and cannot fish due to non-payment of fines.

With respect to the Master/Skipper your letter DFAR/FM/K/IUU/2017 dated 01/03/2017 indicates that the skipper and crew were detained. Your letter with the same reference dated 03/05/2017 to the IOTC Executive Secretary provided an update on the case relating to this vessel, but provided no further information on the actions taken against the Master. No details are provided of the actions taken against the Master/Skipper in the table provided on 20/01/2019.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper

(6) Lakshi Duwa 06 – IMUL-A-0398-KLT (presented to IOTC in 2018)

We note the actions taken by Sri Lanka against the owner of the vessel, indicated in the table provided, and that the vessel is currently anchored in Beruwala harbour and cannot fish due to non-payment of fines.

With respect to the Master/Skipper your letter dated 26/04/2018 to Dr CC Mees includes an annexed letter dated 03/10/2017 to the Assistant Director, Kalutra District Fisheries Office, which gives instructions that an inquiry should be conducted before releasing the skipper and the crew, and that the fishing operation licence of the skipper should be suspended. No details are provided of the actions taken against the Master/Skipper in the table provided on 20/01/2019.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper confirming whether these instructions and any other actions were carried out.

B. Vessels to be reported to IOTC in 2019

(11) Seneka 07 IMUL 0142 PTM

We note the actions taken against the owner, and that due to non-payment of fine the vessel is anchored in Beruwala harbour. We have no details of any actions intended, or taken in respect of the Master/Skipper.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper

(13) IMUL A 0030 GLE; (14) IMUL0207 GLE; and (15) IMUL 0293 KLT

All three vessels have recent or pending court cases 25 March; 20 February; and 5 February respectively (we assume 2019, the Table indicates 2018). The BIOT Director of Fisheries has asked for clarification of what approval from the Minister has been sought.

For all three vessels, please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper. Please provide details of the outcome of the court cases against the owners, and also any settlements made by the owner.

(16) IMUL 0728 KLT.

We note that no action has been taken against the owner of the vessel to date. It is not clear if the vessel has been released to continue fishing, or is still detained in port. We note that the Master's/Skipper's licence was cancelled for 12 months. This vessel was on the IOTC Authorised fishing vessel list and equipped with VMS. We refer to our letter dated 30 October 2018 in which we request VMS records for this vessel in order to provide information on its movements.

Please note that the BIOT Administration may provide you with additional information in respect of this vessel. In the meantime:

Please provide the VMS record for this vessel for the relevant time period.

Please clarify if the vessel is still detained?

Please clarify whether the owner of the vessel will be prosecuted?

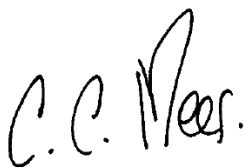
Please indicate if any further action was taken in respect of the skipper?

We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean. We look forward to receiving your responses to the above.

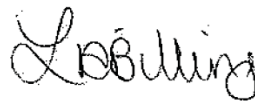
Yours sincerely

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or James Muir Clark (j.clark@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely



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



Linsey Billing
BIOT Administration, Director of

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எனது இல. } DFAR/FM/K/2019
My No. }

ඔබේ අංකය
உமது இல. }
Your No. }

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

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දිනය
திகதி } 21.03.2019
Date }

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Chris C Mees -c.mees@mrag.co.uk,

Reporting presumed IUU vessels to the IOTC Compliance Committee

This is reference to your letter dated 04th March 2019 on the above. Please find the following clarifications on your queries.

Para (ii) - Implementation of VMS to the multiday fishing vessels operating within EEZ of Sri Lanka.

As you are aware Ministry of Fisheries and Aquatic Resources Development Sri Lanka is not in a position to call another tender for purchasing of VMS for the vessels operating within EEZ until the Fundamental Right case filed by one of the bided Company is finalized. However as the chief Administrative body responsible on Monitoring of fishing vessels of Sri Lanka, Dept. Fisheries and Aquatic Resources (DFAR) highlighted the fact that the importance of installing of Vessel Monitoring Devices (VMDs) on board of all multiday fishing vessels , as Sri Lanka bound by international resolutions on prevent deter and elimination of IUU fishing in the region.

Further recent past incidents of deploying of fishing vessels for non- fishing activities such as human trafficking and drug trafficking by organized groups of people is another menace which further aggravated the requirement of VMDs on board of fishing vessels.

As such DFAR sought legal advice from Attorney General Dept. to find the possibility of settling the court case by conducting several meetings with the participation of relevant parties. The party who files the FR case agreed to withdraw the court case if they have been offered the tender. As a

result the Senior State Counselor appearing for the case has instructed DFAR by a letter dated to award the tender to the party who filed the FR case by put forwarding a Cabinet Paper to the Cabinet of Ministers of the Parliament. However due to the prevailed political uncertainty in the country caused a delayed in the process and the MFARD is currently proceed on this matter. As such we see a green light of installation of VMDs within EEZ vessels very soon.

Sri Lanka Vessels inspected by BIOT SFPO

Para (iv) -Sri Lanka still find lack in legal provisions to take legal actions against the vessel operator (skipper) those who engaged in IUU fishing. As such preliminary arrangements have made to bring amendment to the current Fisheries Act to incorporate provisions to take actions against the vessel operator (Skipper).

However, there is a special arrangement in the investigation division to send the skippers those violate High seas regulations, for a compulsory two-day consultation on the obligations of High Seas fishing. Such skippers are not allowed to operate a fishing vessel if they do not attend these sessions. This is an administrative measure implemented until the period of new legal provisions come in to enforce. In addition, the training unit conducts the regular awareness programs in all Districts in a rotation manner.

With regard to your inquiries for vessels previously reported to the IOTC,

- (4) Super Fresh 02 – IMUL-A-0128 GLE (2017)
- (5) Lakshiduwa -IMUL-A- 0398 KLT (2018)
- (11) Senaka 07 IMUL 0142 PTM (2019)
- (13) IMUL-A- 0030GLE, IMUL-A- 0207GLE, IMUL-A- 0297KLT – As per the provision in the DFAR Act No. 02 of 1996 section 52(1) for the compounding (1st time convicted and admit guilty) approval of the Minister of Fisheries and Aquatic Resources Development is required. As such the file has been forwarded to the Minister.

Due to non-availability of legal provisions to take actions against the skipper, the skippers of the vessels given in above four bullet points were released by making them compulsory to attend the two day consultation on the obligations of High Seas fishing.

(16) IMUL- A- 0728 KLT

I draw your attention to your letter dated 15th November 2018. With respect to investigation findings you have reported in the paragraph 3 the skipper of the vessel IMUL- A- 0728 KLT has

been obstructed to the duties of SFPO of BIOT. We take this matter into our serious consideration and decided to cancel the skipper license for one year.

I would say that in the FARA Act No 35 of Sri Lanka also has provisions to take legal actions for obstructing to the authorized officers.

However the wordings in the paragraph (v) of the letter dated 15th November 2018 has misled the investigation officers of Sri Lanka that the entering of this vessel in to BIOT waters is due to an engine failure, which it was tally with the statements given by them after arrival to Sri Lanka.

In the Inspection Report – ARW01, under IOTC CMM violations we noted that the fishing gears are not marked, No VMS, VMS not tampered, No State issued log book and no state issued license is marked. However DFAR can confirm that the vessel had Log book and the Operation licence and operating VMS on board during the departure from the home port. The departure form of the vessel is attached for your information. We noted that the gear marking has not been checked by the harbor officials during the departure.

- The Vessel Monitoring Device showed that it was in good working order during the departure. However re-configuration of VMS transponders is going on under new International Maritime Satellite (INMARSAT) C service due to the change of the previous INMARSAT C service provider. Therefore DFAR is experiencing failure of Vessel monitoring system in some of the vessels the above vessel also one of such and therefore VMS record is not available.
- The vessel is permitted for H.S. Fishing
- The owner has not persecuted.
- With the information provided by you on 15th of March there is a potential DFAR to take further action in respect of the skipper. We hope to execute the legal provisions available in the prevailing Act with the assistance of the evidence provided by BIOT in future.

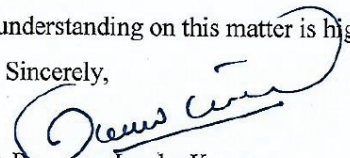
I would say that DFAR is hardly managing to take some legal actions against the fishers due to some economic and social hardships faced by them. However we are not retrograde to take legal actions against the IUU fishing activities keeping our commitment to prevent IUU fishing in the region.

Your understanding on this matter is highly appreciated.

Yours Sincerely,

Ginige Prasanna Janaka Kumara

Director General


Ginige Prasanna Janaka Kumara
Director General
Department of Fisheries & Aquatic Resources

Ginigie Prasanna Janaka Kumara
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26 March 2019

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Dear Mr. Kumara,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

Thank you for your letter dated 21 March 2019 which has helpfully answered some of the questions raised in our earlier correspondence of 4 March and 15 March 2019.

1. VMS on multiday fishing vessels operating within the EEZ of Sri Lanka

We note the updated details regarding installation of VMS on multiday fishing vessels operating within the EEZ of Sri Lanka and are encouraged that this will occur 'very soon'. *We would be grateful for an update on the status of installation in due course.*

2. Action taken against fishing skippers

We note and support the plans to amend the Fisheries Act in order to enable legal action to be taken against the vessel operator (skipper) and nationals engaged in IUU Fishing which will enable Sri Lanka to apply the provisions of IOTC Resolution 07/01. *We would be grateful for an update on the timeline for change in due course.*

We appreciate that you have used such administrative powers that you have available to deal with the skippers of these vessels.

The skipper of IMUL 0728 KLT had his licence cancelled for one year, whereas the skippers of IMUL-A-0128 GLE; IMUL-A-0398-KLT; IMUL 0142 PTM; IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT each attended a 2 day consultation. *It would be useful to understand if there is any further information that BIOTA or the Principal Legal Advisor can provide which would allow you to suspend the licences of skippers suspected of IUU fishing ahead of the proposed changes to legislation?*

3. IOTC IUU vessel listing

A. Vessels previously reported to IOTC

Superfresh 02 – IMUL-A-0128 GLE (presented to IOTC in 2017) and Lakshi Duwa 06 – IMUL-A-0398-KLT (presented to IOTC in 2018)

We are satisfied that sanctions of adequate severity have been taken in respect of the owners of these vessels. We consider the actions taken in respect of the skippers to be inadequate but note the current limitations of the

Fisheries Act and that this will be updated. We will therefore not be re-notifying these vessels to IOTC Compliance Committee in 2019.

B. Vessels to be reported to IOTC in 2019

Seneka 07 IMUL 0142 PTM

We are satisfied that sanctions of adequate severity have been taken in respect of the owner of this vessel. We consider the actions taken in respect of the skipper to be inadequate but note the current limitations of the Fisheries Act and that this will be updated. We will notify this vessel to IOTC Compliance Committee in 2019 with recommendation b) 'Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'.

IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT

Thank you for indicating that these cases have been referred to the Minister. It is still not clear to us why this is the case. *Could you please provide a more detailed explanation of what that means?* We also note that the dates for court cases for these vessels have passed (25 March; 20 February; and 5 February respectively). *Is DFAR intending that any of the owners of these vessels is to be prosecuted?*

At the time of writing, we are NOT satisfied that sanctions of adequate severity have been taken in respect of the owners of these vessels. We consider the actions taken in respect of the skippers to be inadequate but note the current limitations of the Fisheries Act and that this will be updated.

As we are unable to conclude on the information currently provided that actions of adequate severity have or shall be taken, we have concluded that the only correct course of action for us to take is to notify these vessels to IOTC Compliance Committee in 2019 with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We note that Sri Lanka has until 15 days before the Compliance Committee Meeting to provide additional information which we will review at that time before deciding whether to pursue IUU listing during the meeting.

IMUL 0728 KLT.

This vessel is on the IOTC Authorised fishing vessel list. We understand that no action has been taken against the owner of the vessel nor is intended. The vessel has now been released. We note that the Master's/Skipper's licence was cancelled for 12 months. Whilst the VMS was working when the vessel left port reconfiguration of VMS transponders means there are no vessel tracks for the period in question, which we consider to be inadequate. *It would be helpful to us when deciding how to request this vessel is to be dealt with by the IOTC if we could understand why this owner has not been prosecuted. Is there a specific reason why this action could not take place in this case compared to others.*

At the time of writing, we are NOT satisfied that sanctions of adequate severity have been taken in respect of the owner of this vessel. We consider the action taken in respect of the skipper to be adequate.

As we are unable to conclude on the information currently provided that actions of adequate severity have or shall be taken, we have concluded that the only correct course of action for us to take is to notify this vessel to IOTC Compliance Committee in 2019 with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We note that Sri Lanka has until 15 days before the Compliance Committee Meeting to provide additional information which we will review at that time before deciding whether to pursue IUU listing during the meeting.



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We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean. We look forward to receiving your responses to the above.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or James Muir Clark (j.clark@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

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

Linsey Billing
BIOT Administration, Director of Fisheries

CHECKLIST TO BE COMPLETED BY THE SECRETARIAT FOR VESSELS TO BE INCLUDED ON THE DRAFT AND PROVISIONAL IUU LISTS

Vessel Name: **IMULA0293KLT**

Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
For the Draft IUU Vessel List						
IOTC Reporting form (Annex I) submitted at least 70 days before the Compliance Committee meeting with documented information	Nominating CPC	5,6,7,8	Y	If No, do not include on the Provisional IUU list (Para 17)	✓	
At least 15 days before the Compliance Committee Meeting, Flag State has provided information that it has notified the Owners and Masters of a vessel of its inclusion on the Draft IUU Vessel List and the consequences thereof	Flag CPC	9,10	Y			
At least 15 days before the Compliance Committee Meeting, Flag State has provided information consistent with Paragraph 10	Flag CPC	10	N			
Additional information has been submitted, relevant to IUU listing	Nominating CPC or flag CPC	12	Y			
For Inclusion on the Provisional IUU Vessel List (note that Secretariat will indicate if information has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee)						

Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
Has the flag State of a vessel included in the Draft IUU Vessel List provided information that demonstrates that the vessel has at all relevant times complied with the rules of the flag State and with its authorisation to fish and:	Flag CPC	14c	N	Aide Memoire to CoC: Only where para14c or 14 d are satisfied, do not include on Provisional IUU list.		
(a) that the vessel has conducted fishing activities in a manner consistent with the IOTC Agreement and Conservation and Management Measures	Flag CPC	14c	N			
(b) that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or	Flag CPC	14c	N			
(c) that the vessel has fished exclusively for species that are not covered by the IOTC Agreement or IOTC Conservation and Management Measures	Flag CPC	14c	N			
Has the flag State provided information that demonstrates that effective action has been taken in response to IUU fishing activities (the CoC will decide if they are of adequate severity)	Flag CPC	14d	Y			
Has the flag State provided information to show that it has taken any actions in accordance with 07/01	Flag CPC	14d	Y			

Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

28 March 2019

cc. Mr Hosea Gonza Mbilinyi, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr Kumara, and Ms K Hewapathirana, DFAR, Sri Lanka

Dear Dr O'Brien,

Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged Vessel IMULA 0030 GLE

As required in paragraphs 5 and 6 of Resolution 18/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting IUU fishing activity for the Sri Lankan flagged vessel IMULA 0030 GLE. 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 taken action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2016).

The attached evidence shows that

- The vessel was not on the current IOTC Record of Authorised Vessels
- The vessel had no stern markings
- No VMS was installed
- The vessel was equipped with gill nets and longlines; There were no gear markings
- Wire trace (illegal in BIOT) was not stowed and fishing gear were set for fishing
- The vessel was presumed IUU fishing within the waters of the British Indian Ocean Territory without a license;
- Sri Lanka has not provided sufficient information to enable the conclusion that sanctions of adequate severity have yet or shall be taken in respect of the owner of this vessel.
- The actions taken in respect of the skipper are inadequate but we note that such administrative powers that are currently available to deal with the skippers of IUU vessels have been applied.

We submit this vessel to IOTC Compliance Committee with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We will review this recommendation before the meeting in light of any additional information provided by Sri Lanka pursuant to paragraphs 10 and 12 of Resolution 18/03.

I would be grateful if you could circulate this material for the information and consideration 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, IMULA 0030 GLE

IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 18/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by UK(OT) in 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)	IIMULA0030GLE
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 (previous owner/s, if any)	P.K.D. Dumidhula Susantha, of: Kekunu Udumulla, Kajuduwa Rd., Dodangoda
h	Operator (previous operator/s, if any) and Master/Fishing Master	Not known
i	Date of alleged IUU fishing activities	29/10/2018
j	Position of alleged IUU fishing activities	05° 40.4' S 072° 36.0' E
k	Summary of alleged IUU activities (see section B for more detail)	<p>The vessel was in possession of fishing gear (wire trace), which is prohibited within BIOT waters. Gear was set and ready for fishing.</p> <p>The vessel was not on the IOTC record of authorized vessels.</p> <p>The vessel did not have an applicable license issued by the flag state. The license shown was only applicable for the Sri Lankan EEZ.</p> <p>Fishing gear observed on-board did not have vessel markings. The vessel stern had no identification.</p> <p>No VMS system was present on board.</p>

l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was approached, photographed and boarded.
m	Outcome of Actions taken	Following approach and boarding the vessel was detained and escorted to Diego Garcia.

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 17/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

Item	Definition	Indicate
a	Engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	<input checked="" type="checkbox"/>
b	Engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	<input type="checkbox"/>
c	Failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	<input type="checkbox"/>
d	Taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
e	Engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
f	Used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
g	Transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	<input type="checkbox"/>
h	Engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	<input checked="" type="checkbox"/>
i	Engaged in fishing or fishing related activities whilst being without nationality; or	<input type="checkbox"/>
j	Engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	<input checked="" type="checkbox"/>
k	Engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	<input checked="" type="checkbox"/>

C. Associated Documents

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

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

D. Recommended Actions

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

Appendix I – Photographs.



Figure 1: Vessel starboard, showing name and identification



Figure 2: Vessel photo starboard. Note the unmarked buoys on the bridge head.



Figure 3: Vessel stern with no vessel name or identification

INSPECTION REPORT – ARW02**1 Summary**

Date of boarding	29/10/18
Patrol type and number	FIPA 53
Vessel name	IMUL-A-0030-GLE
Vessel type	FV <25m, Longline and gillnets
Vessel flag and home port	Sri Lanka
Vessel identification number	IMULA-0030-GLE
Vessel identification type	Multipurpose
IOTC# (if registered)	
Vessel Master name	B.R.C. Fernando
SFPO	Andrew Watson
FPO / FPOs	
Outcome of boarding	Vessel detained and escorted to Diego Garcia

2 Initial sighting details (from Grampian Frontier only)

Date and time of first sighting	29/10/18 02:00 (DD/MM/YY HH:MM)				
Sighted by	Grampian Frontier, Lukasz	Radar	Y	Visual	N
Position of target 1	Target 01 at 05°40.4'S 072°36.0'E				
Course	087°				
Speed	2.7KN				
Range	7.3Nm				
Bearing	007°				
Comments: The target was one of two targets detected by radar. The other target was in position 05°40.3'S 072°38.3'E. Both targets moving slowly. As BIOT Patrol Vessel approached, the targets increased speed and headed northwards away from the BPV. The BPV increased speed in pursuit. VHF communication was attempted on three occasions by SFPO at start of pursuit to no reply. AIS was switched on. Vessels changed direction and increased speed. At 03:00hrs, target 01 split in to two targets, these became target 01 and 03. Target 03 continued to move away from the BPV. The SFPO and bridge crew thought the vessel had dropped something floating in the sea which had become target 01. The vessel moving away from the BIOT Patrol Vessel, Grampian Frontier was now target 03. ECDIS screen shots taken at intervals during pursuit. Pennants were raised at 04:00hrs, prior to interception of Target 03. BPV DC launched at 05:03hrs to remain with vessel now identified as IMUL-A-0030-GLE. BPV continued to Pursue target 02.					
Fisheries Pennant and Sierra Quebec Three Raised	29/10/18 04:00 (DD/MM/YY HH:MM)				
Target requested to stop and prepare for boarding.	Stopped at 29/10/18 at 04:35. SFPO addressed crew of vessel and informed them they are in British Indian Ocean Territory Waters by loudhailer from the bow of the BPV. SFPO then attempted communication via VHF CH 16. No response. The BPV DC RHIB was launched at 05:03. Verbal request to stay in position was made by the (DD/MM/YY HH:MM)				

	Captain of the Grampian Frontier, James Ward who was now in the FPV DC RHIB. No boarding took place until later in the day, after the SFPO had boarded the Sri Lankan fishing vessel, IMULA-0728-KLT. The SFPO and 2 nd Officer boarded the vessel for inspection 29/10/18 at 14:15
Response to request for boarding	Captain was happy for the SFPO and 2 nd Officer Lukasz Kasielewski to board. No issues.

3 Launching of workboat

Time workboat launched	29/10/18 14:09 (DD/MM/YY HH:MM)	
Workboat crew	Coxwain Donald MacFarlane, 2 nd Officer Lukasz Kasielewski.	
Comments on the approach to the FV: The vessel was circled twice and photos to confirm identification were taken. Vessel identified as IMUL-A-0030-GLE.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	Yes
	Other	SSB Radiotelephone, GPS, automatic antenna tuner.

4 Boarding details

Date and time vessel boarded	29/10/18 14:15 (DD/MM/YY HH:MM)
Position vessel boarded	05°37.26'S 072°26.62'E
Boarding party team	SFPO Andrew Watson, 2 nd Officer Lukasz Kasielewski
Language spoken	English
Interpreter needed (Y/N)?	Name None available

4.1 Crew details

Vessel Master name	B.R.C. Fernando	
Vessel Master nationality	Sri Lankan	
Vessel Master address	Pussalamulla, Kalavila Kanda, Beruwala	
Vessel Master D.o.B	13/09/1994 (DD/MM/YY)	
Number of crew	4 + 1 (captain)	
Vessel crew nationality	Sri Lankan	
Are any crew under 18 (Y/N), if 'Y' provide details below.	N	
Do any crew have health issues (Y/N), if 'Y' provide details below.	N	
Observations: All crew appeared to be healthy.		
Photographic Evidence Collected (See Annex	Captain ID	Yes. ID card retained by SFPO.

1).	Other crew id	Photos taken of crew ID and of crew.
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4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	Yes	
Fishing licence date of issue, expiry and issuing authority	01/01/18 to 31/12/18 (DD/MM/YY) Dept. of Fisheries and Aquatic Resources, Colombo, Sri Lanka.	
FV owner name (as per licence)	P.K.D. Dumidhulal Susantha	
FV owner details (as per licence)	Kekunu Udumulla, Kajuduwa Rd., Dodangoda	
Fishing logbook present (y/n) and number if relevant	Yes, LB-17 4326	
Issuing authority	Dept. of Fisheries and Aquatic Resources Sri Lanka	
Date of last entry	21/09/18 (DD/MM/YY)	
Position of last entry	Unable to verify figures.	
Other paperwork: The Captain gave all relevant paperwork to the SFPO including certificate of insurance, vessel registration, boat departure forms and fishing licences.		
Photographic Evidence Collected (See Annex 1).	Licence	Yes
	Logbook	Yes
	Other	Crew identification papers and crew photographs. Boat departure form. .

4.3 Interview with Captain

Time of interview	14:20 (HH:MM)
Captain's rights read and understood?	I did not read the Captain his rights. The captain was asked questions but not under interview. The Captains understanding of English sufficient for him to understand instructions.
FV Port of departure	Unable to read.
Date of departure	14/10/2018 (DD/MM/YY)
Travelling to or from fishing grounds?	To EEZ
Amount of fish onboard (t)	Unknown. Dried fish in roof locker. Small quantity.
If fish onboard where caught?	Unknown
If fish onboard when caught?	Unknown
If fish onboard how caught?	Unknown
Destination	Sri Lanka
Port of return	Unknown
Anticipated date of return	Unknown (DD/MM/YY)
Comments: The captain of the vessel was compliant with all requests and provided documentation when asked. He said the Captain of the third vessel was his brother and he was here to tow him because he had broken down. He said his longline gear was for targeting sharks.	

4.4 Vessel inspection

Fishing gear type	Longlines with steel traces. Some gillnet present.
-------------------	--

Comments The net hold/box was less than half full of net.			
Catch onboard (estimated t)		Unable to estimate from holds. There did not appear to be fresh fish in the holds.	
IOTC species onboard (Y/N)	None seen	Endangered species onboard (Y/N)	None seen
Description of catch: No catches observed. Holds obscured by ice. It was not deemed appropriate to investigate further at this time.			
Comments: Wire traces were not stowed and were set for fishing.			
Photographic Evidence Collected (See Annex 1).	Gear	Y	
	Catch	N	
	Hold	Y	

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	
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 As per above. Wire traces on all longline gear. The gear was accessible and set for fishing on the foredeck.	

5.2 IOTC CMM violations

Vessel not marked with name or callsign	
Fishing gear not marked with name or callsign	X
No VMS	X
VMS not tamperproof	
No state issued logbook	
No state issued licence	X No licence to fish the high seas was evident. Licence to fish EEZ only.
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	Not seen.
Comments The vessel had no VMS or AIS fitted. No licence for fishing outside the Sri Lankan EEZ was present.	

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: The Captain complied with all the SFPO's requests and made no complaint about being escorted to Diego Garcia.	

7 Disembarkation and recovery

Time FV disembarked	15:37	29/10/18
Time Workboat recovered to the BPV	18:10	29/10/18
Comments: The SFPO and 2 nd Officer disembarked to the BPV DC and made way to the third vessel in position 05°41.7'S 072°27.1E		

8 Vessel records and history

Vessel on IOTC register (Y/N)	N	IOTC number	NA
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			N
Version of IOTC database referenced: IOTC List 2018/08/02			
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	Unknown	Inspection report ID	
Owner previously boarded (Y/N)	Unknown	Inspection report ID	
Crew previously boarded (Y/N)	Unknown	Inspection report ID	
Comments:			

Andrew Watson
BIOT Senior Fisheries Protection
Officer 30/10/2018

Appendix III – Notification of Investigation and Request for Cooperation



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Geethamali Chandrasiri
Assistant Director
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

30 October 2018

E-Mail: Geethamali Chandrasiri ip@fisheriesdept.gov.lk

Cc: Director General dqdfar@gmail.com;
Janak Pushpakumara kumara84janaka@gmail.com;
Nuwan Gunawardana nuwan54@gmail.com;
Kalyani Hewapathirana hewakal2012@gmail.com

Dear Dr Chandrasiri,

Request for Confirmation of Ownership of the Sri Lankan vessels IMUL-A-0728-KLT, IMUL-A-0207-GLE and IMUL-A-0030-GLE.

The Sri Lankan flagged vessels **IMUL-A-0728-KLT**, (IOTC16120 (current record expires 31/12/2018)) **IMUL-A-0207-GLE**, (IOTC11283 (most recent record expired 13/02/2014)) and **IMUL-A-0030-GLE**, (not on the IOTC Record of Authorised Vessels) are currently the subject of a criminal investigation into suspected illegal fishing activity including possession of illegal fishing gear (IMUL-A-0207-GLE and IMUL-A-0030-GLE) and obstruction of a Fisheries Protection Officer (IMUL-A-0728-KLT). The BIOT Administration needs to be clear as to the accurate details of the registered owners before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of these vessels are preliminary, no finding has been made by the Administration of any such activities.

According to the best information available to the Administration the names and addresses of the owners of these vessels are as follows;

Vessel / Source	Owner Name / Address
IMUL-A-0728-KLT IOTC Record of Authorised Vessels	H.R.D.D. PERERA 42/4, CHAMARA UYANA, AMBEPITIYA, BERUWALA.
IMUL-A-0207-GLE IOTC Record of Authorised Vessels	LL. SAMARASINGHA 175/MATARA ROAD, MAGALLE, GALLE.
IMUL-A-0207-GLE Vessel Documents	MAHABADUGE, PRAMAJ DILSARA FERNANDO JAYASOORIYA NO: 71/8 SIRINIWASA MAWATHA, NALLAHENA, BERUWALA
IMUL-A-0030-GLE No source	NO RECORD

Please can you confirm or provide us with the ownership details for these vessels? 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, ideally by 31st October.

Only one vessel, **IMUL-A-0728-KLT**, was seen to have a VMS on board, although according to the captain it wasn't working. However, if possible, please could you supply any VMS records for the recent trip for this vessel, or the other vessels if available, that could provide information in relation to their movements.

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They are currently being escorted by the BIOT Patrol vessel and are estimated to arrive into Diego Garcia on the 31st October. We would be grateful for an early indication of whether you plan to request that Sri Lankan authorities deal with these vessels if it is confirmed that they are in violation of the fisheries regulations of Sri Lanka.

Thank you for your cooperation.

Yours sincerely

Linsey Billing
BIOT Director of Fisheries

Dr Christopher Mees
Head of UK Delegation to IOTC

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த. பெட்டி
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பணிப்பாளர் நாயகத்தின் அலுவலகம்
Office of Director General

449170
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තුනේ අංකය
தொலை நகல்
Fax No.

මගේ අංකය
எனது இல.
My No.

DFAR/FM/ADG/Innocent Passage-2018

ඔබේ අංකය
உமது இல.
Your No.

449170

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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New Secretariat, Maligawatta, Colombo 10.

දිනය
திகதி
Date 31.10.2018

Ms. Linsey Billing

BIOT Director of Fisheries

Dr.C.Mees

Head of UK Delegate to IOTC

Ownerships confirmation of the Sri Lanka Fishing Vessel IMUL-A-0728KLT, IMUL-A-0207GLE, IMUL-A-0030GLE.

As per the request you have forwarded to this Department, on confirmation of the ownership of above fishing vessels, please find the following details.

Vessel	Owner Name / Address
IMUL-A-0728KLT	H.R.D.DAMAYANTHI 42/4,CHAMARA UYANA AMBEPITIYA BERUWALA.
IMUL-A-0207GLE	M.P.D.F.JAYASOORIYA NO.71/8, SIRINIWASA MAWATHA, NALLAHENA, BERUWALA.
IMUL-A-0030GLE	P.K.D.D.SUSANTHA KAKUNU UDUMULLA, KAJUDUWA ROAD, DUDAMGODA
Source- Vessel Registry - DFAR	

DFAR is willing and would request to take legal actions against the vessels Owners as per the Fisheries and Aquatic Resources Act, Sri Lanka on receipt of confirmed evidence of violations by these vessels.

Ginige Prasanna Janaka Kumara

Director General

Ginige Prasanna Janaka Kumara
Director General
Department of Fisheries & Aquatic Resources



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15 November 2018

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Nuwan Gunawardana nuwan54@gmail.com
Kalyani Hewapathirana hewakal2012@gmail.com

Dear Mr. Ginige Prasanna Janaka Kumara,

Release of the Sri Lankan vessels IMUL-A-0728-KLT, IMUL-A-0207-GLE and IMUL-A-0030-GLE.

Thank you for your letter dated 31 October 2018 confirming the ownership of each of the above referenced vessels and indicating that DFAR intend to take legal action against the owners of the vessels.

These vessels were boarded and inspected, in accordance with BIOT laws, by the BIOT Fisheries Protection Officer on the 29th October 2018. All three vessels were detained upon suspicion of being involved in illegal fishing activity and escorted to Diego Garcia for further investigation.

All three vessels were investigated for illegal fishing activity and additionally, IMUL-A-0207-GLE and IMUL-A-0030-GLE for possession of illegal fishing gear (wire trace), and IMUL-A-0728-KLT for obstruction of a Fisheries Protection Officer. Please find attached the Fishery Protection Officers Inspection report which details the boarding and inspection of the vessels.

On 31st October, following the letter from DFAR which confirmed the intention of the Sri Lankan authorities to take legal action against the owners of the vessels, the Director of Fisheries took the decision that the vessels should be returned to Sri Lanka. In light of this decision, no criminal proceedings were commenced in BIOT. A preliminary police investigation was commenced and concluded.

Unfortunately, two of the vessels had engine problems and so all three were kept in Diego Garcia until the vessels could be made sea-worthy.

During this period, the ice in the hold of IMUL-A-0207-GLE had started to melt. Following removal of this ice in efforts to make the vessels sea-worthy a total of 34 sharks were discovered, including 1 Scalloped Hammer Head, 7 Silver tips, 13 silky sharks, 12 Blacktip shark and 1 Short-finned Mako. 21 skipjack tuna and 2 dorado were also found.

In accordance with BIOT legislation, an application was made to the Magistrate to destroy the catch. Having heard from the BIOT Police and Master of the vessel, the Magistrate ordered the destruction of the catch.

On 9th November 2018 the Master and crew were served with removal orders, issued by the Principal Immigration Officer in accordance with BIOT Immigration law.

The three vessels were released at approximately 17:00 hours on 9 November 2018 and instructed to leave BIOT waters directly and return to their home ports in Sri Lanka. The estimated date of arrival in Sri Lanka is 19 November.

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In association with
Marine Education and Conservation Trust
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We would like to request that as well as taking action against the owners of these vessels, DFAR take such action as they can against the Masters of the vessels so as to discourage them and other Masters from entering BIOT waters and engaging in illegal fishing activity.

We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean and would kindly request notification of any actions taken by DFAR in conducting a regulatory investigation into the activities of these vessels.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or James Muir Clark (j.clark@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

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

Linsey Billing
BIOT Administration, Director of Fisheries

Ginigie Prasanna Janaka Kumara
Director General
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04 March 2019

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Nuwan Gunawardana nuwan54@gmail.com

Dear Mr. Ginige Prasanna Janaka Kumara,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

I refer to an email of 20/01/2019 from Kalyani Hewapathirana to Denise Bradshaw, BIOT Principal Legal Advisor, with attached table: 'Update on the actions taken in respect of Sri Lankan vessels reported on IUU in BIOT waters during 2017 and 2018', copied to me. As you know it is necessary to inform IOTC of presumed IUU by a deadline of 70 days before the Compliance Committee. Ahead of submitting any reports, we have a number of questions on the historic cases previously submitted to IOTC and the new vessels that we will report this year.

We note the actions taken against a number of vessels boarded and inspected in BIOT (in your table, those numbered 1, 2, 3, 5, 7, 8, 9, 10, and 12). We will continue to provide similar inspection reports as you have requested. These vessels will not be separately reported to IOTC although they will be included in any information paper we may produce as in previous years 'Reporting of vessels in transit through BIOT waters for potential breach of IOTC Conservation and Management Measures'. We further note your letter dated 20/07/2018 on 'Implementation of VMS to the multiday fishing vessels operate within the EEZ of Sri Lanka'. We welcome the extension of the VMS programme to include all multi day vessels, not just those authorised to fish on the high seas, and note the delays in implementing this. We would be grateful if you can keep us informed of progress.

The remainder of this letter relates to vessels where the inspection by the BIOT Senior Fisheries Protection Officer indicated fishing activity in BIOT waters and presumed IUU, and so may be reported to IOTC. As you are aware Paragraph 14d of IOTC Resolution 17/03 requires the flag State to provide information that demonstrates that:

- (1) effective action has been taken in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements. And,
- (2) Every CPC shall report any actions and measures that it has taken in accordance with Resolution 07/01, in order to promote compliance with IOTC Conservation and Management Measures by vessels that fly its flag.' (i.e. to investigate the engagement of natural or legal persons engaged in IUU)

We note that the table of actions you have provided largely covers the first element (i.e. prosecution and sanctions imposed; other flag State actions such as detention of the vessel, installation of VMS, revised licensing conditions etc.). We further note that these actions largely relate to the vessel owner. However, there is limited information provided that relates to the second element of 14d, the actions taken against those engaged in IUU. Here we particularly refer to the Master (or Skipper) of the vessel rather than the crew,

although for the latter we would be interested if any action was taken e.g. to better educate them about IUU.

As soon as possible, and no later than 21st March (noting BIOT will be making its submission to IOTC on 28th March) we would be grateful to receive additional information, including supporting evidence, from you as set out below.

A. Vessels previously reported to IOTC

At the time of submission to CoC, BIOT's recommendation for the following vessels was: *'(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.* Hence these vessels were not included in the draft IUU vessel list and were for information only.

We would like to close these cases as far as IOTC reporting is concerned, and so would appreciate your response to the following which, we trust, should enable us to do so.

(4) Superfresh 02 – IMUL-A-0128 GLE (presented to IOTC in 2017)

This vessel was prosecuted and fined in the BIOT Court on Diego Garcia, but has not paid the fine. We note the actions taken by Sri Lanka against the owner of the vessel, indicated in the table the provided, and that the vessel is currently anchored in Beruwala harbour and cannot fish due to non-payment of fines.

With respect to the Master/Skipper your letter DFAR/FM/K/IUU/2017 dated 01/03/2017 indicates that the skipper and crew were detained. Your letter with the same reference dated 03/05/2017 to the IOTC Executive Secretary provided an update on the case relating to this vessel, but provided no further information on the actions taken against the Master. No details are provided of the actions taken against the Master/Skipper in the table provided on 20/01/2019.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper

(6) Lakshi Duwa 06 – IMUL-A-0398-KLT (presented to IOTC in 2018)

We note the actions taken by Sri Lanka against the owner of the vessel, indicated in the table provided, and that the vessel is currently anchored in Beruwala harbour and cannot fish due to non-payment of fines.

With respect to the Master/Skipper your letter dated 26/04/2018 to Dr CC Mees includes an annexed letter dated 03/10/2017 to the Assistant Director, Kalutra District Fisheries Office, which gives instructions that an inquiry should be conducted before releasing the skipper and the crew, and that the fishing operation licence of the skipper should be suspended. No details are provided of the actions taken against the Master/Skipper in the table provided on 20/01/2019.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper confirming whether these instructions and any other actions were carried out.

B. Vessels to be reported to IOTC in 2019

(11) Seneka 07 IMUL 0142 PTM

We note the actions taken against the owner, and that due to non-payment of fine the vessel is anchored in Beruwala harbour. We have no details of any actions intended, or taken in respect of the Master/Skipper.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper

(13) IMUL A 0030 GLE; (14) IMUL0207 GLE; and (15) IMUL 0293 KLT

All three vessels have recent or pending court cases 25 March; 20 February; and 5 February respectively (we assume 2019, the Table indicates 2018). The BIOT Director of Fisheries has asked for clarification of what approval from the Minister has been sought.

For all three vessels, please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper. Please provide details of the outcome of the court cases against the owners, and also any settlements made by the owner.

(16) IMUL 0728 KLT.

We note that no action has been taken against the owner of the vessel to date. It is not clear if the vessel has been released to continue fishing, or is still detained in port. We note that the Master's/Skipper's licence was cancelled for 12 months. This vessel was on the IOTC Authorised fishing vessel list and equipped with VMS. We refer to our letter dated 30 October 2018 in which we request VMS records for this vessel in order to provide information on its movements.

Please note that the BIOT Administration may provide you with additional information in respect of this vessel. In the meantime:

Please provide the VMS record for this vessel for the relevant time period.

Please clarify if the vessel is still detained?

Please clarify whether the owner of the vessel will be prosecuted?

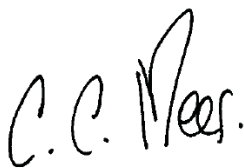
Please indicate if any further action was taken in respect of the skipper?

We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean. We look forward to receiving your responses to the above.

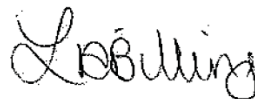
Yours sincerely

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or James Muir Clark (j.clark@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely



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



Linsey Billing
BIOT Administration, Director of

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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/2019
My No. }

ඔබේ අංකය
உமது இல. }
Your No. }

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

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නව මහලේකම් කාර්යාලය, මලිගාවත්ත, කොළඹ 10
புதிய செயலகம், மாலிகாவத்தி, கொழும்பு 10.
New Secretariat, Maligawatta, Colombo 10.

දිනය
திகதி } 21.03.2019
Date }

Ms. Linsey Billing
Director of BIOT Administration
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John Pearce -j.pearce@mrag.co.uk,
Chris C Mees -c.mees@mrag.co.uk,

Reporting presumed IUU vessels to the IOTC Compliance Committee

This is reference to your letter dated 04th March 2019 on the above. Please find the following clarifications on your queries.

Para (ii) - Implementation of VMS to the multiday fishing vessels operating within EEZ of Sri Lanka.

As you are aware Ministry of Fisheries and Aquatic Resources Development Sri Lanka is not in a position to call another tender for purchasing of VMS for the vessels operating within EEZ until the Fundamental Right case filed by one of the bided Company is finalized. However as the chief Administrative body responsible on Monitoring of fishing vessels of Sri Lanka, Dept. Fisheries and Aquatic Resources (DFAR) highlighted the fact that the importance of installing of Vessel Monitoring Devices (VMDs) on board of all multiday fishing vessels , as Sri Lanka bound by international resolutions on prevent deter and elimination of IUU fishing in the region.

Further recent past incidents of deploying of fishing vessels for non- fishing activities such as human trafficking and drug trafficking by organized groups of people is another menace which further aggravated the requirement of VMDs on board of fishing vessels.

As such DFAR sought legal advice from Attorney General Dept. to find the possibility of settling the court case by conducting several meetings with the participation of relevant parties. The party who files the FR case agreed to withdraw the court case if they have been offered the tender. As a

result the Senior State Counselor appearing for the case has instructed DFAR by a letter dated to award the tender to the party who filed the FR case by put forwarding a Cabinet Paper to the Cabinet of Ministers of the Parliament. However due to the prevailed political uncertainty in the country caused a delayed in the process and the MFARD is currently proceed on this matter. As such we see a green light of installation of VMDs within EEZ vessels very soon.

Sri Lanka Vessels inspected by BIOT SFPO

Para (iv) -Sri Lanka still find lack in legal provisions to take legal actions against the vessel operator (skipper) those who engaged in IUU fishing. As such preliminary arrangements have made to bring amendment to the current Fisheries Act to incorporate provisions to take actions against the vessel operator (Skipper).

However, there is a special arrangement in the investigation division to send the skippers those violate High seas regulations, for a compulsory two-day consultation on the obligations of High Seas fishing. Such skippers are not allowed to operate a fishing vessel if they do not attend these sessions. This is an administrative measure implemented until the period of new legal provisions come in to enforce. In addition, the training unit conducts the regular awareness programs in all Districts in a rotation manner.

With regard to your inquiries for vessels previously reported to the IOTC,

- (4) Super Fresh 02 – IMUL-A-0128 GLE (2017)
- (5) Lakshiduwa -IMUL-A- 0398 KLT (2018)
- (11) Senaka 07 IMUL 0142 PTM (2019)
- (13) IMUL-A- 0030GLE, IMUL-A- 0207GLE, IMUL-A- 0297KLT – As per the provision in the DFAR Act No. 02 of 1996 section 52(1) for the compounding (1st time convicted and admit guilty) approval of the Minister of Fisheries and Aquatic Resources Development is required. As such the file has been forwarded to the Minister.

Due to non-availability of legal provisions to take actions against the skipper, the skippers of the vessels given in above four bullet points were released by making them compulsory to attend the two day consultation on the obligations of High Seas fishing.

(16) IMUL- A- 0728 KLT

I draw your attention to your letter dated 15th November 2018. With respect to investigation findings you have reported in the paragraph 3 the skipper of the vessel IMUL- A- 0728 KLT has

been obstructed to the duties of SFPO of BIOT. We take this matter into our serious consideration and decided to cancel the skipper license for one year.

I would say that in the FARA Act No 35 of Sri Lanka also has provisions to take legal actions for obstructing to the authorized officers.

However the wordings in the paragraph (v) of the letter dated 15th November 2018 has misled the investigation officers of Sri Lanka that the entering of this vessel in to BIOT waters is due to an engine failure, which it was tally with the statements given by them after arrival to Sri Lanka.

In the Inspection Report – ARW01, under IOTC CMM violations we noted that the fishing gears are not marked, No VMS, VMS not tampered, No State issued log book and no state issued license is marked. However DFAR can confirm that the vessel had Log book and the Operation licence and operating VMS on board during the departure from the home port. The departure form of the vessel is attached for your information. We noted that the gear marking has not been checked by the harbor officials during the departure.

- The Vessel Monitoring Device showed that it was in good working order during the departure. However re-configuration of VMS transponders is going on under new International Maritime Satellite (INMARSAT) C service due to the change of the previous INMARSAT C service provider. Therefore DFAR is experiencing failure of Vessel monitoring system in some of the vessels the above vessel also one of such and therefore VMS record is not available.
- The vessel is permitted for H.S. Fishing
- The owner has not persecuted.
- With the information provided by you on 15th of March there is a potential DFAR to take further action in respect of the skipper. We hope to execute the legal provisions available in the prevailing Act with the assistance of the evidence provided by BIOT in future.

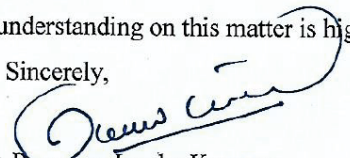
I would say that DFAR is hardly managing to take some legal actions against the fishers due to some economic and social hardships faced by them. However we are not retrograde to take legal actions against the IUU fishing activities keeping our commitment to prevent IUU fishing in the region.

Your understanding on this matter is highly appreciated.

Yours Sincerely,

Ginige Prasanna Janaka Kumara

Director General


Ginige Prasanna Janaka Kumara
Director General
Department of Fisheries & Aquatic Resources

Ginigie Prasanna Janaka Kumara
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

26 March 2019

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Cc: Kalyani Hewapathirana hewakal2012@gmail.com
Geethamali Chandrasiri ip@fisheriesdept.gov.lk
Janak Pushpakumara kumara84janaka@gmail.com
Nuwan Gunawardana nuwan54@gmail.com

Dear Mr. Kumara,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

Thank you for your letter dated 21 March 2019 which has helpfully answered some of the questions raised in our earlier correspondence of 4 March and 15 March 2019.

1. VMS on multiday fishing vessels operating within the EEZ of Sri Lanka

We note the updated details regarding installation of VMS on multiday fishing vessels operating within the EEZ of Sri Lanka and are encouraged that this will occur 'very soon'. *We would be grateful for an update on the status of installation in due course.*

2. Action taken against fishing skippers

We note and support the plans to amend the Fisheries Act in order to enable legal action to be taken against the vessel operator (skipper) and nationals engaged in IUU Fishing which will enable Sri Lanka to apply the provisions of IOTC Resolution 07/01. *We would be grateful for an update on the timeline for change in due course.*

We appreciate that you have used such administrative powers that you have available to deal with the skippers of these vessels.

The skipper of IMUL 0728 KLT had his licence cancelled for one year, whereas the skippers of IMUL-A-0128 GLE; IMUL-A-0398-KLT; IMUL 0142 PTM; IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT each attended a 2 day consultation *It would be useful to understand if there is any further information that BIOTA or the Principal Legal Advisor can provide which would allow you to suspend the licences of skippers suspected of IUU fishing ahead of the proposed changes to legislation?*

3. IOTC IUU vessel listing

A. Vessels previously reported to IOTC

Superfresh 02 – IMUL-A-0128 GLE (presented to IOTC in 2017) and Lakshi Duwa 06 – IMUL-A-0398-KLT (presented to IOTC in 2018)

We are satisfied that sanctions of adequate severity have been taken in respect of the owners of these vessels. We consider the actions taken in respect of the skippers to be inadequate but note the current limitations of the

Fisheries Act and that this will be updated. We will therefore not be re-notifying these vessels to IOTC Compliance Committee in 2019.

B. Vessels to be reported to IOTC in 2019

Seneka 07 IMUL 0142 PTM

We are satisfied that sanctions of adequate severity have been taken in respect of the owner of this vessel. We consider the actions taken in respect of the skipper to be inadequate but note the current limitations of the Fisheries Act and that this will be updated. We will notify this vessel to IOTC Compliance Committee in 2019 with recommendation b) 'Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'.

IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT

Thank you for indicating that these cases have been referred to the Minister. It is still not clear to us why this is the case. *Could you please provide a more detailed explanation of what that means?* We also note that the dates for court cases for these vessels have passed (25 March; 20 February; and 5 February respectively). *Is DFAR intending that any of the owners of these vessels is to be prosecuted?*

At the time of writing, we are NOT satisfied that sanctions of adequate severity have been taken in respect of the owners of these vessels. We consider the actions taken in respect of the skippers to be inadequate but note the current limitations of the Fisheries Act and that this will be updated.

As we are unable to conclude on the information currently provided that actions of adequate severity have or shall be taken, we have concluded that the only correct course of action for us to take is to notify these vessels to IOTC Compliance Committee in 2019 with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We note that Sri Lanka has until 15 days before the Compliance Committee Meeting to provide additional information which we will review at that time before deciding whether to pursue IUU listing during the meeting.

IMUL 0728 KLT.

This vessel is on the IOTC Authorised fishing vessel list. We understand that no action has been taken against the owner of the vessel nor is intended. The vessel has now been released. We note that the Master's/Skipper's licence was cancelled for 12 months. Whilst the VMS was working when the vessel left port reconfiguration of VMS transponders means there are no vessel tracks for the period in question, which we consider to be inadequate. *It would be helpful to us when deciding how to request this vessel is to be dealt with by the IOTC if we could understand why this owner has not been prosecuted. Is there a specific reason why this action could not take place in this case compared to others.*

At the time of writing, we are NOT satisfied that sanctions of adequate severity have been taken in respect of the owner of this vessel. We consider the action taken in respect of the skipper to be adequate.

As we are unable to conclude on the information currently provided that actions of adequate severity have or shall be taken, we have concluded that the only correct course of action for us to take is to notify this vessel to IOTC Compliance Committee in 2019 with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We note that Sri Lanka has until 15 days before the Compliance Committee Meeting to provide additional information which we will review at that time before deciding whether to pursue IUU listing during the meeting.



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We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean. We look forward to receiving your responses to the above.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or James Muir Clark (j.clark@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

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

Linsey Billing
BIOT Administration, Director of Fisheries



CHECKLIST TO BE COMPLETED BY THE SECRETARIAT FOR VESSELS TO BE INCLUDED ON THE DRAFT AND PROVISIONAL IUU LISTS

Vessel Name: **IIMULA0030GLE**

Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
For the Draft IUU Vessel List						
IOTC Reporting form (Annex I) submitted at least 70 days before the Compliance Committee meeting with documented information	Nominating CPC	5,6,7,8	Y	If No, do not include on the Provisional IUU list (Para 17)	✓	
At least 15 days before the Compliance Committee Meeting, Flag State has provided information that it has notified the Owners and Masters of a vessel of its inclusion on the Draft IUU Vessel List and the consequences thereof	Flag CPC	9,10	Y			
At least 15 days before the Compliance Committee Meeting, Flag State has provided information consistent with Paragraph 10	Flag CPC	10	N			
Additional information has been submitted, relevant to IUU listing	Nominating CPC or flag CPC	12	Y			
For Inclusion on the Provisional IUU Vessel List (note that Secretariat will indicate if information has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee)						



Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
Has the flag State of a vessel included in the Draft IUU Vessel List provided information that demonstrates that the vessel has at all relevant times complied with the rules of the flag State and with its authorisation to fish and:	Flag CPC	14c	N	Aide Memoire to CoC: Only where para14c or 14 d are satisfied, do not include on Provisional IUU list.		
(a) that the vessel has conducted fishing activities in a manner consistent with the IOTC Agreement and Conservation and Management Measures	Flag CPC	14c	N			
(b) that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or	Flag CPC	14c	N			
(c) that the vessel has fished exclusively for species that are not covered by the IOTC Agreement or IOTC Conservation and Management Measures	Flag CPC	14c	N			
Has the flag State provided information that demonstrates that effective action has been taken in response to IUU fishing activities (the CoC will decide if they are of adequate severity)	Flag CPC	14d	Y			
Has the flag State provided information to show that it has taken any actions in accordance with 07/01	Flag CPC	14d	Y			

Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

28 March 2019

cc. Mr Hosea Gonza Mbilinyi, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr Kumara, and Ms K Hewapathirana, DFAR, Sri Lanka

Dear Dr O'Brien,

Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged Vessel IMULA 0728 KLT

As required in paragraphs 5 and 6 of Resolution 18/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting IUU fishing activity for the Sri Lankan flagged vessel IMULA 0728 KLT. 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 taken action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2016).

The attached evidence shows that

- At the time of the incident, the vessel was on the IOTC Record of Authorised Vessels, IOTC016120
- The vessel had no stern markings
- VMS was switched off or not working and had no tamper-proof seal, no VMS tracks were provided by the flag State
- The vessel was equipped with gill nets and longlines; There were no gear markings
- Limited fishing gear was on board and was presumed deployed in BIOT waters
- The vessel was presumed IUU fishing within the waters of the British Indian Ocean Territory without a license;
- The skipper was obstructive; paperwork was hidden on the vessel
- Sri Lanka has not provided sufficient information to enable the conclusion that sanctions of adequate severity have yet or shall be taken in respect of the owner of this vessel.

We submit this vessel to IOTC Compliance Committee with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We will review this recommendation before the meeting in light of any additional information provided by Sri Lanka pursuant to paragraphs 10 and 12 of Resolution 18/03.

I would be grateful if you could circulate this material for the information and consideration 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, IMULA 0728 KLT

IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 18/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by UK(OT) in 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)	IIMULA0728KLT
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)	4SF4020
g	Owner (previous owner/s, if any)	H.R.D.D. Perera of: 42/4, Chamara Uyana, Ambepitiya, Beruwala (as per IOTC record).
h	Operator (previous operator/s, if any) and Master/Fishing Master	Not known
i	Date of alleged IUU fishing activities	29/10/2018
j	Position of alleged IUU fishing activities	05° 40.3' S 072° 38.3' E
k	Summary of alleged IUU activities (see section B for more detail)	The vessel master obstructed the Senior Fisheries Protection Officer during the performance of his duties. The vessel did not carry an applicable license or logbook issued by the flag state. Fishing gear observed on-board did not have vessel markings The VMS system present on board was not apparently working and was not tamperproof.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was approached, photographed and boarded.

m	Outcome of Actions taken	Following approach and boarding the vessel was detained and escorted to Diego Garcia.
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B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 17/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

Item	Definition	Indicate
a	Engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	<input type="checkbox"/>
b	Engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	<input type="checkbox"/>
c	Failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	<input type="checkbox"/>
d	Taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
e	Engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
f	Used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
g	Transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	<input type="checkbox"/>
h	Engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	<input checked="" type="checkbox"/>
i	Engaged in fishing or fishing related activities whilst being without nationality; or	<input type="checkbox"/>
j	Engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	<input checked="" type="checkbox"/>
k	Engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	<input checked="" type="checkbox"/>

C. Associated Documents

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

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

D. Recommended Actions

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

Appendix I – Photographs.



Figure 1: Vessel starboard



Figure 2: Vessel photo starboard with unmarked stern visible.



Figure 3: Vessel portside

INSPECTION REPORT – ARW01**1 Summary**

Date of boarding	29/10/18
Patrol type and number	FIPA 53
Vessel name	IMULA-0728-KLT
Vessel type	FV <25m, Longline and gillnets
Vessel flag and home port	Sri Lanka
Vessel identification number	IMULA-0728-KLT
Vessel identification type	Multipurpose
IOTC# (if registered)	IOTC016120
Vessel Master name	Badde Liyanage Don Ivon Priyantha
SFPO	Andrew Watson
FPO / FPOs	Lucasz Kasielewski
Outcome of boarding	Vessel detained and escorted to Diego Garcia

2 Initial sighting details (from Grampian Frontier only)

Date and time of first sighting	29/10/18 02:00 (DD/MM/YY HH:MM)				
Sighted by	Grampian Frontier, Lukasz	Radar	Y	Visual	N
Position of target 1	Target 02 at 05°40.3'S 072°38.3'E				
Course	256°				
Speed	1.2KN				
Range	7.9Nm				
Bearing	020°				
Comments: The target was one of two targets detected by radar. The other target was in position 05°40.4'S 072°36.0'E. Both targets moving slowly. As BIOT Patrol Vessel approached, the targets increased speed and headed northwards away from the BPV. The BPV increased speed in pursuit. VHF communication was attempted on three occasions by SFPO at start of pursuit to no reply. AIS was switched on. Vessels changed direction and increased speed. At 03:00hrs, target 01 split in to two targets, these became target 01 and 03. Target 03 continued to move away from the BPV. The SFPO and bridge crew thought the vessel had dropped something floating in the sea which had become target 01. ECDIS screen shots taken at intervals during pursuit. Pennants were raised at 04:00hrs, prior to interception of Target 03. BPV DC launched at 05:03hrs to remain with vessel now identified as IMUL-A-0030-GLE. BPV continued to Pursue target 02.					
Fisheries Pennant and Sierra Quebec Three Raised	29/10/18 04:00 (DD/MM/YY HH:MM)				
Target requested to stop and prepare for boarding.	No VHF Channel 16 response prior to getting alongside. Verbal request made 29/10/18 07:10 (DD/MM/YY HH:MM)				
Response to request for boarding	SFPO tried to establish VHF comms, no reply. Captain agreed by nodding and gesticulating when asked by the SFPO, permission to come aboard. SFPO boarded alone due to range of FRC from BPV. FPO Lukasz Kasielewski boarded later at 12:05, after the vessel made its way back to close by the other intercepted vessel.				

3 Launching of workboat

Time workboat launched	29/10/18 07:00	(DD/MM/YY HH:MM)
------------------------	----------------	------------------

Workboat crew	Coxwain William Farquhar, Boatman Donald MacFarlane.	
Comments on the approach to the FV: The FRC was launched at a range of approximately 2.2Nm at 07:00hrs and went in pursuit of the target which had stopped. The BPV headed back to the first vessel that had been intercepted, which now claimed to have engine troubles. The FRC circled the fishing vessel twice to take ID photographs and establish vessel markings and identification. The vessel was identified as IMUL-A-0728-KLT.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	Yes
	Other	VMS (NSSLGlobal GmbH Serial No. VMS-0790), MF/HF Radio, GPS, automatic antenna tuner.

4 Boarding details

Date and time vessel boarded	29/10/18 07:15	(DD/MM/YY HH:MM)
Position vessel boarded	05°14.86'S 072°31.66'E	
Boarding party team	SFPO Andrew Watson, FPO Lukasz Kasielewski	
Language spoken	English	
Interpreter needed (Y/N)?	Name	None available

4.1 Crew details

Vessel Master name	Badde Liyanage Don Ivon Priyantha	
Vessel Master nationality	Sri Lankan	
Vessel Master address	Near the Idirilla Bridge, Galle Road, Maggona	
Vessel Master D.o.B	Unknown (DD/MM/YY)	
Number of crew	4 + 1 (captain)	
Vessel crew nationality	Sri Lankan (verbally informed)	
Are any crew under 18 (Y/N), if 'Y' provide details below.	Unknown	
Do any crew have health issues (Y/N), if 'Y' provide details below.	Y	
Observations: One crew member claimed to be ill. No visible symptoms.		
Photographic Evidence Collected (See Annex 1).	Captain ID	No. ID card retained by SFPO.
	Other crew id	Photos taken of crew

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	No
Fishing licence date of issue, expiry and issuing authority	No (DD/MM/YY)
FV owner name (as per licence)	No
FV owner details (as per licence)	No
Fishing logbook present (y/n) and number if relevant	No
Issuing authority	Not made available to SFPO
Date of last entry	NA (DD/MM/YY)
Position of last entry	NA

Other paperwork: No paperwork other than the captain's Fisherman's Identity Card was made available to the SFPO despite a number of requests. The Captain said the vessel owner had all the documents but was unable to give any details. No crew identification provided. This was deemed unacceptable and that the Captain was being obstructive to the SFPO.		
Photographic Evidence Collected (See Annex 1).	Licence	Not available
	Logbook	Not available
	Other	Crew photographs taken.

4.3 Interview with Captain

Time of interview	(HH:MM)
Captain's rights read and understood?	I did not read the Captain his rights. The captain was asked questions but not under interview. The Captains understanding of English was poor. It was difficult to communicate.
FV Port of departure	No information
Date of departure	Not known (DD/MM/YY)
Travelling to or from fishing grounds?	From Saya de Malha Bank (verbal in English)
Amount of fish onboard (t)	Unknown
If fish onboard where caught?	Unknown
If fish onboard when caught?	Unknown
If fish onboard how caught?	Unknown
Destination	Sri Lanka (verbally told)
Port of return	Unknown
Anticipated date of return	Unknown (DD/MM/YY)
Comments: The Captain was asked to take the vessel back to the position of the first vessel that was intercepted by following the BPV. The FRC accompanied the vessel alongside. Some questions were asked about the GPS and the VMS during this transit. The Captain gave very little to no information when asked questions by the SFPO. The SFPO considered the Captain understood some of what was being asked. He claimed there were no documents on board. This was witnessed by Lukasz Kisielewski, who came aboard at 12:05hrs. The captain was asked where all his fishing gear was as there were no longlines in the holding box on the front deck, only one buoy, and very little net. Almost the entire set of fishing gear normally present was absent. Photos were taken. The Captain said he lost it all on Saya de Malha Bank.	

4.4 Vessel inspection

Fishing gear type		Some gillnet present. Longlines absent.	
Comments The net hold/box was relatively empty. Most of the netting appeared absent.			
Catch onboard (estimated t)		Unable to estimate.	
IOTC species onboard (Y/N)	None seen	Endangered species onboard (Y/N)	None seen
Description of catch: No catches observed. Holds obscured by ice. It was not deemed appropriate to investigate further at this time.			
Comments: Some small signs of catches being present in hold 3, blood stains and a tiny section of fin. This was no longer present.			
Photographic Evidence Collected (See Annex 1).	Gear	Y	
	Catch	N	
	Hold	Y	

5 List of violations¹

5.1 BIOT ordinance violations

Fishing without a licence	
Fishing with prohibited fishing gear	
Possession of prohibited fishing gear	
Obstruction of a fisheries patrol officer	X
Possession of sea cucumbers or molluscs	
Traversing or landing on an SNR	
Comments Captain was obstructive throughout. Fishing gear was absent without any satisfactory explanation. No VMS operating. No licenses on board. No registration documents present. Presented only his fisherman's ID card when instructed to produce the vessel's documents.	

5.2 IOTC CMM violations

Vessel not marked with name or callsign	
Fishing gear not marked with name or callsign	X
No VMS	X
VMS not tamperproof	X
No state issued logbook	X
No state issued licence	X
Possession of drift net over 2.5km.	
Not on the IOTC authorised list	
Not on the IOTC Record Active Tuna / Swordfish	
No turtle de hooker on board	
Comments VMS present but not working. Had a switch attached marked alert button. Photos taken. Model NSSL Global GmbH Serial No. VMS 0790. No markings on fishing gear, only 1 buoy present on deck. No licences or logbooks presented to SFPO when instructed.	

6 SFPO actions

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) The Captain of the IMUL-A-0728-KLT was considered to be obstructive to the SFPO in not producing documents including certificates of registry, fishing licence, logbooks, passports/identification or any record of any fish caught. The Captain was instructed to stay where he was until further notice when the SFPO would return. The SFPO disembarked the vessel and re-embarked on the morning of 30/12/18 at 07:46hrs. The SFPO issued the Captain with a	

7 Disembarkation and recovery

Time FV disembarked	12:35	29/10/18
Time Workboat recovered to the BPV	12:40	29/10/18
Time FV disembarked	07:53	30/10/18

Time Workboat recovered to the BPV	08:23 30/10/18
Comments: The SFPO did not conclude his boarding of this vessel until the following morning of 30/10/18. At this point the boarding receipt was issued.	

8 Vessel records and history

Vessel on IOTC register (Y/N)	Y	IOTC number	016120
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			
Version of IOTC database referenced: IOTC List 2018/08/02			
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	Unknown	Inspection report ID	
Owner previously boarded (Y/N)	Unknown	Inspection report ID	
Crew previously boarded (Y/N)	Unknown	Inspection report ID	
Comments:			

Andrew Watson
BIOT Senior Fisheries Protection
Officer 30/10/2018

Appendix III – Notification of Investigation and Request for Cooperation



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Geethamali Chandrasiri
Assistant Director
Department of Fisheries and Natural Resources
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Maligawatta, Colombo 10

30 October 2018

E-Mail: Geethamali Chandrasiri ip@fisheriesdept.gov.lk

Cc: Director General dqdfar@gmail.com;
Janak Pushpakumara kumara84janaka@gmail.com;
Nuwan Gunawardana nuwan54@gmail.com;
Kalyani Hewapathirana hewakal2012@gmail.com

Dear Dr Chandrasiri,

Request for Confirmation of Ownership of the Sri Lankan vessels IMUL-A-0728-KLT, IMUL-A-0207-GLE and IMUL-A-0030-GLE.

The Sri Lankan flagged vessels **IMUL-A-0728-KLT**, (IOTC16120 (current record expires 31/12/2018)) **IMUL-A-0207-GLE**, (IOTC11283 (most recent record expired 13/02/2014)) and **IMUL-A-0030-GLE**, (not on the IOTC Record of Authorised Vessels) are currently the subject of a criminal investigation into suspected illegal fishing activity including possession of illegal fishing gear (IMUL-A-0207-GLE and IMUL-A-0030-GLE) and obstruction of a Fisheries Protection Officer (IMUL-A-0728-KLT). The BIOT Administration needs to be clear as to the accurate details of the registered owners before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of these vessels are preliminary, no finding has been made by the Administration of any such activities.

According to the best information available to the Administration the names and addresses of the owners of these vessels are as follows;

Vessel / Source	Owner Name / Address
IMUL-A-0728-KLT IOTC Record of Authorised Vessels	H.R.D.D. PERERA 42/4, CHAMARA UYANA, AMBEPITIYA, BERUWALA.
IMUL-A-0207-GLE IOTC Record of Authorised Vessels	LL. SAMARASINGHA 175/MATARA ROAD, MAGALLE, GALLE.
IMUL-A-0207-GLE Vessel Documents	MAHABADUGE, PRAMAJ DILSARA FERNANDO JAYASOORIYA NO: 71/8 SIRINIWASA MAWATHA, NALLAHENA, BERUWALA
IMUL-A-0030-GLE No source	NO RECORD

Please can you confirm or provide us with the ownership details for these vessels? 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, ideally by 31st October.

Only one vessel, **IMUL-A-0728-KLT**, was seen to have a VMS on board, although according to the captain it wasn't working. However, if possible, please could you supply any VMS records for the recent trip for this vessel, or the other vessels if available, that could provide information in relation to their movements.

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They are currently being escorted by the BIOT Patrol vessel and are estimated to arrive into Diego Garcia on the 31st October. We would be grateful for an early indication of whether you plan to request that Sri Lankan authorities deal with these vessels if it is confirmed that they are in violation of the fisheries regulations of Sri Lanka.

Thank you for your cooperation.

Yours sincerely

Linsey Billing
BIOT Director of Fisheries

Dr Christopher Mees
Head of UK Delegation to IOTC

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த. பெட்டி
P. O. Box

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பணிப்பாளர் நாயகத்தின் அலுவலகம்
Office of Director General

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ෆැක්ස් අංකය
தொலை நகல்
Fax No.

මගේ අංකය
எனது இல.
My No.

DFAR/FM/ADG/Innocent Passage-2018

ඔබේ අංකය
உமது இல.
Your No.

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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නව ලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10
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දිනය
திகதி
Date 31.10.2018

Ms. Linsey Billing

BIOT Director of Fisheries

Dr.C.Mees

Head of UK Delegate to IOTC

Ownerships confirmation of the Sri Lanka Fishing Vessel IMUL-A-0728KLT, IMUL-A-0207GLE, IMUL-A-0030GLE.

As per the request you have forwarded to this Department, on confirmation of the ownership of above fishing vessels, please find the following details.

Vessel	Owner Name / Address
IMUL-A-0728KLT	H.R.D.DAMAYANTHI 42/4,CHAMARA UYANA AMBEPITIYA BERUWALA.
IMUL-A-0207GLE	M.P.D.F.JAYASOORIYA NO.71/8, SIRINIWASA MAWATHA, NALLAHENA, BERUWALA.
IMUL-A-0030GLE	P.K.D.D.SUSANTHA KAKUNU UDUMULLA, KAJUDUWA ROAD, DUDAMGODA
Source- Vessel Registry - DFAR	

DFAR is willing and would request to take legal actions against the vessels Owners as per the Fisheries and Aquatic Resources Act, Sri Lanka on receipt of confirmed evidence of violations by these vessels.

Ginige Prasanna Janaka Kumara

Director General

Ginige Prasanna Janaka Kumara
Director General
Department of Fisheries & Aquatic Resources



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Director General
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15 November 2018

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Janak Pushpakumara kumara84janaka@gmail.com
Nuwan Gunawardana nuwan54@gmail.com
Kalyani Hewapathirana hewakal2012@gmail.com

Dear Mr. Ginige Prasanna Janaka Kumara,

Release of the Sri Lankan vessels IMUL-A-0728-KLT, IMUL-A-0207-GLE and IMUL-A-0030-GLE.

Thank you for your letter dated 31 October 2018 confirming the ownership of each of the above referenced vessels and indicating that DFAR intend to take legal action against the owners of the vessels.

These vessels were boarded and inspected, in accordance with BIOT laws, by the BIOT Fisheries Protection Officer on the 29th October 2018. All three vessels were detained upon suspicion of being involved in illegal fishing activity and escorted to Diego Garcia for further investigation.

All three vessels were investigated for illegal fishing activity and additionally, IMUL-A-0207-GLE and IMUL-A-0030-GLE for possession of illegal fishing gear (wire trace), and IMUL-A-0728-KLT for obstruction of a Fisheries Protection Officer. Please find attached the Fishery Protection Officers Inspection report which details the boarding and inspection of the vessels.

On 31st October, following the letter from DFAR which confirmed the intention of the Sri Lankan authorities to take legal action against the owners of the vessels, the Director of Fisheries took the decision that the vessels should be returned to Sri Lanka. In light of this decision, no criminal proceedings were commenced in BIOT. A preliminary police investigation was commenced and concluded.

Unfortunately, two of the vessels had engine problems and so all three were kept in Diego Garcia until the vessels could be made sea-worthy.

During this period, the ice in the hold of IMUL-A-0207-GLE had started to melt. Following removal of this ice in efforts to make the vessels sea-worthy a total of 34 sharks were discovered, including 1 Scalloped Hammer Head, 7 Silver tips, 13 silky sharks, 12 Blacktip shark and 1 Short-finned Mako. 21 skipjack tuna and 2 dorado were also found.

In accordance with BIOT legislation, an application was made to the Magistrate to destroy the catch. Having heard from the BIOT Police and Master of the vessel, the Magistrate ordered the destruction of the catch.

On 9th November 2018 the Master and crew were served with removal orders, issued by the Principal Immigration Officer in accordance with BIOT Immigration law.

The three vessels were released at approximately 17:00 hours on 9 November 2018 and instructed to leave BIOT waters directly and return to their home ports in Sri Lanka. The estimated date of arrival in Sri Lanka is 19 November.

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In association with
Marine Education and Conservation Trust
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We would like to request that as well as taking action against the owners of these vessels, DFAR take such action as they can against the Masters of the vessels so as to discourage them and other Masters from entering BIOT waters and engaging in illegal fishing activity.

We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean and would kindly request notification of any actions taken by DFAR in conducting a regulatory investigation into the activities of these vessels.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or James Muir Clark (j.clark@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

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

Linsey Billing
BIOT Administration, Director of Fisheries

Ginigie Prasanna Janaka Kumara
Director General
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04 March 2019

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Dear Mr. Ginige Prasanna Janaka Kumara,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

I refer to an email of 20/01/2019 from Kalyani Hewapathirana to Denise Bradshaw, BIOT Principal Legal Advisor, with attached table: 'Update on the actions taken in respect of Sri Lankan vessels reported on IUU in BIOT waters during 2017 and 2018', copied to me. As you know it is necessary to inform IOTC of presumed IUU by a deadline of 70 days before the Compliance Committee. Ahead of submitting any reports, we have a number of questions on the historic cases previously submitted to IOTC and the new vessels that we will report this year.

We note the actions taken against a number of vessels boarded and inspected in BIOT (in your table, those numbered 1, 2, 3, 5, 7, 8, 9, 10, and 12). We will continue to provide similar inspection reports as you have requested. These vessels will not be separately reported to IOTC although they will be included in any information paper we may produce as in previous years 'Reporting of vessels in transit through BIOT waters for potential breach of IOTC Conservation and Management Measures'. We further note your letter dated 20/07/2018 on 'Implementation of VMS to the multiday fishing vessels operate within the EEZ of Sri Lanka'. We welcome the extension of the VMS programme to include all multi day vessels, not just those authorised to fish on the high seas, and note the delays in implementing this. We would be grateful if you can keep us informed of progress.

The remainder of this letter relates to vessels where the inspection by the BIOT Senior Fisheries Protection Officer indicated fishing activity in BIOT waters and presumed IUU, and so may be reported to IOTC. As you are aware Paragraph 14d of IOTC Resolution 17/03 requires the flag State to provide information that demonstrates that:

- (1) effective action has been taken in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements. And,
- (2) Every CPC shall report any actions and measures that it has taken in accordance with Resolution 07/01, in order to promote compliance with IOTC Conservation and Management Measures by vessels that fly its flag.' (i.e. to investigate the engagement of natural or legal persons engaged in IUU)

We note that the table of actions you have provided largely covers the first element (i.e. prosecution and sanctions imposed; other flag State actions such as detention of the vessel, installation of VMS, revised licensing conditions etc.). We further note that these actions largely relate to the vessel owner. However, there is limited information provided that relates to the second element of 14d, the actions taken against those engaged in IUU. Here we particularly refer to the Master (or Skipper) of the vessel rather than the crew,

although for the latter we would be interested if any action was taken e.g. to better educate them about IUU.

As soon as possible, and no later than 21st March (noting BIOT will be making its submission to IOTC on 28th March) we would be grateful to receive additional information, including supporting evidence, from you as set out below.

A. Vessels previously reported to IOTC

At the time of submission to CoC, BIOT's recommendation for the following vessels was: *'(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.* Hence these vessels were not included in the draft IUU vessel list and were for information only.

We would like to close these cases as far as IOTC reporting is concerned, and so would appreciate your response to the following which, we trust, should enable us to do so.

(4) Superfresh 02 – IMUL-A-0128 GLE (presented to IOTC in 2017)

This vessel was prosecuted and fined in the BIOT Court on Diego Garcia, but has not paid the fine. We note the actions taken by Sri Lanka against the owner of the vessel, indicated in the table the provided, and that the vessel is currently anchored in Beruwala harbour and cannot fish due to non-payment of fines.

With respect to the Master/Skipper your letter DFAR/FM/K/IUU/2017 dated 01/03/2017 indicates that the skipper and crew were detained. Your letter with the same reference dated 03/05/2017 to the IOTC Executive Secretary provided an update on the case relating to this vessel, but provided no further information on the actions taken against the Master. No details are provided of the actions taken against the Master/Skipper in the table provided on 20/01/2019.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper

(6) Lakshi Duwa 06 – IMUL-A-0398-KLT (presented to IOTC in 2018)

We note the actions taken by Sri Lanka against the owner of the vessel, indicated in the table provided, and that the vessel is currently anchored in Beruwala harbour and cannot fish due to non-payment of fines.

With respect to the Master/Skipper your letter dated 26/04/2018 to Dr CC Mees includes an annexed letter dated 03/10/2017 to the Assistant Director, Kalutra District Fisheries Office, which gives instructions that an inquiry should be conducted before releasing the skipper and the crew, and that the fishing operation licence of the skipper should be suspended. No details are provided of the actions taken against the Master/Skipper in the table provided on 20/01/2019.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper confirming whether these instructions and any other actions were carried out.

B. Vessels to be reported to IOTC in 2019

(11) Seneka 07 IMUL 0142 PTM

We note the actions taken against the owner, and that due to non-payment of fine the vessel is anchored in Beruwala harbour. We have no details of any actions intended, or taken in respect of the Master/Skipper.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper

(13) IMUL A 0030 GLE; (14) IMUL0207 GLE; and (15) IMUL 0293 KLT

All three vessels have recent or pending court cases 25 March; 20 February; and 5 February respectively (we assume 2019, the Table indicates 2018). The BIOT Director of Fisheries has asked for clarification of what approval from the Minister has been sought.

For all three vessels, please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper. Please provide details of the outcome of the court cases against the owners, and also any settlements made by the owner.

(16) IMUL 0728 KLT.

We note that no action has been taken against the owner of the vessel to date. It is not clear if the vessel has been released to continue fishing, or is still detained in port. We note that the Master's/Skipper's licence was cancelled for 12 months. This vessel was on the IOTC Authorised fishing vessel list and equipped with VMS. We refer to our letter dated 30 October 2018 in which we request VMS records for this vessel in order to provide information on its movements.

Please note that the BIOT Administration may provide you with additional information in respect of this vessel. In the meantime:

Please provide the VMS record for this vessel for the relevant time period.

Please clarify if the vessel is still detained?

Please clarify whether the owner of the vessel will be prosecuted?

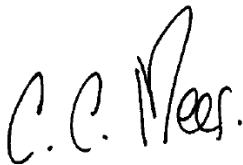
Please indicate if any further action was taken in respect of the skipper?

We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean. We look forward to receiving your responses to the above.

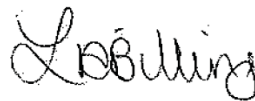
Yours sincerely

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or James Muir Clark (j.clark@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely



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



Linsey Billing
BIOT Administration, Director of

Ginigie Prasanna Janaka Kumara
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

15 March 2019

E-Mail: Director General dgd@dfar.gov.lk
Cc: Kalyani Hewapathirana hewakal2012@gmail.com
Geethamali Chandrasiri Dear Mr Kumara
Janak Pushpakumara kumara84janaka@gmail.com
Nuwan Gunawardana nuwan54@gmail.com

Dear Mr. Ginige Prasanna Janaka Kumara,

Reporting presumed IUU vessel IMUL A 0728 KLT to the IOTC Compliance Committee (CoC)

This letter is a follow up to the letter of 04/03/2019 'Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC).' At present BIOTA is not satisfied with the actions taken against this vessel and plan to report it to IOTC on the basis of the details received so far. We would recommend (c), for inclusion on the IUU list. The vessel had apparently set its gear, which was not on board, and the engine had not failed when first detected – the vessel evaded arrest and hot pursuit was required. I reattach the inspection report for reference. You can be provided with copies of evidence collected by the BIOT police during their investigation into this vessel. To do this your prosecutor simply needs to contact the BIOT Principal Legal Adviser and ask for copies of that evidence

Evidence collected by the Scene of Crime Officer (SoCO) once the vessel had been detained indicated that the vessel master had obstructed the SFPO by attempting to hide a number of documents in a mattress. Photographs of these were taken in situ which can be shared with DFAR and the Sri Lankan authorities.

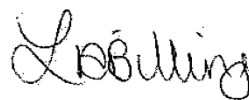
I would be grateful if you can please acknowledge receipt of this and the previous email of 04/03/2019.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or James Moir Clark (j.clark@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely



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



Linsey Billing
BIOT Administration, Director of Fisheries

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Office of Director General } 472187



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தொலை நகல் } 449170
Fax No. }

මගේ අංකය
எனது இல. } DFAR/FM/K/2019
My No. }

ඔබේ අංකය
உமது இல. }
Your No. }

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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නව මහලේකම් කාර්යාලය, මලිගාවත්ත, කොළඹ 10
புதிய செயலகம், மாலிகாவத்தி, கொழும்பு 10.
New Secretariat, Maligawatta, Colombo 10.

දිනය
திகதி } 21.03.2019
Date }

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Reporting presumed IUU vessels to the IOTC Compliance Committee

This is reference to your letter dated 04th March 2019 on the above. Please find the following clarifications on your queries.

Para (ii) - Implementation of VMS to the multiday fishing vessels operating within EEZ of Sri Lanka.

As you are aware Ministry of Fisheries and Aquatic Resources Development Sri Lanka is not in a position to call another tender for purchasing of VMS for the vessels operating within EEZ until the Fundamental Right case filed by one of the bided Company is finalized. However as the chief Administrative body responsible on Monitoring of fishing vessels of Sri Lanka, Dept. Fisheries and Aquatic Resources (DFAR) highlighted the fact that the importance of installing of Vessel Monitoring Devices (VMDs) on board of all multiday fishing vessels , as Sri Lanka bound by international resolutions on prevent deter and elimination of IUU fishing in the region.

Further recent past incidents of deploying of fishing vessels for non- fishing activities such as human trafficking and drug trafficking by organized groups of people is another menace which further aggravated the requirement of VMDs on board of fishing vessels.

As such DFAR sought legal advice from Attorney General Dept. to find the possibility of settling the court case by conducting several meetings with the participation of relevant parties. The party who files the FR case agreed to withdraw the court case if they have been offered the tender. As a

result the Senior State Counselor appearing for the case has instructed DFAR by a letter dated to award the tender to the party who filed the FR case by put forwarding a Cabinet Paper to the Cabinet of Ministers of the Parliament. However due to the prevailed political uncertainty in the country caused a delayed in the process and the MFARD is currently proceed on this matter. As such we see a green light of installation of VMDs within EEZ vessels very soon.

Sri Lanka Vessels inspected by BIOT SFPO

Para (iv) -Sri Lanka still find lack in legal provisions to take legal actions against the vessel operator (skipper) those who engaged in IUU fishing. As such preliminary arrangements have made to bring amendment to the current Fisheries Act to incorporate provisions to take actions against the vessel operator (Skipper).

However, there is a special arrangement in the investigation division to send the skippers those violate High seas regulations, for a compulsory two-day consultation on the obligations of High Seas fishing. Such skippers are not allowed to operate a fishing vessel if they do not attend these sessions. This is an administrative measure implemented until the period of new legal provisions come in to enforce. In addition, the training unit conducts the regular awareness programs in all Districts in a rotation manner.

With regard to your inquiries for vessels previously reported to the IOTC,

- (4) Super Fresh 02 – IMUL-A-0128 GLE (2017)
- (5) Lakshiduwa -IMUL-A- 0398 KLT (2018)
- (11) Senaka 07 IMUL 0142 PTM (2019)
- (13) IMUL-A- 0030GLE, IMUL-A- 0207GLE, IMUL-A- 0297KLT – As per the provision in the DFAR Act No. 02 of 1996 section 52(1) for the compounding (1st time convicted and admit guilty) approval of the Minister of Fisheries and Aquatic Resources Development is required. As such the file has been forwarded to the Minister.

Due to non-availability of legal provisions to take actions against the skipper, the skippers of the vessels given in above four bullet points were released by making them compulsory to attend the two day consultation on the obligations of High Seas fishing.

(16) IMUL- A- 0728 KLT

I draw your attention to your letter dated 15th November 2018. With respect to investigation findings you have reported in the paragraph 3 the skipper of the vessel IMUL- A- 0728 KLT has

been obstructed to the duties of SFPO of BIOT. We take this matter into our serious consideration and decided to cancel the skipper license for one year.

I would say that in the FARA Act No 35 of Sri Lanka also has provisions to take legal actions for obstructing to the authorized officers.

However the wordings in the paragraph (v) of the letter dated 15th November 2018 has misled the investigation officers of Sri Lanka that the entering of this vessel in to BIOT waters is due to an engine failure, which it was tally with the statements given by them after arrival to Sri Lanka.

In the Inspection Report – ARW01, under IOTC CMM violations we noted that the fishing gears are not marked, No VMS, VMS not tampered, No State issued log book and no state issued license is marked. However DFAR can confirm that the vessel had Log book and the Operation licence and operating VMS on board during the departure from the home port. The departure form of the vessel is attached for your information. We noted that the gear marking has not been checked by the harbor officials during the departure.

- The Vessel Monitoring Device showed that it was in good working order during the departure. However re-configuration of VMS transponders is going on under new International Maritime Satellite (INMARSAT) C service due to the change of the previous INMARSAT C service provider. Therefore DFAR is experiencing failure of Vessel monitoring system in some of the vessels the above vessel also one of such and therefore VMS record is not available.
- The vessel is permitted for H.S. Fishing
- The owner has not persecuted.
- With the information provided by you on 15th of March there is a potential DFAR to take further action in respect of the skipper. We hope to execute the legal provisions available in the prevailing Act with the assistance of the evidence provided by BIOT in future.

I would say that DFAR is hardly managing to take some legal actions against the fishers due to some economic and social hardships faced by them. However we are not retrograde to take legal actions against the IUU fishing activities keeping our commitment to prevent IUU fishing in the region.

Your understanding on this matter is highly appreciated.

Yours Sincerely,

Ginige Prasanna Janaka Kumara

Director General

Ginige Prasanna Janaka Kumara
Director General
Department of Fisheries & Aquatic Resources

Boat Departure Form

FM/BD

For office use only තාර්කාශ්‍රමය ප්‍රයෝජනය සඳහා පමණි

8. Check list for fishing boat departure ඩිවර කර්මාන්තය සඳහා පිටත්වීමේ දී පිරික්සිය යුතු කරුණු

Vessel Registration book යාත්‍රා ලියාපදිංචි සහතික/සහතික කළ පිටපත	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	VR.B. No. අනු. අංකය
Local Operation License ලි ලංකා ජලකීරණය මෙහෙයුම් බලපත්‍රය	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	L.O.L.No. 1363-Dmwe 4139 බලපත්‍ර අංකය 124
High Sea Operation License ජාත්‍යන්තර මුහුදේ මෙහෙයුම් බලපත්‍රය	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	H.O.L.No. 18HS 0182 24 බලපත්‍ර අංකය
Fishing Log book ඩිවර ලොග් පොත	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	LBNo. 17 0480 අනු. අංකය
Radio Call Sign ග. ව. ද. සංඥා සංකේත සටහන් කිරීම	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	Call sign 4 SF 4020 සංකේත අංකය
VMS යාත්‍රා නිරීක්ෂණ දුරකථනවේදය	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	
Life jackets නියමිත ජීවිතාරක්ෂක කඩ සංඛ්‍යාව	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	
Gear Marking පත්ත කලකුණු කිරීම	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	
Prohibited fishing gear on board තහනම් ආම්පන්න	Yes ඔව්	<input type="checkbox"/>	No නැත	<input checked="" type="checkbox"/>	
Fire extinguishers ගිනි නිවීමේ උපකරණ	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	
Line cutter & Dehookers මසුන් නිදහස් කිරීමේ උපකරණ	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	
Boat Insurance බෝට්ටු වැරදි සහතිකය	Yes ඔව්	<input checked="" type="checkbox"/>	No නැත	<input type="checkbox"/>	



2019/10/19

9. Declaration of the Boat Owner යාත්‍රා හිමිකරුගේ ප්‍රකාශය

I, declare that above information is true and correct දුරකථන සඳහන් තොරතුරු සත්‍ය බව ප්‍රකාශ කරමි.

Name of the boat owner යාත්‍රා හිමිකරුගේ නම	H.R. Subashan	Signature of Owner යාත්‍රා හිමිකරුගේ අත්සන	2019
		Date දිනය	2018/10/19

10. Certification of the Fisheries Officer යාත්‍රා හිමිකරු විසින් ප්‍රකාශ කරනු ලබන දුරකථන තොරතුරු නිවැරදි බැවින් මුහුදු ගමන සඳහා අවසර දෙමි.

Name and the Designation of the Fisheries Officer ඩිවර නිලධාරී නම හා තනතුර		Signature and the Rubber Stamp of the Fisheries Officer ඩිවර නිලධාරී අත්සන සහ නිල මුද්‍රාව	D. S. PUSHPAKUMARA Fisheries Operation Officer High Seas Fisheries Unit Beruwala
		Date දිනය	18/10/19

11. Certification of the Fishery Harbour Officer / ඩිවර වරාය නිලධාරී සහතිකය

Name of the Fisheries Harbour Officer ඩිවර වරාය නිලධාරී නම		Signature and the Rubber Stamp of the Officer අත්සන සහ නිල මුද්‍රාව	REGISTERED CO./T 19 00 2019
		Date දිනය	

12. Certification of the Navy/Coastguard Officer

යාත්‍රාව පරීක්ෂා කළ නාවික හමුදා/වෙරළ ආරක්ෂක නිලධාරී සහතිකය

Name of the Officer නිලධාරී නම	LS HMPW Bandura	Signature and the Rubber Stamp of the Officer අත්සන සහ නිල මුද්‍රාව	C.E.H.C. BERUWALA 2019/10/19 1825 HRS
		Date දිනය	

Ginigie Prasanna Janaka Kumara
Director General
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26 March 2019

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Janak Pushpakumara kumara84janaka@gmail.com
Nuwan Gunawardana nuwan54@gmail.com

Dear Mr. Kumara,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

Thank you for your letter dated 21 March 2019 which has helpfully answered some of the questions raised in our earlier correspondence of 4 March and 15 March 2019.

1. VMS on multiday fishing vessels operating within the EEZ of Sri Lanka

We note the updated details regarding installation of VMS on multiday fishing vessels operating within the EEZ of Sri Lanka and are encouraged that this will occur 'very soon'. *We would be grateful for an update on the status of installation in due course.*

2. Action taken against fishing skippers

We note and support the plans to amend the Fisheries Act in order to enable legal action to be taken against the vessel operator (skipper) and nationals engaged in IUU Fishing which will enable Sri Lanka to apply the provisions of IOTC Resolution 07/01. *We would be grateful for an update on the timeline for change in due course.*

We appreciate that you have used such administrative powers that you have available to deal with the skippers of these vessels.

The skipper of IMUL 0728 KLT had his licence cancelled for one year, whereas the skippers of IMUL-A-0128 GLE; IMUL-A-0398-KLT; IMUL 0142 PTM; IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT each attended a 2 day consultation *It would be useful to understand if there is any further information that BIOTA or the Principal Legal Advisor can provide which would allow you to suspend the licences of skippers suspected of IUU fishing ahead of the proposed changes to legislation?*

3. IOTC IUU vessel listing

A. Vessels previously reported to IOTC

Superfresh 02 – IMUL-A-0128 GLE (presented to IOTC in 2017) and Lakshi Duwa 06 – IMUL-A-0398-KLT (presented to IOTC in 2018)

We are satisfied that sanctions of adequate severity have been taken in respect of the owners of these vessels. We consider the actions taken in respect of the skippers to be inadequate but note the current limitations of the

Fisheries Act and that this will be updated. We will therefore not be re-notifying these vessels to IOTC Compliance Committee in 2019.

B. Vessels to be reported to IOTC in 2019

Seneka 07 IMUL 0142 PTM

We are satisfied that sanctions of adequate severity have been taken in respect of the owner of this vessel. We consider the actions taken in respect of the skipper to be inadequate but note the current limitations of the Fisheries Act and that this will be updated. We will notify this vessel to IOTC Compliance Committee in 2019 with recommendation b) 'Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'.

IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT

Thank you for indicating that these cases have been referred to the Minister. It is still not clear to us why this is the case. *Could you please provide a more detailed explanation of what that means?* We also note that the dates for court cases for these vessels have passed (25 March; 20 February; and 5 February respectively). *Is DFAR intending that any of the owners of these vessels is to be prosecuted?*

At the time of writing, we are NOT satisfied that sanctions of adequate severity have been taken in respect of the owners of these vessels. We consider the actions taken in respect of the skippers to be inadequate but note the current limitations of the Fisheries Act and that this will be updated.

As we are unable to conclude on the information currently provided that actions of adequate severity have or shall be taken, we have concluded that the only correct course of action for us to take is to notify these vessels to IOTC Compliance Committee in 2019 with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We note that Sri Lanka has until 15 days before the Compliance Committee Meeting to provide additional information which we will review at that time before deciding whether to pursue IUU listing during the meeting.

IMUL 0728 KLT.

This vessel is on the IOTC Authorised fishing vessel list. We understand that no action has been taken against the owner of the vessel nor is intended. The vessel has now been released. We note that the Master's/Skipper's licence was cancelled for 12 months. Whilst the VMS was working when the vessel left port reconfiguration of VMS transponders means there are no vessel tracks for the period in question, which we consider to be inadequate. *It would be helpful to us when deciding how to request this vessel is to be dealt with by the IOTC if we could understand why this owner has not been prosecuted. Is there a specific reason why this action could not take place in this case compared to others.*

At the time of writing, we are NOT satisfied that sanctions of adequate severity have been taken in respect of the owner of this vessel. We consider the action taken in respect of the skipper to be adequate.

As we are unable to conclude on the information currently provided that actions of adequate severity have or shall be taken, we have concluded that the only correct course of action for us to take is to notify this vessel to IOTC Compliance Committee in 2019 with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We note that Sri Lanka has until 15 days before the Compliance Committee Meeting to provide additional information which we will review at that time before deciding whether to pursue IUU listing during the meeting.



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We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean. We look forward to receiving your responses to the above.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or James Muir Clark (j.clark@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

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

Linsey Billing
BIOT Administration, Director of Fisheries

CHECKLIST TO BE COMPLETED BY THE SECRETARIAT FOR VESSELS TO BE INCLUDED ON THE DRAFT AND PROVISIONAL IUU LISTS

Vessel Name: **IIMULA0728KLT**

Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
For the Draft IUU Vessel List						
IOTC Reporting form (Annex I) submitted at least 70 days before the Compliance Committee meeting with documented information	Nominating CPC	5,6,7,8	Y	If No, do not include on the Provisional IUU list (Para 17)	✓	
At least 15 days before the Compliance Committee Meeting, Flag State has provided information that it has notified the Owners and Masters of a vessel of its inclusion on the Draft IUU Vessel List and the consequences thereof	Flag CPC	9,10	Y			
At least 15 days before the Compliance Committee Meeting, Flag State has provided information consistent with Paragraph 10	Flag CPC	10	N			
Additional information has been submitted, relevant to IUU listing	Nominating CPC or flag CPC	12	Y			
For Inclusion on the Provisional IUU Vessel List (note that Secretariat will indicate if information has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee)						



Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
Has the flag State of a vessel included in the Draft IUU Vessel List provided information that demonstrates that the vessel has at all relevant times complied with the rules of the flag State and with its authorisation to fish and:	Flag CPC	14c	N	Aide Memoire to CoC: Only where para14c or 14 d are satisfied, do not include on Provisional IUU list.		
(a) that the vessel has conducted fishing activities in a manner consistent with the IOTC Agreement and Conservation and Management Measures	Flag CPC	14c	N			
(b) that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or	Flag CPC	14c	N			
(c) that the vessel has fished exclusively for species that are not covered by the IOTC Agreement or IOTC Conservation and Management Measures	Flag CPC	14c	N			
Has the flag State provided information that demonstrates that effective action has been taken in response to IUU fishing activities (the CoC will decide if they are of adequate severity)	Flag CPC	14d	Y			
Has the flag State provided information to show that it has taken any actions in accordance with 07/01	Flag CPC	14d	Y			

Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

28 March 2019

cc. Mr Hosea Gonza Mbilinyi, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr Kumara, and Ms K Hewapathirana, DFAR, Sri Lanka

Dear Dr O'Brien,

Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged Vessel IMULA 0207 GLE

As required in paragraphs 5 and 6 of Resolution 18/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting IUU fishing activity for the Sri Lankan flagged vessel IMULA 0207 GLE. 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 taken action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2016).

The attached evidence shows that

- The vessel was not on the current IOTC Record of Authorised Vessels
- The vessel had no stern markings
- No VMS was installed
- The vessel was equipped with gill nets and longlines; There were no gear markings
- Wire trace (illegal in BIOT) were not stowed and were set for fishing
- The vessel had tuna and tuna like species on board – Skipjack; several shark species
- The vessel was presumed IUU fishing within the waters of the British Indian Ocean Territory without a license;
- Sri Lanka has not provided sufficient information to enable the conclusion that sanctions of adequate severity have yet or shall be taken in respect of the owner of this vessel.
- The actions taken in respect of the skipper are inadequate but we note that such administrative powers that are currently available to deal with the skippers of IUU vessels have been applied.

We submit this vessel to IOTC Compliance Committee with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We will review this recommendation before the meeting in light of any additional information provided by Sri Lanka pursuant to paragraphs 10 and 12 of Resolution 18/03.

I would be grateful if you could circulate this material for the information and consideration 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, IMULA 0207 GLE

IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 18/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by UK(OT) in 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)	IIMULA0207GLE
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 (previous owner/s, if any)	Mahabaduge Pramaj Dilsara Fernando Jayasonga of: 71 18 Siriniwasa Mawatha, Nallbesa, Beruwala
h	Operator (previous operator/s, if any) and Master/Fishing Master	Not known
i	Date of alleged IUU fishing activities	29/10/2018
j	Position of alleged IUU fishing activities	05° 39.6' S 072° 29.8' E
k	Summary of alleged IUU activities (see section B for more detail)	<p>The vessel was in possession of fishing gear (wire trace), which is prohibited within BIOT waters, set and ready for fishing.</p> <p>Following further inspection in Diego Garcia, the vessel was found to be in possession of catch that had not been recorded. This included skipjack tuna, as well as several shark species.</p> <p>The vessel was not currently on the IOTC record of authorized vessels with the last register being 13/02/2014. The vessel did not have an applicable license issued by the flag state for high seas fishing.</p> <p>Fishing gear observed on-board did not have vessel markings</p> <p>No VMS system was present on board.</p>

l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was approached, photographed and boarded.
m	Outcome of Actions taken	Following approach and boarding the vessel was detained and escorted to Diego Garcia.

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 17/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

Item	Definition	Indicate
a	Engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	<input checked="" type="checkbox"/>
b	Engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	<input type="checkbox"/>
c	Failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	<input type="checkbox"/>
d	Taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
e	Engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
f	Used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
g	Transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	<input type="checkbox"/>
h	Engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	<input checked="" type="checkbox"/>
i	Engaged in fishing or fishing related activities whilst being without nationality; or	<input type="checkbox"/>
j	Engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	<input checked="" type="checkbox"/>
k	Engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	<input checked="" type="checkbox"/>

C. Associated Documents

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

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

D. Recommended Actions

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

Appendix I – Photographs.



Figure 1: Vessel photo, portside



Figure 2: Vessel stern with no vessel name or identification



Figure 3: Vessel photo, portside

INSPECTION REPORT – ARW03

1 Summary

Date of boarding	29/10/18
Patrol type and number	FIPA 53
Vessel name	IMUL-A-0207-GLE
Vessel type	FV <25m, Longline and gillnets
Vessel flag and home port	Sri Lanka
Vessel identification number	IMUL-A-0207-GLE
Vessel identification type	Multipurpose
IOTC# (if registered)	IOTC011283
Vessel Master name	S.M.A.C. Samarakoon
SFPO	Andrew Watson
FPO / FPOs	
Outcome of boarding	Vessel detained and escorted to Diego Garcia

2 Initial sighting details (from Grampian Frontier only)

Date and time of first sighting	29/10/18 10:20 (DD/MM/YY HH:MM)				
Sighted by	Grampian Frontier, John Kreuger	Radar	N	Visual	Y
Position of target 1	05°39.6'S 072°29.8'E				
Course	Stationary				
Speed	None				
Range	6.1Nm from BPV				
Bearing	NA				
Comments: The target was located from the bridge of the BIOT Patrol Vessel by the mate, Mr. John Kreuger whilst making way back towards the site where the first intercepted vessel was located. The BPV DC was waiting alongside the vessel IMUL-A-0030-GLE and the SFPO was on board IMUL-A-0728-KLT. The BPV DC was sent to investigate at around 10:25 and intercepted the vessel at 10:37. The vessel reported engine trouble to the Captain of the BPV who was on board the DC. Following crew changes on the FRC and the DC and the transfer of the SFPO and 2 nd Officer Lukasz Kasielewski on to IMUL-A-0030-GLE for inspection, the SFPO and 2 nd officer disembarked on to the DC and a way point was set to intercept IMUL-A-0207-GLE.					
Fisheries Pennant and Sierra Quebec Three Raised	29/10/18 04:00 (DD/MM/YY HH:MM)				
Target requested to stop and prepare for boarding.	29/10/18 16:00 (DD/MM/YY HH:MM)				
Response to request for boarding	Captain was happy for the SFPO and 2 nd Officer to board. No issues.				

3 Launching of workboat

Time workboat launched	29/10/18 14:09	(DD/MM/YY HH:MM)
Workboat crew	Coxwain Donald MacFarlane, 2 nd Officer Lukasz Kasielewski.	

Comments on the approach to the FV: The vessel was circled twice and photos to confirm identification were taken. Vessel identified as IMUL-A-0207-GLE.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	Yes
	Other	SSB Radiotelephone, GPS, automatic antenna tuner.

4 Boarding details

Date and time vessel boarded	29/10/18 16:03	(DD/MM/YY HH:MM)
Position vessel boarded	05°41.7'S 072°27.1'E	
Boarding party team	SFPO Andrew Watson, 2 nd Officer Lukasz Kasielewski	
Language spoken	English	
Interpreter needed (Y/N)?	Name	None available

4.1 Crew details

Vessel Master name	S.M.A.C.	
Vessel Master nationality	Sri Lankan	
Vessel Master address	19/19, Egadawatta, Beruwala	
Vessel Master D.o.B	31/12/86	(DD/MM/YY)
Number of crew	4 + 1 (captain)	
Vessel crew nationality	Sri Lankan	
Are any crew under 18 (Y/N), if 'Y' provide details below.		N
Do any crew have health issues (Y/N), if 'Y' provide details below.		N
Observations: All crew appeared to be healthy.		
Photographic Evidence Collected (See Annex 1).	Captain ID	Yes. Copy of ID card retained by SFPO.
	Other crew id	ID cards retained by SFPO. Camera battery died so was unable to take crew photographs.

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	Yes 18EEZIMUL4417KU
Fishing licence date of issue, expiry and issuing authority	29/03/18 to 31/12/18 (DD/MM/YY) Dept. of Fisheries and Aquatic Resources, Colombo, Sri Lanka.
FV owner name (as per licence)	Mahabaduge Pramaj Dilsara Fernando Jayasonga
FV owner details (as per licence)	71 18 Siriniwasa Mawatha, Nallbesa, Beruwala
Fishing logbook present (y/n) and number if relevant	Yes, LB-18 0733
Issuing authority	Dept. of Fisheries and Aquatic Resources Sri Lanka

Date of last entry	26/07/18 (DD/MM/YY)	
Position of last entry	Unable to verify figures.	
Other paperwork: The Captain gave all relevant paperwork to the SFPO including certificate of insurance, vessel registration, boat departure forms and fishing licence. These were retained by the SFPO.		
Photographic Evidence Collected (See Annex 1).	Licence	Yes
	Logbook	Yes
	Other	Crew identification papers and crew photographs. Boat departure form.

4.3 Interview with Captain

Time of interview	16:05	(HH:MM)
Captain's rights read and understood?	I did not read the Captain his rights. The captain was asked questions but not under interview. The Captains understanding of English sufficient for him to understand instructions.	
FV Port of departure	Unable to read.	
Date of departure	09/10/2018 (difficult to read 09)	(DD/MM/YY)
Travelling to or from fishing grounds?	To EEZ	
Amount of fish onboard (t)	Unknown. Some split and dried Dorado fillets. Captain declared he had about 600kg of shark. Was unable to verify the catches as the holds contained surface quantities of ice.	
If fish onboard where caught?	Unknown	
If fish onboard when caught?	Unknown	
If fish onboard how caught?	Unknown	
Destination	Sri Lanka	
Port of return	Unknown.	
Anticipated date of return	Unknown	(DD/MM/YY)
Comments: The captain of the vessel was compliant with all requests and provided documentation when asked. He complained that he had broken down and showed the SFPO a way-point outside of the EEZ on the GPS of 07°13.757'S 067°03.953'E.		

4.4 Vessel inspection

Fishing gear type		Longlines with steel traces. Some gillnet present underneath a lot of loose fishing gear.	
Comments The net hold/box was significantly less than half full of net. The vessel had an electronic hauling system on the fore deck for longline.			
Catch onboard (estimated t)		Unable to estimate from holds. There did not appear to be fresh fish in the holds but too difficult to tell without emptying out the holds.	
IOTC species onboard (Y/N)	None seen	Endangered species onboard (Y/N)	None seen
Description of catch: Some dorado fillets and a very unusual dried product which I was unable to identify.			

Comments: Wire traces were not stowed and were set for fishing. There were not many hooks on board, around 90 hooks and traces. The Captain indicated that he had lost some. The vessel had no VMS on board.		
Photographic Evidence Collected (See Annex 1).	Gear	Y
	Catch	Y
	Hold	Y

5 List of violations

5.1 BIOT ordinance violations

Fishing without a licence	
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 As per above. Wire traces on all longline gear. The gear was accessible and set for fishing on the foredeck.	

5.2 IOTC CMM violations

Vessel not marked with name or callsign	Difficult to determine.
Fishing gear not marked with name or callsign	X
No VMS	X
VMS not tamperproof	
No state issued logbook	
No state issued licence	X No licence to fish the high seas was evident. Licence to fish EEZ only.
Possession of drift net over 2.5km.	
Not on the IOTC authorised list	X Last valid date 13/02/14
Not on the IOTC Record Active Tuna / Swordfish	X
No turtle de hooker on board	Not seen.
Comments The vessel had no VMS or AIS fitted. No licence for fishing outside the Sri Lankan EEZ was present.	

6 SFPO actions

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: The Captain complied with all the SFPOs requests and made no complaint about being escorted to Diego Garcia.	

7 Disembarkation and recovery

Time FV disembarked	17:38	29/10/18
Time Workboat recovered to the BPV	18:10	29/10/18
Comments: The SFPO explained to the Captain that he was to wait in position overnight and he was to be towed by his brother's vessel to Diego Garcia for further questioning by police officers on arrival.		

8 Vessel records and history

Vessel on IOTC register (Y/N)	Y	IOTC number	IOTC011283
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			
Version of IOTC database referenced: IOTC Vessel Updated List 26/03/201			
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	Unknown	Inspection report ID	
Owner previously boarded (Y/N)	Unknown	Inspection report ID	
Crew previously boarded (Y/N)	Unknown	Inspection report ID	
Comments:			

Andrew Watson
BIOT Senior Fisheries Protection
Officer 30/10/2018

Appendix III – Notification of Investigation and Request for Cooperation



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Geethamali Chandrasiri
Assistant Director
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

30 October 2018

E-Mail: Geethamali Chandrasiri ip@fisheriesdept.gov.lk

Cc: Director General dqdfar@gmail.com;
Janak Pushpakumara kumara84janaka@gmail.com;
Nuwan Gunawardana nuwan54@gmail.com;
Kalyani Hewapathirana hewakal2012@gmail.com

Dear Dr Chandrasiri,

Request for Confirmation of Ownership of the Sri Lankan vessels IMUL-A-0728-KLT, IMUL-A-0207-GLE and IMUL-A-0030-GLE.

The Sri Lankan flagged vessels **IMUL-A-0728-KLT**, (IOTC16120 (current record expires 31/12/2018)) **IMUL-A-0207-GLE**, (IOTC11283 (most recent record expired 13/02/2014)) and **IMUL-A-0030-GLE**, (not on the IOTC Record of Authorised Vessels) are currently the subject of a criminal investigation into suspected illegal fishing activity including possession of illegal fishing gear (IMUL-A-0207-GLE and IMUL-A-0030-GLE) and obstruction of a Fisheries Protection Officer (IMUL-A-0728-KLT). The BIOT Administration needs to be clear as to the accurate details of the registered owners before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of these vessels are preliminary, no finding has been made by the Administration of any such activities.

According to the best information available to the Administration the names and addresses of the owners of these vessels are as follows;

Vessel / Source	Owner Name / Address
IMUL-A-0728-KLT IOTC Record of Authorised Vessels	H.R.D.D. PERERA 42/4, CHAMARA UYANA, AMBEPITIYA, BERUWALA.
IMUL-A-0207-GLE IOTC Record of Authorised Vessels	LL. SAMARASINGHA 175/MATARA ROAD, MAGALLE, GALLE.
IMUL-A-0207-GLE Vessel Documents	MAHABADUGE, PRAMAJ DILSARA FERNANDO JAYASOORIYA NO: 71/8 SIRINIWASA MAWATHA, NALLAHENA, BERUWALA
IMUL-A-0030-GLE No source	NO RECORD

Please can you confirm or provide us with the ownership details for these vessels? 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, ideally by 31st October.

Only one vessel, **IMUL-A-0728-KLT**, was seen to have a VMS on board, although according to the captain it wasn't working. However, if possible, please could you supply any VMS records for the recent trip for this vessel, or the other vessels if available, that could provide information in relation to their movements.

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They are currently being escorted by the BIOT Patrol vessel and are estimated to arrive into Diego Garcia on the 31st October. We would be grateful for an early indication of whether you plan to request that Sri Lankan authorities deal with these vessels if it is confirmed that they are in violation of the fisheries regulations of Sri Lanka.

Thank you for your cooperation.

Yours sincerely

Linsey Billing
BIOT Director of Fisheries

Dr Christopher Mees
Head of UK Delegation to IOTC

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த. பெட்டி
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பணிப்பாளர் நாயகத்தின் அலுவலகம்
Office of Director General

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472187



ෆැක්ස් අංකය
தொலை நகல்
Fax No.

මගේ අංකය
எனது இல.
My No.

DFAR/FM/ADG/Innocent Passage-2018

ඔබේ අංකය
உமது இல.
Your No.

449170

ධීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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නව මහලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10
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New Secretariat, Maligawatta, Colombo 10.

දිනය
திகதி
Date 31.10.2018

Ms. Linsey Billing

BIOT Director of Fisheries

Dr.C.Mees

Head of UK Delegate to IOTC

Ownerships confirmation of the Sri Lanka Fishing Vessel IMUL-A-0728KLT, IMUL-A-0207GLE, IMUL-A-0030GLE.

As per the request you have forwarded to this Department, on confirmation of the ownership of above fishing vessels, please find the following details.

Vessel	Owner Name / Address
IMUL-A-0728KLT	H.R.D.DAMAYANTHI 42/4,CHAMARA UYANA AMBEPITIYA BERUWALA.
IMUL-A-0207GLE	M.P.D.F.JAYASOORIYA NO.71/8, SIRINIWASA MAWATHA, NALLAHENA, BERUWALA.
IMUL-A-0030GLE	P.K.D.D.SUSANTHA KAKUNU UDUMULLA, KAJUDUWA ROAD, DUDAMGODA
Source- Vessel Registry - DFAR	

DFAR is willing and would request to take legal actions against the vessels Owners as per the Fisheries and Aquatic Resources Act, Sri Lanka on receipt of confirmed evidence of violations by these vessels.

Ginige Prasanna Janaka Kumara

Director General

Ginige Prasanna Janaka Kumara
Director General
Department of Fisheries & Aquatic Resources



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15 November 2018

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Dear Mr. Ginige Prasanna Janaka Kumara,

Release of the Sri Lankan vessels IMUL-A-0728-KLT, IMUL-A-0207-GLE and IMUL-A-0030-GLE.

Thank you for your letter dated 31 October 2018 confirming the ownership of each of the above referenced vessels and indicating that DFAR intend to take legal action against the owners of the vessels.

These vessels were boarded and inspected, in accordance with BIOT laws, by the BIOT Fisheries Protection Officer on the 29th October 2018. All three vessels were detained upon suspicion of being involved in illegal fishing activity and escorted to Diego Garcia for further investigation.

All three vessels were investigated for illegal fishing activity and additionally, IMUL-A-0207-GLE and IMUL-A-0030-GLE for possession of illegal fishing gear (wire trace), and IMUL-A-0728-KLT for obstruction of a Fisheries Protection Officer. Please find attached the Fishery Protection Officers Inspection report which details the boarding and inspection of the vessels.

On 31st October, following the letter from DFAR which confirmed the intention of the Sri Lankan authorities to take legal action against the owners of the vessels, the Director of Fisheries took the decision that the vessels should be returned to Sri Lanka. In light of this decision, no criminal proceedings were commenced in BIOT. A preliminary police investigation was commenced and concluded.

Unfortunately, two of the vessels had engine problems and so all three were kept in Diego Garcia until the vessels could be made sea-worthy.

During this period, the ice in the hold of IMUL-A-0207-GLE had started to melt. Following removal of this ice in efforts to make the vessels sea-worthy a total of 34 sharks were discovered, including 1 Scalloped Hammer Head, 7 Silver tips, 13 silky sharks, 12 Blacktip shark and 1 Short-finned Mako. 21 skipjack tuna and 2 dorado were also found.

In accordance with BIOT legislation, an application was made to the Magistrate to destroy the catch. Having heard from the BIOT Police and Master of the vessel, the Magistrate ordered the destruction of the catch.

On 9th November 2018 the Master and crew were served with removal orders, issued by the Principal Immigration Officer in accordance with BIOT Immigration law.

The three vessels were released at approximately 17:00 hours on 9 November 2018 and instructed to leave BIOT waters directly and return to their home ports in Sri Lanka. The estimated date of arrival in Sri Lanka is 19 November.

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



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We would like to request that as well as taking action against the owners of these vessels, DFAR take such action as they can against the Masters of the vessels so as to discourage them and other Masters from entering BIOT waters and engaging in illegal fishing activity.

We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean and would kindly request notification of any actions taken by DFAR in conducting a regulatory investigation into the activities of these vessels.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or James Muir Clark (j.clark@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

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

Linsey Billing
BIOT Administration, Director of Fisheries

Ginigie Prasanna Janaka Kumara
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

04 March 2019

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Geethamali Chandrasiri ip@fisheriesdept.gov.lk
Janak Pushpakumara kumara84janaka@gmail.com
Nuwan Gunawardana nuwan54@gmail.com

Dear Mr. Ginige Prasanna Janaka Kumara,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

I refer to an email of 20/01/2019 from Kalyani Hewapathirana to Denise Bradshaw, BIOT Principal Legal Advisor, with attached table: 'Update on the actions taken in respect of Sri Lankan vessels reported on IUU in BIOT waters during 2017 and 2018', copied to me. As you know it is necessary to inform IOTC of presumed IUU by a deadline of 70 days before the Compliance Committee. Ahead of submitting any reports, we have a number of questions on the historic cases previously submitted to IOTC and the new vessels that we will report this year.

We note the actions taken against a number of vessels boarded and inspected in BIOT (in your table, those numbered 1, 2, 3, 5, 7, 8, 9, 10, and 12). We will continue to provide similar inspection reports as you have requested. These vessels will not be separately reported to IOTC although they will be included in any information paper we may produce as in previous years 'Reporting of vessels in transit through BIOT waters for potential breach of IOTC Conservation and Management Measures'. We further note your letter dated 20/07/2018 on 'Implementation of VMS to the multiday fishing vessels operate within the EEZ of Sri Lanka'. We welcome the extension of the VMS programme to include all multi day vessels, not just those authorised to fish on the high seas, and note the delays in implementing this. We would be grateful if you can keep us informed of progress.

The remainder of this letter relates to vessels where the inspection by the BIOT Senior Fisheries Protection Officer indicated fishing activity in BIOT waters and presumed IUU, and so may be reported to IOTC. As you are aware Paragraph 14d of IOTC Resolution 17/03 requires the flag State to provide information that demonstrates that:

- (1) effective action has been taken in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements. And,
- (2) Every CPC shall report any actions and measures that it has taken in accordance with Resolution 07/01, in order to promote compliance with IOTC Conservation and Management Measures by vessels that fly its flag.' (i.e. to investigate the engagement of natural or legal persons engaged in IUU)

We note that the table of actions you have provided largely covers the first element (i.e. prosecution and sanctions imposed; other flag State actions such as detention of the vessel, installation of VMS, revised licensing conditions etc.). We further note that these actions largely relate to the vessel owner. However, there is limited information provided that relates to the second element of 14d, the actions taken against those engaged in IUU. Here we particularly refer to the Master (or Skipper) of the vessel rather than the crew,

although for the latter we would be interested if any action was taken e.g. to better educate them about IUU.

As soon as possible, and no later than 21st March (noting BIOT will be making its submission to IOTC on 28th March) we would be grateful to receive additional information, including supporting evidence, from you as set out below.

A. Vessels previously reported to IOTC

At the time of submission to CoC, BIOT's recommendation for the following vessels was: *'(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.* Hence these vessels were not included in the draft IUU vessel list and were for information only.

We would like to close these cases as far as IOTC reporting is concerned, and so would appreciate your response to the following which, we trust, should enable us to do so.

(4) Superfresh 02 – IMUL-A-0128 GLE (presented to IOTC in 2017)

This vessel was prosecuted and fined in the BIOT Court on Diego Garcia, but has not paid the fine. We note the actions taken by Sri Lanka against the owner of the vessel, indicated in the table the provided, and that the vessel is currently anchored in Beruwala harbour and cannot fish due to non-payment of fines.

With respect to the Master/Skipper your letter DFAR/FM/K/IUU/2017 dated 01/03/2017 indicates that the skipper and crew were detained. Your letter with the same reference dated 03/05/2017 to the IOTC Executive Secretary provided an update on the case relating to this vessel, but provided no further information on the actions taken against the Master. No details are provided of the actions taken against the Master/Skipper in the table provided on 20/01/2019.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper

(6) Lakshi Duwa 06 – IMUL-A-0398-KLT (presented to IOTC in 2018)

We note the actions taken by Sri Lanka against the owner of the vessel, indicated in the table provided, and that the vessel is currently anchored in Beruwala harbour and cannot fish due to non-payment of fines.

With respect to the Master/Skipper your letter dated 26/04/2018 to Dr CC Mees includes an annexed letter dated 03/10/2017 to the Assistant Director, Kalutra District Fisheries Office, which gives instructions that an inquiry should be conducted before releasing the skipper and the crew, and that the fishing operation licence of the skipper should be suspended. No details are provided of the actions taken against the Master/Skipper in the table provided on 20/01/2019.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper confirming whether these instructions and any other actions were carried out.

B. Vessels to be reported to IOTC in 2019

(11) Seneka 07 IMUL 0142 PTM

We note the actions taken against the owner, and that due to non-payment of fine the vessel is anchored in Beruwala harbour. We have no details of any actions intended, or taken in respect of the Master/Skipper.

Please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper

(13) IMUL A 0030 GLE; (14) IMUL0207 GLE; and (15) IMUL 0293 KLT

All three vessels have recent or pending court cases 25 March; 20 February; and 5 February respectively (we assume 2019, the Table indicates 2018). The BIOT Director of Fisheries has asked for clarification of what approval from the Minister has been sought.

For all three vessels, please provide details of the actions taken by Sri Lanka in respect of the vessel Master/Skipper. Please provide details of the outcome of the court cases against the owners, and also any settlements made by the owner.

(16) IMUL 0728 KLT.

We note that no action has been taken against the owner of the vessel to date. It is not clear if the vessel has been released to continue fishing, or is still detained in port. We note that the Master's/Skipper's licence was cancelled for 12 months. This vessel was on the IOTC Authorised fishing vessel list and equipped with VMS. We refer to our letter dated 30 October 2018 in which we request VMS records for this vessel in order to provide information on its movements.

Please note that the BIOT Administration may provide you with additional information in respect of this vessel. In the meantime:

Please provide the VMS record for this vessel for the relevant time period.

Please clarify if the vessel is still detained?

Please clarify whether the owner of the vessel will be prosecuted?

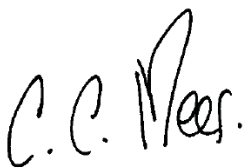
Please indicate if any further action was taken in respect of the skipper?

We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean. We look forward to receiving your responses to the above.

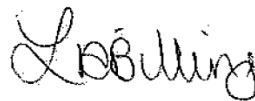
Yours sincerely

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or James Muir Clark (j.clark@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely



Dr C.C. Mees
Head of UK(OT) Delegation to IOTC
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Linsey Billing
BIOT Administration, Director of

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My No.

DFAR/FM/K/2019

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உமது இல.
Your No.

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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Date

21.03.2019

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Reporting presumed IUU vessels to the IOTC Compliance Committee

This is reference to your letter dated 04th March 2019 on the above. Please find the following clarifications on your queries.

Para (ii) - Implementation of VMS to the multiday fishing vessels operating within EEZ of Sri Lanka.

As you are aware Ministry of Fisheries and Aquatic Resources Development Sri Lanka is not in a position to call another tender for purchasing of VMS for the vessels operating within EEZ until the Fundamental Right case filed by one of the bided Company is finalized. However as the chief Administrative body responsible on Monitoring of fishing vessels of Sri Lanka, Dept. Fisheries and Aquatic Resources (DFAR) highlighted the fact that the importance of installing of Vessel Monitoring Devices (VMDs) on board of all multiday fishing vessels , as Sri Lanka bound by international resolutions on prevent deter and elimination of IUU fishing in the region.

Further recent past incidents of deploying of fishing vessels for non- fishing activities such as human trafficking and drug trafficking by organized groups of people is another menace which further aggravated the requirement of VMDs on board of fishing vessels.

As such DFAR sought legal advice from Attorney General Dept. to find the possibility of settling the court case by conducting several meetings with the participation of relevant parties. The party who files the FR case agreed to withdraw the court case if they have been offered the tender. As a

result the Senior State Counselor appearing for the case has instructed DFAR by a letter dated to award the tender to the party who filed the FR case by put forwarding a Cabinet Paper to the Cabinet of Ministers of the Parliament. However due to the prevailed political uncertainty in the country caused a delayed in the process and the MFARD is currently proceed on this matter. As such we see a green light of installation of VMDs within EEZ vessels very soon.

Sri Lanka Vessels inspected by BIOT SFPO

Para (iv) -Sri Lanka still find lack in legal provisions to take legal actions against the vessel operator (skipper) those who engaged in IUU fishing. As such preliminary arrangements have made to bring amendment to the current Fisheries Act to incorporate provisions to take actions against the vessel operator (Skipper).

However, there is a special arrangement in the investigation division to send the skippers those violate High seas regulations, for a compulsory two-day consultation on the obligations of High Seas fishing. Such skippers are not allowed to operate a fishing vessel if they do not attend these sessions. This is an administrative measure implemented until the period of new legal provisions come in to enforce. In addition, the training unit conducts the regular awareness programs in all Districts in a rotation manner.

With regard to your inquiries for vessels previously reported to the IOTC,

- (4) Super Fresh 02 – IMUL-A-0128 GLE (2017)
- (5) Lakshiduwa -IMUL-A- 0398 KLT (2018)
- (11) Senaka 07 IMUL 0142 PTM (2019)
- (13) IMUL-A- 0030GLE, IMUL-A- 0207GLE, IMUL-A- 0297KLT – As per the provision in the DFAR Act No. 02 of 1996 section 52(1) for the compounding (1st time convicted and admit guilty) approval of the Minister of Fisheries and Aquatic Resources Development is required. As such the file has been forwarded to the Minister.

Due to non-availability of legal provisions to take actions against the skipper, the skippers of the vessels given in above four bullet points were released by making them compulsory to attend the two day consultation on the obligations of High Seas fishing.

(16) IMUL- A- 0728 KLT

I draw your attention to your letter dated 15th November 2018. With respect to investigation findings you have reported in the paragraph 3 the skipper of the vessel IMUL- A- 0728 KLT has

been obstructed to the duties of SFPO of BIOT. We take this matter into our serious consideration and decided to cancel the skipper license for one year.

I would say that in the FARA Act No 35 of Sri Lanka also has provisions to take legal actions for obstructing to the authorized officers.

However the wordings in the paragraph (v) of the letter dated 15th November 2018 has misled the investigation officers of Sri Lanka that the entering of this vessel in to BIOT waters is due to an engine failure, which it was tally with the statements given by them after arrival to Sri Lanka.

In the Inspection Report – ARW01, under IOTC CMM violations we noted that the fishing gears are not marked, No VMS, VMS not tampered, No State issued log book and no state issued license is marked. However DFAR can confirm that the vessel had Log book and the Operation licence and operating VMS on board during the departure from the home port. The departure form of the vessel is attached for your information. We noted that the gear marking has not been checked by the harbor officials during the departure.

- The Vessel Monitoring Device showed that it was in good working order during the departure. However re-configuration of VMS transponders is going on under new International Maritime Satellite (INMARSAT) C service due to the change of the previous INMARSAT C service provider. Therefore DFAR is experiencing failure of Vessel monitoring system in some of the vessels the above vessel also one of such and therefore VMS record is not available.
- The vessel is permitted for H.S. Fishing
- The owner has not persecuted.
- With the information provided by you on 15th of March there is a potential DFAR to take further action in respect of the skipper. We hope to execute the legal provisions available in the prevailing Act with the assistance of the evidence provided by BIOT in future.

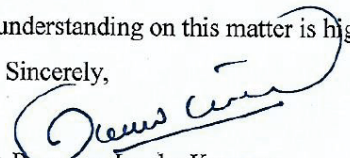
I would say that DFAR is hardly managing to take some legal actions against the fishers due to some economic and social hardships faced by them. However we are not retrograde to take legal actions against the IUU fishing activities keeping our commitment to prevent IUU fishing in the region.

Your understanding on this matter is highly appreciated.

Yours Sincerely,

Ginige Prasanna Janaka Kumara

Director General


Ginige Prasanna Janaka Kumara
Director General
Department of Fisheries & Aquatic Resources

Ginigie Prasanna Janaka Kumara
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26 March 2019

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Nuwan Gunawardana nuwan54@gmail.com

Dear Mr. Kumara,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

Thank you for your letter dated 21 March 2019 which has helpfully answered some of the questions raised in our earlier correspondence of 4 March and 15 March 2019.

1. VMS on multiday fishing vessels operating within the EEZ of Sri Lanka

We note the updated details regarding installation of VMS on multiday fishing vessels operating within the EEZ of Sri Lanka and are encouraged that this will occur 'very soon'. *We would be grateful for an update on the status of installation in due course.*

2. Action taken against fishing skippers

We note and support the plans to amend the Fisheries Act in order to enable legal action to be taken against the vessel operator (skipper) and nationals engaged in IUU Fishing which will enable Sri Lanka to apply the provisions of IOTC Resolution 07/01. *We would be grateful for an update on the timeline for change in due course.*

We appreciate that you have used such administrative powers that you have available to deal with the skippers of these vessels.

The skipper of IMUL 0728 KLT had his licence cancelled for one year, whereas the skippers of IMUL-A-0128 GLE; IMUL-A-0398-KLT; IMUL 0142 PTM; IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT each attended a 2 day consultation *It would be useful to understand if there is any further information that BIOTA or the Principal Legal Advisor can provide which would allow you to suspend the licences of skippers suspected of IUU fishing ahead of the proposed changes to legislation?*

3. IOTC IUU vessel listing

A. Vessels previously reported to IOTC

Superfresh 02 – IMUL-A-0128 GLE (presented to IOTC in 2017) and Lakshi Duwa 06 – IMUL-A-0398-KLT (presented to IOTC in 2018)

We are satisfied that sanctions of adequate severity have been taken in respect of the owners of these vessels. We consider the actions taken in respect of the skippers to be inadequate but note the current limitations of the

Fisheries Act and that this will be updated. We will therefore not be re-notifying these vessels to IOTC Compliance Committee in 2019.

B. Vessels to be reported to IOTC in 2019

Seneka 07 IMUL 0142 PTM

We are satisfied that sanctions of adequate severity have been taken in respect of the owner of this vessel. We consider the actions taken in respect of the skipper to be inadequate but note the current limitations of the Fisheries Act and that this will be updated. We will notify this vessel to IOTC Compliance Committee in 2019 with recommendation b) 'Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'.

IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT

Thank you for indicating that these cases have been referred to the Minister. It is still not clear to us why this is the case. *Could you please provide a more detailed explanation of what that means?* We also note that the dates for court cases for these vessels have passed (25 March; 20 February; and 5 February respectively). *Is DFAR intending that any of the owners of these vessels is to be prosecuted?*

At the time of writing, we are NOT satisfied that sanctions of adequate severity have been taken in respect of the owners of these vessels. We consider the actions taken in respect of the skippers to be inadequate but note the current limitations of the Fisheries Act and that this will be updated.

As we are unable to conclude on the information currently provided that actions of adequate severity have or shall be taken, we have concluded that the only correct course of action for us to take is to notify these vessels to IOTC Compliance Committee in 2019 with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We note that Sri Lanka has until 15 days before the Compliance Committee Meeting to provide additional information which we will review at that time before deciding whether to pursue IUU listing during the meeting.

IMUL 0728 KLT.

This vessel is on the IOTC Authorised fishing vessel list. We understand that no action has been taken against the owner of the vessel nor is intended. The vessel has now been released. We note that the Master's/Skipper's licence was cancelled for 12 months. Whilst the VMS was working when the vessel left port reconfiguration of VMS transponders means there are no vessel tracks for the period in question, which we consider to be inadequate. *It would be helpful to us when deciding how to request this vessel is to be dealt with by the IOTC if we could understand why this owner has not been prosecuted. Is there a specific reason why this action could not take place in this case compared to others.*

At the time of writing, we are NOT satisfied that sanctions of adequate severity have been taken in respect of the owner of this vessel. We consider the action taken in respect of the skipper to be adequate.

As we are unable to conclude on the information currently provided that actions of adequate severity have or shall be taken, we have concluded that the only correct course of action for us to take is to notify this vessel to IOTC Compliance Committee in 2019 with recommendation c) 'Recommended for inclusion on IOTC IUU list'. We note that Sri Lanka has until 15 days before the Compliance Committee Meeting to provide additional information which we will review at that time before deciding whether to pursue IUU listing during the meeting.



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We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean. We look forward to receiving your responses to the above.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or James Muir Clark (j.clark@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely

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

Linsey Billing
BIOT Administration, Director of Fisheries

CHECKLIST TO BE COMPLETED BY THE SECRETARIAT FOR VESSELS TO BE INCLUDED ON THE DRAFT AND PROVISIONAL IUU LISTS

Vessel Name: **IIMULA0207GLE**

Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
For the Draft IUU Vessel List						
IOTC Reporting form (Annex I) submitted at least 70 days before the Compliance Committee meeting with documented information	Nominating CPC	5,6,7,8	Y	If No, do not include on the Provisional IUU list (Para 17)	✓	
At least 15 days before the Compliance Committee Meeting, Flag State has provided information that it has notified the Owners and Masters of a vessel of its inclusion on the Draft IUU Vessel List and the consequences thereof	Flag CPC	9,10	Y			
At least 15 days before the Compliance Committee Meeting, Flag State has provided information consistent with Paragraph 10	Flag CPC	10	N			
Additional information has been submitted, relevant to IUU listing	Nominating CPC or flag CPC	12	Y			
For Inclusion on the Provisional IUU Vessel List (note that Secretariat will indicate if information has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee)						



Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
Has the flag State of a vessel included in the Draft IUU Vessel List provided information that demonstrates that the vessel has at all relevant times complied with the rules of the flag State and with its authorisation to fish and:	Flag CPC	14c	N	Aide Memoire to CoC: Only where para14c or 14 d are satisfied, do not include on Provisional IUU list.		
(a) that the vessel has conducted fishing activities in a manner consistent with the IOTC Agreement and Conservation and Management Measures	Flag CPC	14c	N			
(b) that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or	Flag CPC	14c	N			
(c) that the vessel has fished exclusively for species that are not covered by the IOTC Agreement or IOTC Conservation and Management Measures	Flag CPC	14c	N			
Has the flag State provided information that demonstrates that effective action has been taken in response to IUU fishing activities (the CoC will decide if they are of adequate severity)	Flag CPC	14d	Y			
Has the flag State provided information to show that it has taken any actions in accordance with 07/01	Flag CPC	14d	Y			

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472187



தொலை நகல்
Fax No. } 449170

எனது இல.
My No. } DFAR/DFO/IOTC/2019

உமது இல.
Your No. }

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

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திகதி
Date } 22.05.2019

Dr. Chris O'Brien,
Executive Secretary,
Indian Ocean Tuna Commission.
Mahe,
Seychelles.

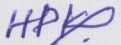
Cc: Mr. Hosea Gonza Mbilinyi, Chair of the Compliance Committee
Ms. Anne- France Mattlet, Vice Chair
Dr. Mees, Head of UK (OT) Delegate to IOTC

**15 days before Reporting on the Sri Lankan Fishing Vessels listed in the
Draft IUU Vessel list**

Sri Lanka had been bilaterally communicated with the BIOT/UKOT authorities with regard to the action taken against the four (04) fishing vessels -IMULA 0293KLT, IMULA 0030 GLE, IMULA 0728 KLT and IMULA 0207 GLE listed in draft IOTC IUU vessels list. Please refer annexes (I), (II), (III), (IV) and (V).

Further the owners and skippers of the above vessels were made aware on the consequences of the inclusion of their vessels in the draft IUU list. Department of Fisheries and Aquatic Resources (DFAR) has taken legal actions as the provision of the Fisheries and Aquatic Resources Act No.02 1996 and the amendments thereof at maximum levels applying penalties to deter, eliminate and prevent IUU fishing activities.

Further DFAR has already initiated actions to amend the current Act to include severe penalties against the skippers those who violate high seas fishing operation conditions. DFAR is in consultation with Attorney General Department on this regard.


Kalyani Hewapathirana
Director- Fishing Operation
Head of Sri Lanka Delegation to IOTC

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Telephone } (3 lines)



මගේ අංකය
எனது இல. } DFAR/FM/K/2019
My No.
ඔබේ අංකය
உமது இல. }
Your No.

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பணிப்பாளர் நாயகத்தின் அலுவலகம் } 449170
Office of Director General } 472187

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Fax No.

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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

දිනය
திகதி } 29.03.2019
Date

Ms. Linsey Billing
Director of BIOT Administration
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Chris C Mees -c.mees@mrage.co.uk,

Reporting presumed IUU vessels to the IOTC Compliance Committee

This is reference to your letter dated 26th March 2019 on the above. Please find the following clarifications on your queries.

1. VMS to the multiday fishing vessels operating within EEZ of Sri Lanka – Last update

- (1) DFAR had a meeting with the bidder who has filed FR case in the presence of Minister and the Secretary of Ministry of Agriculture, Rural Economic Affairs, Livestock Development, Irrigation and Fisheries & Aquatic Resources Development.
 - The bidder who has filed FR case has agreed to withdraw the case No. FR 08/2017 in the Supreme Court .Further he has been instructed to submit the related documents to DFAR after settling the case in the Supreme Court.
 - The Minister instructed Secretary to prepare a Cabinet Paper for purchasing of 1500 numbers of vessel monitoring units for his signature by including the following facts.
 - (a)The mechanism adopted to collect monthly installments from fishing vessel
 - (b) Proposing to appoint a Cabinet Appointed Negotiating Committee to evaluate the financial proposal submitted by the said Company.

2. Action taken against skippers

Paragraph (i)

We asked for an appointment from the Attorney Generals Department to have a discussion to explain the reason, for DFAR to insist on amending of the current Act in an expedite manner to include legal provisions to act against the skipper process. The Department Legal officer attends on this matter. Once the consultation done we will be able to send the timelines for the process.

Paragraph (iii)

Please find herewith attached the legal procedure followed by DFAR Investigation unit for the vessels referred in the paragraph referred above.

(a) IMUL- A- 0728 KLT

As I mentioned in the previous letter dated 21.03.2019, the wordings in the paragraph (v) of the letter dated 15th November 2018 has misled the investigation officers of Sri Lanka that this vessel has entered in to BIOT waters due to an engine failure, which it was tally with the statements given by them after arrival to Sri Lanka.

As such, the owner has not charged and the skipper has administratively penalized taking the gravity of obstructing to the SFPO of BIOT authorities, for one year skipper license cancellation. When we receive your letter dated 15th of March we have already taken the actions. In accordance with the Criminal Procedure Act (No. 15 of 1979) section 314, *two separate investigations cannot be initiated for the same incident.*

(b) IMUL-A- 0030GLE, IMUL-A- 0207GLE and IMUL-A- 0297KLT

Please refer the investigation reports provided by Assistant Director, Investigation Division of DFAR for above the investigations.

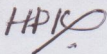
Note: Further clarification for your understanding

- There is a procedure of having an administrative fine for fisheries violation in current fisheries law. Accordingly, those who convicted for his/her first violent of the fisheries law, can apply for the above admin fine. However, they have to accept the guilty of the related violent and Director General of DFAR can impose admin penalty. However imposing admin penalty without initiating court case should be recommended by a special committee and the Minister of Fisheries should take policy decision on not to proceed with courts procedures. Since most of the vessels related to crossing BIOT waters without permits are first-time violators of the fisheries law, the above procedure was adopted. Relevant vessel have been imposed administrative penalty after the approval of the Ministers.

- In the special case of IMUL 0728 KLT vessel, the case was filed investigation carried out. One of the evidence used for the investigations were the report provided by you on 20th November 2018, which indicates that the vessel may be entered in to BIOT waters due to an engine failure. This proves, that the vessel might not entered in to the BIOT waters with an intent of fishing. Since the boat is having the international/ high seas licenses and there is no conclusive evidences to prove they fished or intended to fish in side another territory, the action against the owner was not taken. In Sri Lankan law, two separate investigations cannot be initiated for the same incident. However administrative actions were taken against the skipper considering the fact that he was not provided the support for an investigation.
- We are still in a doubt that whether we can take further action in respect of skippers under the provisions of current act for obstruction for **authorized officers for other state** which is not define. We hope to discuss this matter in the forthcoming consultation with the Attorney General.

Thank You.

Yours Sincerely,



Kalyani Hewapathirana

Director (operation)

For Director General

Kalyani Hewapathirana

Direct: (operation) duty cover up

Dep. Fisheries & Aquatic Resources

For Director General

Ginigie Prasanna Janaka Kumara
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

24 April 2019

E-Mail: Director General dgdgar@gmail.com
Cc: Kalyani Hewapathirana hewakal2012@gmail.com
Geethamali Chandrasiri ip@fisheriesdept.gov.lk
Janak Pushpakumara kumara84janaka@gmail.com
Nuwan Gunawardana nuwan54@gmail.com;

Dear Mr. Kumara,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

Thank you for the letter submitted on your behalf by Kalyani Hewapathirana, dated 29 March 2019 responding to that dated 26 March from BIOTA. We thank you for your feedback on VMS on multiday vessels, and that timelines for changing the Fisheries Act in respect of skippers will be provided in due course.

IOTC IUU vessel listing

As you are aware, by the 70 day reporting deadline to IOTC Compliance Committee, in respect of four vessels flagged to Sri Lanka, the BIOT Administration were unable to conclude on the information provided that actions of adequate severity had been or shall be taken by Sri Lanka. The vessels are now on the IOTC draft IUU vessels list.

IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT

We remain unable to conclude on the information currently provided up to and including your above referenced letter, that actions of adequate severity have or shall be taken and maintain our recommendation for IUU listing.

We note that Sri Lankan Law permits an administrative process rather than a Court process for first-time violations. We would be grateful if you would please provide the following details, with supporting evidence, to help our determination of the adequacy of actions taken by Sri Lanka:

- What was the administrative penalty imposed for each of the owners of these vessels?
- Has that penalty been implemented, and have the penalties been settled?
- Are the vessels still detained in port? If not please provide details of the periods for which the vessels were detained.

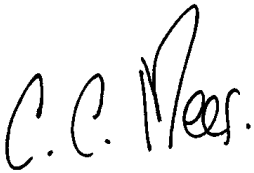
IMUL 0728 KLT.

Thank you for the further details relating to this vessel and its owner. We welcome the action taken against the skipper of this vessel, but remain unsatisfied that sanctions of adequate severity have been taken in respect of the owner. However, we recognise that under Sri Lankan law that two separate investigations cannot be initiated for the same

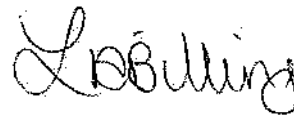
incident and consequently no further action can be taken by Sri Lanka. We will therefore withdraw our IUU listing for this vessel.

If you have any questions or require assistance please do not hesitate to contact Chris Mees (c.mees@mrags.co.uk) or James Moir Clark (j.clark@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely



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



Linsey Billing
BIOT Administration, Director of Fisheries

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Office of Director General } 472187



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Fax No. }

எனது இல. } DFAR/DFO/IOTC/2019
My No. }

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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Ms. Linsey Billing –BIOTA/Director Fisheries

Dr. Mees- Head of UK (OT) Delegate to IOT

Mr. John Pears - Principal Consultant – MRAG Ltd,

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

திகதி } 17/05/2019
Date }

Reporting Presumed IUU vessels to the IOTC compliance Committee

This is in reference to your letter dated 24th April 2019 on the above.

Responding for your queries on the Sri Lanka fishing vessels on the IOTC draft IUU vessels list, the latest state of the actions taken as per the provisions of FARA Act no 2 of 1996 is as follows.

Vessel name	Offence/Section violated	Penalty imposed
IMUL-A-0293-KLT	(i) Engage in high seas fishing without valid license. - 14 (a) (ii) Engage fishing in BIOT waters without a valid license- 14 (f) (iii)Keep detached shark fins on board	(i)As per the amendment 52(B)Act No. 35 of 2013 of FARA Act no. 2 of 1996, A penalty is imposed not exceeding 1/3 of the optimum penalty of each violation. (ii)The total penalty imposed was 1,000,000 SLR. (See Annex- i)
IMUL-A-0207-GLE	(i)Engage in high seas fishing without valid license. - 14 (a) (ii) Engage fishing in BIOT waters without a valid license- 14 (f)	(i)As per the amendment 52(B)Act No. 35 of 2013 of FARA Act no. 2 of 1996, A penalty is imposed not exceeding 1/3 of the optimum penalty of each violation. (ii)The total penalty imposed was 750,000 SLR. (See Annex-ii)
IMUL-A-0030-GLE	(i)Engage in high seas fishing without valid license. - 14 (a) (ii) Engage fishing in BIOT waters without a valid license- 14 (f)	(i)As per the amendment 52(B)Act No. 35 of 2013 of FARA Act no. 2 of 1996, A penalty is imposed not exceeding 1/3 of the optimum penalty of each violation. (ii)The total penalty imposed was 750,000 SLR. (See Annex- iii)

NOTE: The relevant Acts are attached for your reference.

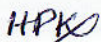
The penalty is being paid in monthly installments and the owners have granted fishing within EEZ, under per trip approval basis. However if the owner breach the paying of monthly installment, DFAR suspend the fishing operations of the vessel and detain the vessel at the harbor until completion of the payment of fine imposed. Fixing of VMS onboard is made compulsory for the above three vessels. Since it takes some time to find a VMS transponders, carrying a data recording Tablet (e-Log book) is made mandatory, which records the position of the vessel automatically.

This is for your attention to prevent the above vessels be listed in IUU list of IOTC at the COC meeting. In the meantime I would like to inform you that Sri Lanka will still in the process of strengthening the vessel monitoring system and will able to implement VMS for all multiday fishing vessels those operate within EEZ and high seas by latter part of this year resolving most of the issues at present.

Your understanding and corporation on this matter is highly appreciated.

Thank You

Yours Sincerely



Kalyani Hewapathirana
Head of Delegate to IOTC

Dr Chris O'Brien
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

30 May 2019

cc. Mr Hosea Gonza Mbilinyi, Chair of the Compliance Committee;
Ms Anne-France Mattlet, Vice Chair;
Mr Kumara, and Ms K Hewapathirana, DFAR, Sri Lanka

Dear Dr O'Brien,

Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged Vessels IMULA 0030 GLE; IMULA 0207 GLE; IMULA 0293 KLT; IMULA 0728 KLT

I refer to the 2019 Draft IUU vessels list circulated today, and four letters from UKOT to the IOTC Secretariat dated 28 March 2019 with evidence for the above referenced vessels flagged to Sri Lanka. Pursuant to paragraph 12 of Resolution 18/03 this letter contains additional information regarding these four vessels on the Draft IUU vessel List. Correspondence between the BIOT Administration and Sri Lanka since 28 March is attached (the evidence referred to by Sri Lanka is not attached, but was separately provided to the IOTC Secretariat in Sri Lanka's response pursuant to paragraph 10 of Resolution 18/03 at 15 days). For simplicity all four vessels are dealt with here rather than in separate correspondence.

IMULA 0030 GLE; IMULA 0207 GLE; IMULA 0293 KLT;

Based on the evidence provided by Sri Lanka, the BIOT Administration is now satisfied that the actions taken by Sri Lanka against the owners of these three vessels are of adequate severity and proportionate to the criminality engaged in within BIOT waters. We note the steps taken to monitor the location of the fishing vessels during the period of fine repayment and that they are permitted only to fish within the Sri Lankan EEZ, and consider that the level of monitoring of these vessels, on a trip by trip basis demonstrates appropriate oversight. We further note that if the owners stop paying their fine instalments the vessels will be impounded until the full fines are paid.

The BIOT Administration now withdraw our recommendation for IUU listing and revise our recommendation to a) 'Notification to the IOTC Secretariat only. No further Action is recommended'

IMULA 0728 KLT

Based on the evidence provided by Sri Lanka, the BIOT Administration consider that appropriate action was taken against the skipper of this vessel. Whilst we remain unsatisfied that sanctions of adequate severity have been taken in respect of the owner, we recognise that under Sri Lankan law that two separate investigations cannot be initiated for the same incident and consequently no further action can be taken by Sri Lanka against the owner.

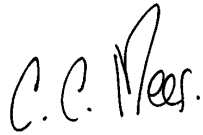
The BIOT Administration now withdraw our recommendation for IUU listing and revise our recommendation to a) 'Notification to the IOTC Secretariat only. No further Action is recommended'

We shall be happy to present these revised recommendations to the IOTC Compliance Committee when the Draft IUU Vessel List is discussed.

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

Thank you.

Yours sincerely



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

Enclosed: Letter from DFAR to BIOT 29/03/19
Letter from BIOT to DFAR 24/04/19
Letter from DFAR to BIOT 17/05/19
Letter from BIOT to DFAR 30/05/19

Kalyani Hewapathirana
Head of Delegation to IOTC
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

30 May 2019

E-Mail: Kalyani Hewapathirana hewakal2012@gmail.com
Cc: Director General dgdgar@gmail.com
Geethamali Chandrasiri ip@fisheriesdept.gov.lk
Janak Pushpakumara kumara84janaka@gmail.com
Nuwan Gunawardana nuwan54@gmail.com;

Dear Ms Hewapathirana,

Reporting presumed IUU vessels to the IOTC Compliance Committee (CoC)

Thank you for your letter dated 17 May 2019 responding to that dated 24 April from BIOTA.

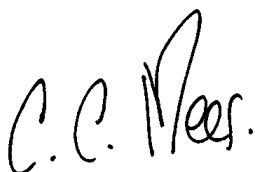
IOTC IUU vessel listing: IMUL A 0030 GLE; IMUL0207 GLE; and IMUL 0293 KLT

We note the further actions taken by Sri Lanka against the owners of these three vessels. On the basis of the evidence and information provided the BIOT Administration is now satisfied that the actions taken are of adequate severity and proportionate to the criminality engaged in within BIOT waters. We note the steps taken to monitor the location of the fishing vessels during the period of fine repayment and that they are permitted only to fish within the Sri Lankan EEZ, and consider that the level of monitoring of these vessels, on a trip by trip basis demonstrates appropriate oversight. We further note that if the owners stop paying their fine instalments the vessels will be impounded until the full fines are paid.

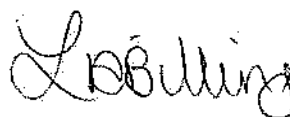
The BIOT Administration will write separately to the IOTC Secretariat for the information of the Compliance Committee indicating that we are now content to change the recommendation to a) 'Notification to the IOTC Secretariat only. No further Action is recommended'.

If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrag.co.uk) or James Moir Clark (j.clark@mrag.co.uk). We look forward to your continued cooperation.

Yours Sincerely



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



Linsey Billing
BIOT Administration, Director of Fisheries



No. 0527.2/ 6290

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

12 June B.E. 2561 (2018)

Dear Sir,

Subject: Submission the Information on IUU Fishing Activities

Kindly refer to Resolution 17/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence. The Department of Fisheries, Thailand would like to submit the information of vessel namely "CHOTCHAINAVEE 35" for the consideration of the commission to include the vessel in IOTC IUU Vessels list, the detail of this vessel as attachment.

Regarding this, The Department of Fisheries, Thailand would like to request you to share this information to all IOTC member states for the upcoming meeting.

Please kindly be assured of our cooperation.

Yours Sincerely,

(Dr. Adisorn Promthep)
Director - General

Mr. Christopher O' Brien
Executive Secretary, Indian Ocean Tuna Commission
IOTC Secretariat Le Chantier Mall (2nd floor)
PO Box 1011, Victoria, Seychelles.
Phone: +248 4225 494 Fax: +248 4224 36
E-mail: IOTC-Secretariat@fao.org

Overseas Fisheries and Transshipment Control Division
E-mail: overc.dof@gmail.com



IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 17/03 *On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence*, attached are details of illegal activity recorded in [area in which the activity took place] Somali's water

A. Details of Vessel

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	CHOTCHAINAVEE 35
b	Current Flag (previous flag/s, if any)	Unknown (Djibouti)
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	N/A
e	Photo	Please see in attachment 1
f	Call Sign (previous call sign, if any)	N/A
g	Owner (previous owner/s, if any)	Company: GREEN LAUREL INTERNATIONAL SARL
h	Operator (previous Operator/s, if any) and Master/Fishing Master	Master: Mr. Prawit Kerdsuwan
i	Date of alleged IUU fishing activities	1 March - 8 April 2016
j	Position of alleged IUU fishing activities	Somali's water
k	Summary of alleged IUU activities (see section B for more detail)	This vessel illegally fished in Somali's waters (Not register under Somalia Fisheries Law and Operated fishing in Somali's restriction area). This vessel did not register under IOTC ,however, had IOTC competence species onboard such as sword fish and Frigate tuna (<i>Auxis thazard</i>).
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	Thailand has taken key actions to this vessel including: - Exercised PSM inspection - Confiscation this vessel under Order of Department of Fisheries No. 805/2560 dated 27 July B.E. 2560 (2017) - Investigation - Prosecution under Royal Ordinance on Fisheries B.E. 2558 (2015)

	<p>The detail of actions are as following:</p> <ol style="list-style-type: none"> 1. On the 1st May 2017 the vessel agent for the CHOTCHAINAVEE 35 (Djiboutian Flagged) submitted a request to bring the fishing vessel to Thajeen Union Port, Sumuthsakorn Province to land fish. 2. The PSM inspectors at DOF Headquarters received and analyzed the AREP request and associated documents and identified some areas of concern regarding the fishing license, particularly; <ol style="list-style-type: none"> i) This was the first time a Djibouti fishing vessel had applied to enter port in Thailand, thereby making the vessel higher risk. ii) It was found that on some of the records contained in the AREP documentation that changes had been handwritten over top of existing information. iii) The vessel provided a license issued by the Puntland authority. 3. The PSM inspector at DOF Headquarter contacted to The Republic of Djibouti and The Federal Government of Somalia to verify the authorization and license of the FV CHOTCHAINAVEE 35. 4. The Republic of Djibouti responded and confirmed that the FV CHOTCHAINAVEE 35 was registered under Djiboutian Flagged. 5. The Federal Government of Somalia reported back to Thailand that the FV CHOTCHAINAVEE 35 had engaged in illegal fishing in Somali waters and had violated the Fisheries Law of The Federal Government of Somalia. 6. The vessel CHOTCHAINAVEE 35 was granted permission to enter port in Thailand for the purpose of inspecting the vessel and taking actions at least as effective against IUU fishing as denying the requested berthing as per Section 95 of the Royal Ordinance BE 2015. The Department of Fisheries also worked with the Royal Thai Police who intercepted the vessel while it was heading into Thai waters. 7. Once the vessel berthed, the vessel was also inspected and it was found that the 448 tons of catch onboard was well over of the 270 tons quota granted in the fishing license by the Puntland authority of the Federal Republic of Somalia. 8. Officers of the Department of Fisheries detained the vessel and required that the vessel owner or operator provide evidence to the Fisheries Department that it had not undertaken IUU fishing as required under Section 96 of Royal Ordinance on Fisheries BE 2015. 9. The vessel owner or operator subsequently failed to present the required evidence. Therefore, on July 27, 2017 the Department of Fisheries issued an order to confiscate the vessel and property on board the vessel under Section 96 of Royal Ordinance on Fisheries BE 2015. 10. Following the confiscation of the vessel investigations continued, the case file was developed and judicial proceedings undertaken. During this period the vessel was locked and entry prohibited without authorization with control being maintained by the Department of Fisheries Patrol. 11. On January 21, 2018, the FV CHOTCHAINAVEE 35 was taken to a cold store for controlled unloading with the fish onboard subsequently distributed to the impoverished underprivileged. 12. DOF are currently in the process of assessing the value of the fishing vessel and the property on board the vessel for further disposal. 13. The action of the Department of Fisheries was taken under Section 94 of the Royal Ordinance on Fisheries B.E.
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		<p>2015 which states that “no person shall bring a non-Thai fishing vessel that has undertaken illegal, unreported and unregulated (IUU) fishing into the Kingdom”.</p> <p>14. Judicial action is being undertaken against the vessel owner, vessel master and the vessel agent.</p> <p>15. The Department of Fisheries has also been working closely with the Interpol Headquarters in Lyon, France by collecting evidence onboard the FV CHOTCHAINAVEE 35 to support broader litigation on illegal fishing and human trafficking.</p>
m	Outcome of Actions taken	<p>The FV CHOTCHAINAVEE 35 is confiscated by Thai Authorities under Royal Ordinance on Fisheries B.E. 2558 (2015)</p>

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 17/03 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	engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04, nor recorded in the Active list of vessels; or	<input checked="" type="checkbox"/>
b	engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	<input checked="" type="checkbox"/>
c	failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	<input checked="" type="checkbox"/>
d	taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
e	engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
f	used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	<input type="checkbox"/>
g	transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	<input type="checkbox"/>
h	engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	<input checked="" type="checkbox"/>
i	engaged in fishing or fishing related activities whilst being without nationality; or	<input type="checkbox"/>
j	engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	<input type="checkbox"/>
k	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	<input type="checkbox"/>

C. Associated Documents

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

[Click here to enter text.](#)

D. Recommended Actions

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

ANNEX II
Information to be included in all IOTC IUU vessels lists

The Draft, Provisional and Final IUU Vessels Lists shall contain the following details:

1. Name of the vessel and previous name/s, if any; **CHOTCHAINAVEE 35**
2. Flag of the vessel and previous flag/s, if any; **Unknown (Djibouti)**
3. Name and address of the Owner and Operator of the vessel and previous Owner and Operator, if any; **Owner: GREEN LAUREL INTERNATIONAL SARL**
Address: P.O. Box 682 Djibouti, Republic of Djibouti
C/O 1264 Vichienchodok Rd., Mahachai, Muang, Samutsakhon
74000 Thailand
4. For legal entity the country of registration and registration number; **Unknown**
5. Call sign of the vessel and previous call sign, if any; **N/A**
6. IMO number, if any, or unique vessel identifier (UVI), or if not applicable, any other vessel identifier; **N/A**
7. Recent photographs of the vessel, where available; **See attachment 1**
8. Vessel length overall; **42.65 meters**
9. Date the vessel was first included on the IOTC IUU Vessel List, if applicable, **N/A**
10. Summary of the alleged IUU fishing activities which justify inclusion of the vessel on the List, together with references to all relevant supporting documents information.

This vessel illegally fished in Somali's waters (Not register under Somalia Fisheries Law and Operated fishing in Somali's restriction area).

This vessel did not register under IOTC, however, had IOTC competence species onboard such as sword fish and Frigate tuna (*Auxis thazard*)
11. Summary of any actions known to have been taken in respect of the alleged IUU fishing activities and their outcomes.

Thailand has taken key actions to this vessel including;

- **Exercised PSM inspection**
- **Confiscation this vessel under Order of Department of Fisheries No. 805/2560 dated 27 July B.E. 2560 (2017)**
- **Investigation**
- **Prosecution under Royal Ordinance on Fisheries B.E. 2558 (2015)**

The detail of actions are as following:

1. On the 1st May 2017 the vessel agent for the CHOTCHAINAVEE 35 (Djiboutian Flagged) submitted a request to bring the fishing vessel to Thajeen Union Port, Sumuthsakorn Province to land fish.
2. The PSM inspectors at DOF Headquarters received and analyzed the AREP request and associated documents and identified some areas of concern regarding the fishing license, particularly;
 - i) This was the first time a Djibouti fishing vessel had applied to enter port in Thailand, thereby making the vessel higher risk.
 - ii) It was found that on some of the records contained in the AREP documentation that changes had been handwritten over top of existing information.
 - iii) The vessel provided a license issued by the Puntland authority.
3. The PSM inspector at DOF Headquarter contacted to The Republic of Djibouti and The Federal Government of Somalia to verify the authorization and license of the FV CHOTCHAINAVEE 35.

4. The Republic of Djibouti responded and confirmed that the FV CHOTCHAINAVEE 35 was registered under Djiboutian Flagged.

5. The Federal Government of Somalia reported back to Thailand that the FV CHOTCHAINAVEE 35 had engaged in illegal fishing in Somali waters and had violated the Fisheries Law of The Federal Government of Somalia.

6. The vessel CHOTCHAINAVEE 35 was granted permission to enter port in Thailand for the purpose of inspecting the vessel and taking actions at least as effective against IUU fishing as denying the requested berthing as per Section 95 of the Royal Ordinance BE 2015. The Department of Fisheries also worked with the Royal Thai Police who intercepted the vessel while it was heading into Thai waters.

7. Once the vessel berthed, the vessel was also inspected and it was found that the 448 tons of catch onboard was well over of the 270 tons quota granted in the fishing license by the Puntland authority of the Federal Republic of Somalia.

8. Officers of the Department of Fisheries detained the vessel and required that the vessel owner or operator provide evidence to the Fisheries Department that it had not undertaken IUU fishing as required under Section 96 of Royal Ordinance on Fisheries BE 2015.

9. The vessel owner or operator subsequently failed to present the required evidence. Therefore, on July 27, 2017 the Department of Fisheries issued an order to confiscate the vessel and property on board the vessel under Section 96 of Royal Ordinance on Fisheries BE 2015.

10. Following the confiscation of the vessel investigations continued, the case file was developed and judicial proceedings undertaken. During this period the vessel was locked and entry prohibited without authorization with control being maintained by the Department of Fisheries Patrol.

11. On January 21, 2018, the FV CHOTCHAINAVEE 35 was taken to a cold store for controlled unloading with the fish onboard subsequently distributed to the impoverished underprivileged.

12. DOF are currently in the process of assessing the value of the fishing vessel and the property on board the vessel for further disposal.

13. The action of the Department of Fisheries was taken under Section 94 of the Royal Ordinance on Fisheries B.E. 2015 which states that "no person shall bring a non-Thai fishing vessel that has undertaken illegal, unreported and unregulated (IUU) fishing into the Kingdom".

14. Judicial action is being undertaken against the vessel owner, vessel master and the vessel agent.

15. The Department of Fisheries has also been working closely with the Interpol Headquarters in Lyon, France by collecting evidence onboard the FV CHOTCHAINAVEE 35 to support broader litigation on illegal fishing and human trafficking.

Attachment 1



CHECKLIST TO BE COMPLETED BY THE SECRETARIAT FOR VESSELS TO BE INCLUDED ON THE DRAFT AND PROVISIONAL IUU LISTS

Vessel Name: **CHOTCHAINAVEE 35**

Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
For the Draft IUU Vessel List						
IOTC Reporting form (Annex I) submitted at least 70 days before the Compliance Committee meeting with documented information	Nominating CPC	5,6,7,8	Y	If No, do not include on the Provisional IUU list (Para 17)	✓	
At least 15 days before the Compliance Committee Meeting, Flag State has provided information that it has notified the Owners and Masters of a vessel of its inclusion on the Draft IUU Vessel List and the consequences thereof	Flag CPC	9,10	N			Flag State unknown
At least 15 days before the Compliance Committee Meeting, Flag State has provided information consistent with Paragraph 10	Flag CPC	10	N			Flag State unknown
Additional information has been submitted, relevant to IUU listing	Nominating CPC or flag CPC	12	Y	Judgement		Flag State unknown
For Inclusion on the Provisional IUU Vessel List (note that Secretariat will indicate if information has been provided, but will make no judgement as to its adequacy, which will be the responsibility of the Compliance Committee)						



Action	Responsibility	Paragraph	Provided on time (Y/N)	Aide Memoire	Mark which applies	Comments
Has the flag State of a vessel included in the Draft IUU Vessel List provided information that demonstrates that the vessel has at all relevant times complied with the rules of the flag State and with its authorisation to fish and:	Flag CPC	14c	N	Aide Memoire to CoC: Only where para14c or 14 d are satisfied, do not include on Provisional IUU list.		Flag State unknown
(a) that the vessel has conducted fishing activities in a manner consistent with the IOTC Agreement and Conservation and Management Measures	Flag CPC	14c	N			Flag State unknown
(b) that the vessel has conducted fishing activities within the waters under the jurisdiction of a coastal State in a manner consistent with the laws and regulations of that coastal State; or	Flag CPC	14c	N			Flag State unknown
(c) that the vessel has fished exclusively for species that are not covered by the IOTC Agreement or IOTC Conservation and Management Measures	Flag CPC	14c	N			Flag State unknown
Has the flag State provided information that demonstrates that effective action has been taken in response to IUU fishing activities (the CoC will decide if they are of adequate severity)	Flag CPC	14d	N			Flag State unknown
Has the flag State provided information to show that it has taken any actions in accordance with 07/01	Flag CPC	14d	N			Flag State unknown

The judgement on IUU case of the fishing vessel “CHOTCHAINAVEE 35”

Special Attorney Criminal Litigation Division 5

The plaintiff

A case between

GREEN LAUREL INTERNATIONAL SARL Company Limited	as a legal entity	The Defendant no. 1
Mr. Supachoke Sangsukaikum	34 years old	The Defendant no. 2
Miss Surakan Sangsukaikum	61 years old	The Defendant no. 3
SVG Fishery Development company	as a legal entity	The Defendant no. 4
Mr. Wanchai Sangsukaikum	66 years old	The Defendant no. 5
Mr. Prawit Kerdsuwan	56 years old	The Defendant no. 6

The judgment by the criminal court as following

The defendant no.1 – no.6 committed the offenses under section 94 and section 159 of the Thai Royal Ordinance on Fisheries B.E. 2558 and section 83 of the Criminal Code and the punish of the defendants no.1 – no.6 shall be 131,189,400 baht per person (one hundred thirty-one million one hundred eighty-nine thousand and four hundred baht)

The defendant (s)' testimony is useful for the case, so there exists mitigating circumstance to reduce the punishment to be inflicted on the offenders by not more than one-third, follow the Criminal Code section 87. The defendants shall be fined 87,459,600 baht per person (eighty-seven million four hundred fifty-nine thousand and six hundred baht)

In the case the defendants fail to pay the fine, it shall be applied section 29 and section 30 of the Criminal Code or else such the defendants no.2, no.3, no.5 and no.6 shall be confined in lieu of fine.

Seizure a fishing vessel and fish on board (as an exhibit in a criminal prosecution)

The unsolved case number aor.1241/2561
1170/2562.
2019

The solved case number aor.
Judgment on 8 April