
INFORMATION PAPER
2008 COMPLIANCE MATTERS REPORTED BY THE UNITED KINGDOM



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Alejandro Anganuzzi
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

20 November 2008

Dear Sir,

Resolution 06/01. On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area.

On behalf of the British Indian Ocean Territory Administration please find below a list of vessels flagged to Sri Lanka carrying out IUU fishing activities in the IOTC Area, specifically within the BIOT Fisheries Conservation Management Zone during 2008. Separately I attach supporting evidence as required under resolution 06/01. The Sri Lankan Authorities have been notified of this action.

We would be grateful if you could bring these details to the attention of the Compliance Committee for consideration during the next meeting in 2009.

List of vessels:

S.T. Lanka 17/02/2008 Illegal fishing for tuna, tuna-like species and sharks contrary to section 7(1) of BIOT Ordinance 5 2007.

Jhanth Putha 3 12/08/2008 Illegal fishing for tuna, tuna-like species and sharks contrary to section 7(1) of BIOT Ordinance 5 2007, and for possessing prohibited fishing gear (wire traces) contrary to section 6(2) BIOT Ordinance 5 2007.

Yours sincerely



Dr C. C. Mees
UK Delegate to IOTC

Reporting Form to IOTC for Illegal Activity

Recalling IOTC Resolution 06/01 “On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area” attached are details of illegal activity recorded in the British Indian Ocean Territory (BIOT) Fisheries Conservation and Management Zone.

Details of IOTC Resolution Elements Contravened

(Indicate with a “X” the individual elements of IOTC Resolution 06/01 contravened)

Item	Definition	Indicate
a	Harvest tunas and tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area	X
b	Harvest tuna and tuna-like species in the IOTC Area, whose flag state is without quotas, catch limit or effort allocation under IOTC conservation and management measures where appropriate	
c	Do not record or report their catches made in the IOTC Area, or make false reports	
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures,	
f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling vessels included in the IUU Vessels List,	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels	X
i	Are without nationality and harvest tunas or tuna-like species in the IOTC Area	
j	Engage in fishing activities contrary to any other IOTC conservation and management measures	

Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	S.T. Lanka
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	Not on IUU list
d	Lloyds IMO Number	None
e	Photo	None
f	Call Sign (previous call sign)	None
g	Owner / Beneficial Owners	Mr Susil Fernando
h	Operator (previous operators)	P. Indika Mendis (Master)

Item	Definition	Indicate
i	Date of Activities	17/02/2008
j	Position of Activities	05°25.8'S 71°46.1'E
k	Summary of IUU Activities	Illegal fishing for tuna, tuna-like species and sharks contrary to section 7(1) of BIOT Ordinance 5 2007.
L	Summary of Actions Taken	Vessel arrested and escorted into port. Master pleaded guilty in court to all charges and fined £15,000 + costs.
m	Outcome of Actions Taken	The fine was not paid and as such the vessel was retained. The crew were released and escorted out of the BIOT FCMZ.

Associated Documents

Boarding report (Appendix 1)

Witness statement (Appendix 2)

Recommended Actions

(Indicate with a "X" the recommended action)

Recommended Actions		Please Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag state.	X
c	Recommended for inclusion on IOTC IUU list	

Appendix 1 Boarding Report

Date:	17.02.2008
Vessel:	S.T. Lanka
Callsign:	N/A
BIOT/License No:	N/A
Master:	P. Indika Mendis
Senior Fisheries Protection Officer:	Andy Williams
Fisheries Protection Officer:	Bryan De Silva
Fisheries Protection Officer:	Louis Herrera
Boarding Purpose:	Investigative

1. Background

Whilst on routine patrol duties the BIOT Patrol Vessel (BPV) was tasked to patrol the western flank of Peros Banhos. At 10:08 the master of the BPV (Capt. Neil Sandes) observed two small fishing vessels within the Peros Banhos lagoon in approximate position 05°25.8'S 71°46.1'E. The BPV increased patrol speed and continued to the western entrance channel where it entered the lagoon. Both target vessels were observed running south across the shallows in an attempt to evade the BPV. The Senior Fisheries Protection Officer (SFPO) was deployed and gave chase with the BPV following.

2. Boarding Details

The SFPO boarded the S.T. Lanka at 11:22. The captain was interviewed about recent operational activity. All communication between the SFPO and the captain of the S.T. Lanka conducted through a Sri Lankan FPO who acted as interpreter. The captain claimed that he had sailed to Peros Banhos to evade a storm 250nm to the east. He then claimed to have fished outside of BIOT waters. The captain claimed to have no fish onboard and was not in possession of a BIOT fishing license. Following a hold inspection it was apparent that a significant quantity of sharks, snapper and barracudas had been caught. Upon further questioning the captain admitted fishing the reefs for four days within Peros Banhos, primarily around position: 05°25.8'S 71°46.1'E. As there was sufficient evidence that the S.T. Lanka had been fishing within BIOT waters without a licence, the captain was advised that his vessel was under arrest. Following clearance from the BIOT authorities on Diego Garcia (DG), the captain was advised to follow the BPV back to DG. for further enquiries, including offload of the catch. The BPV undertook the approximate 28 hour passage to DG with the arrested vessel following closely behind.

3. Recovery

The SFPO disembarked the F/V at 12:30 and undertook the short transit to the BPV for the transit to DG.

Andrew Williams
Senior Fisheries Protection Officer, BIOT 18/02/2008

Appendix 2 Witness Statement

ROYAL OVERSEAS POLICE: CASE No.

WITNESS STATEMENT

Statement of Andrew Colin Williams

D.O.B. 18.09.1960

Occupation: BIOT Senior Fisheries Protection Officer (SFPO)

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

Dated the 18th day of February 2008.

Signature:

I am the above the named person, currently contracted as the Senior Fisheries Protection Officer for the BIOT administration. I have worked in this role for almost 6 years. I have in excess of 15 years field experience, the majority of which has been spent working as a professional marine biologist and fisheries consultant in several of the worlds oceans. Prior to my employment in BIOT I spent two and a half years working as a warranted British Sea Fisheries Officer (BSFO) in the UK. I have an upper second class honours degree in marine biology (graduated University of Plymouth, May 1993), and a masters degree in marine and fisheries science (graduated University of Aberdeen, Aug 1996). My current BIOT tour of duty commenced September 18th 2007.

On Sunday 17th February 2008, the BIOT Patrol Vessel (BPV) Pacific Marlin was engaged in routine patrol duties to the south west of Peros Banhos. At 10:08 I was advised by the master of the BPV (Capt. Neil Sandes) that he had sighted a small craft inside the Peros Banhos lagoon. The position of the target vessel as determined by radar was approximately 05'25.8S, 071'46.1E. A few moments later a second vessel was sighted approximately 100 metres from the original target. (line of sight was changing due to an aspect change between the BPV and the islands).

The BPV continued patrolling north to the western entrance channel in order to enter the lagoon and undertake an investigation. Upon entering the lagoon the BPV hove- to in order to deploy the Rigid Inflatable Boat (RIB). Both target vessels were observed steaming south across the lagoon at this time at approximately 7 knots. At 10:44 I deployed in the RIB and went in pursuit of the two target vessels.

As I approached the two target vessels they stopped their engines and began drifting. At approximately 11:00 I boarded the Sri Lankan fishing vessel 'Ran Kurulla II', with Mr. Bryan De Silva and Mr Shanta Abeyrathna. All subsequent discourse between myself and the captain (Mr. W RANIL PRIYANKARA) of the 'RK II' was through interpreter Mr. Bryan de Silva. The captain of the F/V was advised that I was the BIOT SFPO and that I wished to ask him some questions concerning his presence and activities in BIOT waters. The captain claimed to have sailed from Sri Lanka on February 1st 2008 and stated that he had intended to fish on the open ocean some 250 nm to the east of Peros Banhos. The captain then stated that he had just arrived in Peros Banhos after running away from a storm some 250

nm to the east. After checking his fish holds and fishing gear it was apparent that no fisheries offences had been undertaken. I advised the captain that it was a requirement of all vessels wishing to fish within BIOT to be in possession of a valid fishing license. The captain again stated that he was only in BIOT to escape a storm. At this stage I advised the captain that any vessel caught fishing without a license would be arrested. I was satisfied that although the circumstances were highly suspicious, there was no evidence of any fisheries offences having been committed. I advised the captain that he should leave Peros Banhos and BIOT waters. The captain elected to sail for Sri Lanka. I disembarked the RK II at 11:20 and observed the vessel sailing north east.

Following the inspection of the RK II, I undertook a brief transit in the RIB to the second fishing vessel. At 11:22 I boarded the Sri Lankan fishing vessel 'S.T. LANKA 01'. I was accompanied by boarding officers Bryan De Silva and Louis Herrera. All subsequent discourse between myself and the captain (Mr P. INDIKA MENDIS) of the 'S.T. LANKA 01' was through Mr. Bryan De Silva.

The captain (Mr MENDIS) was advised that I was the BIOT SFPO and that I wished to question him about his presence and activities within Peros Banhos and BIOT waters. The captain (Mr MENDIS) stated that he had been fishing 250 nm east of Peros Banhos and had sailed to Peros Banhos to escape a dangerous storm. I asked the captain (Mr MENDIS) if he had any fish onboard his vessel to which he replied 'no'. At this stage boarding officer Louis Herrera advised me that a number of sharks were stowed in one of the fish holds. I briefly checked the shark catch and saw that a significant number of reef sharks were stowed on ice in the hold. I asked the captain (Mr MENDIS) where he had caught the sharks and he said that he had caught them 250 nm east of Peros Banhos.

The sharks largely consisted of species found around shallow reefs and banks and not the open ocean. Mr Herrera then informed me that a significant number of reef fish (red snapper) were stowed on ice in the forward fish hold. I asked the captain (Mr MENDIS) where he had caught the fish and he replied that the fish were caught 250 nm east of Peros Banhos. I then asked the captain if he could explain how he had caught reef fish from the open ocean. After a moment of deliberation the captain said that he had caught the fish from position 05'25"S, 071'47"E. I spoke with the master of the BPV (Capt. Neil Sandes) on VHF radio and asked him to plot position 05'25"S, 071'47"E. A short time later Captain Sandes informed me that the given position was adjacent to a reef within the Peros Banhos lagoon. I then informed the captain (Mr MENDIS) of the fishing vessel 'S.T. LANKA 01' that the position he had given me was within Peros Banhos. At this stage the captain (Mr MENDIS) of the 'S.T. LANKA 01' voluntarily stated that he had been in Peros Banhos for the last four days and had caught all the fish and sharks in Peros Banhos. I continued my inspection and estimated that at least a 1000kg of fish were stowed in the holds. The captain (Mr MENDIS) suggested that he probably had at least 1500kg onboard.

I advised the captain (Mr MENDIS) of the 'S.T. LANKA' that I was briefly returning to the BPV and would leave Mr. De Silva and Mr. Herrera on board his vessel. I informed the captain (Mr MENDIS) of the 'S.T. LANKA 01' that he was to keep his vessel in its current position until I returned. The captain (Mr MENDIS) of the 'S.T.LANKA' agreed to do so. I disembarked the fishing vessel at 11:45 and returned to the BPV in the RIB. Once onboard the BPV I rang the BIOT police (Mr Ferguson) and appraised him of the situation so as to request permission to bring the 'S.T.LANKA 01' to Diego Garcia for further enquiries. At approximately 12:10 a message was relayed to me from the Commander British Forces by Captain Sandes that approval was granted to escort the fishing vessel to D.G.

I re-boarded the 'S.T.LANKA 01' at 12:25 and in the presence of Mr. De Silva advised the captain (Mr MENDIS) that I was going to arrest his vessel for fishing within BIOT waters unless he could produce a valid fishing license. The captain (Mr MENDIS) said that he did

not have a license. I advised the captain (Mr MENDIS) that his vessel was under arrest for fishing within BIOT waters without a valid fishing license as per BIOT Ordinance 4 of 98 (section 7/1). I advised the captain (Mr MENDIS) that he was to follow the BPV to D.G and that during the passage he was not to try and evade the BPV or offload any of his catch. The captain (Mr MENDIS) responded that he understood, then stated that he and his crew all had children and asked if I could give them a second chance. I said that I was very sorry but I was doing my job and was not in a position to bend the rules. At approximately 12:26 I confiscated one 'Kenwood' hand-held radio microphone and two 'Furuno' GPS (GP32) units which I bagged and marked as exhibits A,B and C. I issued a 'Notice of collection of evidence' form (annex 1) and gave a copy to the captain (Mr MENDIS). I was advised that the owner of the vessel was a Mr. SUSIL FERNANDO who could be contacted in Sri Lanka on +94 031 225 6878.

The boarding party disembarked the fishing vessel at approximately 12:35 and returned to the BPV for the approximate 28 hour transit to D.G.

The arrested vessel was escorted into D.G. and tied up at Number 3 finger pier in the small boat basin at approximately 14:15. The crew were instructed to offload the catch onto the pier at approximately 14:25. I identified the species and a tally was maintained by ROPO 2 Ms Michelle xxxxxx. At approximately 14:30 I handed exhibits A,B and C to ROPO 3 (Mr C Sharpe). The offload of the catch was completed at approximately 15:45. Approximately 370 sharks were offloaded, together with approximately 110 fish. The predominant species were Black tip reef sharks, White tip reef sharks, red snapper and barracudas. Other notable species included Hammerhead and Tiger sharks and several trevally. I estimated the total catch weight to be approximately 2000 kg.

Following the completion of the offload I returned to the BPV to undertake my administrative tasks.

A.C. WILLIAMS 19.02.08

Reporting Form to IOTC for Illegal Activity

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Details of IOTC Resolution Elements Contravened

(Indicate with a “X” the individual elements of IOTC Resolution 06/01 contravened)

Item	Definition	Indicate
a	Harvest tunas and tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area	X
b	Harvest tuna and tuna-like species in the IOTC Area, whose flag state is without quotas, catch limit or effort allocation under IOTC conservation and management measures where appropriate	
c	Do not record or report their catches made in the IOTC Area, or make false reports	
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures,	
f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling vessels included in the IUU Vessels List,	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels	X
i	Are without nationality and harvest tunas or tuna-like species in the IOTC Area	
j	Engage in fishing activities contrary to any other IOTC conservation and management measures	

Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Jhanth Putha 3
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	Not on IUU list
d	Lloyds IMO Number	None
e	Photo	See Appendix 2
f	Call Sign (previous call sign)	None
g	Owner / Beneficial Owners	TBC
h	Operator (previous operators)	Ranga Salahave (Master)

Item	Definition	Indicate
i	Date of Activities	12/08/2008
j	Position of Activities	06°06'S 72°06'E
k	Summary of IUU Activities	Illegal fishing for tuna, tuna-like species and sharks contrary to section 7(1) of BIOT Ordinance 5 2007, and for possessing prohibited fishing gear (wire traces) contrary to section 6(2) BIOT Ordinance 5 2007.
L	Summary of Actions Taken	Vessel arrested and escorted into port. It is important to note that the vessel attempted to escape during escort. Master pleaded guilty in court to all charges and fined £15,000 + costs.
m	Outcome of Actions Taken	The fine was paid and the vessel and crew released and escorted out of the BIOT FCMZ.

Associated Documents

Boarding report (Appendix 1)

Photo of vessel and catch (Appendix 2)

Recommended Actions

(Indicate with a "X" the recommended action)

Recommended Actions		Please Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag state.	X
c	Recommended for inclusion on IOTC IUU list	

Annex 1

Boarding Report

DATE: 12.08.2008
VESSEL: JHANTH PUTHA 3
CALLSIGN: N/A
BIOT/LICENSE No: NONE
MASTER: RANGA SALAHAVA
SFPO: R. GATER
FPO: D. PEIRIS
FPO: R. ALENZUELA
BOARDING PURPOSE: INVESTIGATIVE / IUU

1. INTRODUCTION

On 12th August 2008 the BPV was undertaking routine patrol duties on the Great Chagos Bank (GCB), approximately 70 nm north of Diego Garcia. At 13:10 the duty watchman spotted a vessel target near the centre of the GCB steaming north east in position 06°06'S 072°06'E. Both the master of the BPV and the SFPO then confirmed this position using the BPVs radar. At 13:15 the BPV altered course to intercept the target, which was then at a range of 6.8 nm and identifiable as a Sri Lankan drift net / longline fishing vessel. At 13:50 the target vessel altered course to due north and increased speed in an apparent attempt to evade the BPV by making for the shallow waters of the northern GCB. The BPV pursued the vessel until it eventually hove to at a range of 1nm. At 14:25 FRC1/SFPO & boarding party were deployed to undertake an inspection.

2. BOARDING DETAILS

Upon boarding the fishing vessel at 14:30, all communication between the SFPO and the 5 crew members present was undertaken via a Sri Lankan FPO who acted as interpreter. The captain was identified and taken into the wheelhouse for questioning, while the remaining 4 crew were kept together at the bow. When asked why his vessel was steaming across the GCB, the captain stated that he was returning to Sri Lanka after fishing at the Saya de Malha Bank (SDMB), and that he wished to save fuel by transiting through directly, rather than going around outside the FCMZ. The captain confirmed that he was aware of his position within BIOT, and upon request produced a photocopied French Hydrographical chart of the region (No.6884/INT071). However, he captain could not satisfactorily explain why he had altered course and increased speed upon the BPVs approach. The captain claimed to have left Sri Lanka two months earlier, fished for only 11 days at the SDMB, and to have 1200kg tuna species, 400kg dried salted fish and 200 sharks onboard.

In order to make an assessment later of the age of the fish onboard, the captain was asked how long ago it had been since he had last fished. In reply he stated that he had last fished 4 days earlier in the vicinity of 06°00'S and 068°50'E (a position within the BIOT FCMZ). The accompanying FPO was asked to check the vessels GPS for waypoints, but there were none remaining. The captain was then asked to complete a Sri Lankan vessel information form. While this was being completed, I began to fill in the BIOT Inspection Report form, recording the vessels details, declared catch, activity, and noting the fishing vessels present position at 15:00 of 06°01.8'S 072°07.2'E.

Once the captain had completed the vessel information form, I then proceeded to conduct a thorough search of the vessel starting with an examination of the fishing gear aboard. I noted that a section of the longline fishing gear and bamboo flag markers appeared to be missing. Remaining onboard were two sections of driftnet, a small quantity of longline, and a few bamboo flag marker poles. There was also a large quantity of steel wire longline traces located on the wheelhouse roof. There were three fish holds on the vessel. The small forward hold contained a quantity of split, dried and salted fish species. Both of the two main holds contained a large quantity of ice, covering a variety of fish species and sharks. The crew was instructed to remove sufficient ice to uncover the catch. Once this had been done, individual yellowfin tuna and shark species could be identified. Some reef dwelling species were also observed, and from their appearance and touch, it was clear that they had been caught recently. Each of the two larger holds also contained fresh vegetables. On returning to the

wheelhouse, the captain was asked how he could have so much ice and fresh produce aboard if the vessel had been at sea for two months, and where his missing longline gear was. The captain could not satisfactorily explain the presence of such quantities of ice and fresh produce, but claimed to have lost his gear in bad weather on the SDMB.

While the BIOT Inspection Report form was being completed, the captain became emotional and volunteered information which was relayed to me via the interpreter. The captain stated that he was afraid of being arrested, but that as there was no fish left around Sri Lanka, he had come here to fish as the weather was too bad at Saya de Malha bank and the fuel needed to travel that far was expensive. He also suggested that perhaps if necessary, just he alone could be arrested and the crew and vessel allowed to leave. He also stated that he had been arrested for illegal fishing by the Indian authorities last year. The captain was asked whether he had seen the BPV Pacific Marlin before, to which he stated that he had not, but that he knew of it from other fishermen, and knew it was wrong to come to BIOT.

I informed the captain that it was my belief that he had traveled directly to BIOT from Sri Lanka with ice and provisions to deliberately fish within the FCMZ. He was then asked if he had a BIOT fishing licence, to which he replied he did not. Satisfied that there was sufficient evidence of illegal fishing practice within the BIOT FCMZ, at 15:40 the captain was informed that his vessel was under arrest for illegally fishing contrary to section 7(1) of Ordinance 5 2007, and for possessing prohibited fishing gear (wire traces) contrary to section 6(2) Ordinance 5 2007. He was shown a Collection of Evidence form that was translated for him, and was invited to sign it if he agreed to its content. The captain signed the form.

To complete the inspection, the captain was then shown the BIOT Inspection Report form, outlining the details of the inspection. Included upon the form is a chart delineating the BIOT FCMZ, upon which I had earlier marked the vessels position at 15:00 as being 06°01.8'S 072°07.2'E using the vessels own Garmin GPS. The captain was asked to sign the BIOT Inspection Report form to acknowledge its receipt, and to confirm that the marked position was an accurate indication of his vessels location. The captain duly signed the form, which I then signed also. Both signatory's actions were witnessed by the FPO who then also signed the form. I then confiscated the vessels charts, GPS and radio mike.

3. RECOVERY

The inspection party disembarked the JHANTH PUTHA 3 at 15:55, and were recovered to the BPV at 16:00. Escort duties for the approximately 75 nm passage back to Diego Garcia then commenced.

4. ESCORT

During the passage back to Diego Garcia, at 02:40 on Wednesday 13th August the JHANTH PUTHA 3 attempted to evade the BPV by switching off her navigation lights, altering course to the west and increasing speed to run downwind at 6knots on the shallow waters of the southern GCB. The BPV pursued, and by using the VHF and searchlight, persuaded the vessel at 03:00 to switch her lights back on and to continue under escort. The remaining passage was slow but uneventful, with JHANTH PUTHA 3 making only 3 – 3.8 knts in the big swell prevailing.

Rob Gater, MSc, BA (Hons)
Senior Fisheries Protection Officer, BIOT 12.08.2008

Appendix 2

Photo of Vessel and catch

