
**COMPLEMENTARY ELEMENTS FOR DISCUSSION UNDER ITEM 5 OF
THE AGENDA FOR THE COMPLIANCE COMMITTEE**

Prepared by IOTC secretariat

At the request of the European Union, the Secretariat has compiled reports received from CPCs and other sources on a number of vessels presumed to have engaged in fishing activities that undermines the IOTC conservation and management measures, since the 13th Session of the Commission. Table 1 provides information relating to three vessels that have reportedly engaged in fishing activities in the IOTC Area in contravention of IOTC Resolution(s). Since the reports highlighting the activities of these vessels (see Annex A) were received after the deadline for inclusion on the IOTC Draft IUU Vessels List, the Secretariat is presenting the information in this report for the consideration of CPCs for them to take any action that they may feel is appropriate, at the 14th Session of the Commission. Table 2 provides information on vessels for which the Secretariat has not received instructions from the reporting party to include on the IOTC Draft IUU Vessels List. The list of vessels in Table 3 has been compiled after reviewing reports of IOTC Observers deployed through the implementation of the IOTC Regional Observer Programme for monitoring at-sea transshipments.

Table 1. Cases of illegal fishing activities reported by CPCs after the deadline for inclusion in the IOTC Draft IUU Vessels List

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Reported by
Balena	Vanuatu	Unknown	No	YJSV8	Unknown	Unknown	Contravention of IOTC Resolution 07/02, 09/03	South Africa
Lingsar 08	Indonesia		Yes. Refer to the report of the European Union		BUANA LINGSAR SAMUDRA, PT		Contravention of IOTC Resolution 09/03	European Union
Hoom Xiang 11	Malaysia		Yes. Refer to the report of the European Union		Hoom Xiang Industries Sdn. Bhd.		Contravention of IOTC Resolution 09/03	European Union

Table 2. Cases of illegal fishing activities reported by CPCs or other parties. (No instructions were received to include these vessels in the IOTC Draft IUU Vessels List)

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Reported by
Tawariq 1 (No. 68 Bu Young)	Unknown (Korea, Republic of/Oman)	Unknown	Yes. Photo provided by Tanzania	HLWT	Bu Young Corporation	Unknown	Contravention of IOTC Resolution 07/02, 09/03	Tanzania
Arveen	Iran	Unknown	No	ARVEEN	Abdul Gayyoom Daadgar	Unknown	Contravention of IOTC Resolution 07/02, 09/03	Maldives
Hur Muz 1	Iran	Unknown	No	HORMUZ	Abdul Gayyoom Daadgar	Unknown	Contravention of IOTC Resolution 07/02, 09/03	Maldives

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities	Reported by
Naham 4	Oman	Unknown	No	6LHY	(Bu Young Corporation)	Unknown	Contravention of IOTC Resolution 07/02, 09/03	Mauritius
Shin Lian Fa No.36	Taiwan,China	Unknown	No		DAE YOUNG FISHERIES		Contravention of IOTC Resolution 07/02, 09/03	Mozambique
Victory 1	(Seychelles)	Unknown	No	(S7IJ)	(Victory Fishery Co, Ltd)		Contravention of IOTC Resolution 07/02, 09/03	Seychelles
Al Navid	Iran	Unknown	Yes	Unknown	Unknown	Unknown	Contravention of IOTC Resolution 07/02, 09/03	Seychelles
Al Zaid	Iran	Unknown	Yes	Unknown	Unknown	Unknown	Contravention of IOTC Resolution 07/02, 09/03	Seychelles
Al Phahad	Iran	Unknown	Yes	Unknown	Unknown	Unknown	Contravention of IOTC Resolution 07/02, 09/03	Seychelles
Alasad	Iran	Unknown	No	Unknown	Unknown	Unknown	Contravention of IOTC Resolution 07/02, 09/03	Seychelles
Shuenn Man No. 232	(Seychelles)	Unknown	No	(S7OH)	(Ming Maan Marine Co. Ltd)	(Ming Maan Marine Co. Ltd)	Contravention of IOTC Resolution 09/03	Seychelles

Table 3. Possible IUU activities detected through the implementation of the IOTC Regional Observer Programme to monitor at-sea transshipments.

Current name of vessel (previous names)	Current flag (previous flags)	Lloyds/IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of activities of vessels not on the IOTC Record of Authorised Vessels	Source
M. V. Oriental Chilán	Panama	8301723	Yes	3FHF5	Unknown	Unknown	Transshipment of food, bait and fuel.	IOTC ROP Observer Report 057/09
Blue Star	Unknown	Unknown	Yes	T3KT	Unknown	Unknown	Transshipment of bait and provisions	IOTC ROP Observer Report 017/09
Naham 4ⁱ	Unknown	Unknown	Yes	6LHY	Unknown	Unknown	Transshipment of bait and provisions	IOTC ROP Observer Report 017/09
YF-1ⁱⁱ	Unknown	Unknown	No	Unknown	Unknown	Unknown	Transshipment of bait and stores	IOTC ROP Observer Report 016/09
YF-38ⁱⁱ	Unknown	Unknown	No	Unknown	Unknown	Unknown	Transshipment of bait and stores	IOTC ROP Observer Report 016/09

ⁱ A vessel with the same name was added to the IOTC Record of Authorised Vessels at the request of Oman on the 8th December 2009; almost nine months after this activity was observed. The effective date of authorisation requested by Oman was for 22nd July 2009.

ⁱⁱ Only identifying marks on the vessels.

28th December 2009/ 28 décembre 2009

IOTC CIRCULAR 2009/42 ; CIRCULAIRE CTOI 2009/42

SUBJECT: REPORTS OF VESSELS PRESUMED TO HAVE CARRIED OUT IUU FISHING IN THE IOTC AREA

IOTC Resolution Resolution 09/03 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC Area* is a binding resolution in accordance with paragraph 1 of article IX of the IOTC Agreement.

The Secretariat has received the attached document from European Union (8 pages) that indicates that two vessels have been operating in the exclusive economic zone of La Réunion in contravention of national law and IOTC management measures. Please note that the vessel HOOM XIANG 11 is listed on the IOTC record of authorised vessels under the flag of Malaysia.

Please click on the link to download the document and provide any comments at your earliest convenience.

[http://www.iotc.org/files/circulars/2009/42-09LetterfromEU\[E\].pdf](http://www.iotc.org/files/circulars/2009/42-09LetterfromEU[E].pdf)

Yours sincerely,

OBJET: DÉCLARATION DE NAVIRES SOUPÇONNÉS D'AVOIR CONDUIT DES OPÉRATIONS DE PÊCHE INN DANS LA ZONE DE COMPÉTENCE DE LA CTOI

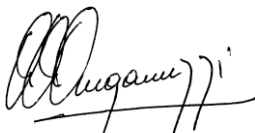
La Résolution de la CTOI 09/03 *visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illégales, non réglementées et non déclarées dans la zone de compétence de la CTOI* est une résolution contraignante au titre du paragraphe 1 de l'article IX de l'Accord portant création de la CTOI.

Le Secrétariat a reçu un document de l'Union Européen (8 pages) qui indiquent que deux navires ont opéré dans le zone exclusive économique de La Réunion en contravention de la loi nationale et des mesures de gestion de la CTOI. Vous trouverez lesdits documents attachés à ce courrier. Veuillez noter que le navire HOOM XIANG 11 est inscrit sur le Registre CTOI des navires autorisés sous le pavillon de Malaisie.

Veuillez cliquer sur le lien suivant pour télécharger le document et de me transmettre vos commentaires aussitôt que possible.

[http://www.iotc.org/files/circulars/2009/42-09LetterfromEU\[F\].pdf](http://www.iotc.org/files/circulars/2009/42-09LetterfromEU[F].pdf)

Cordialement,



Alejandro Anganuzzi

Executive Secretary / Secrétaire exécutif

Attachments/ Pièces jointes

- Document from EU/Document de l'UE

Distribution

IOTC Members: Australia, Belize, China, Comores, Eritrea, European Community, France, Guinea, India, Indonesia, Iran, Japan, Kenya, Korea, Madagascar, Malaysia, Mauritius, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Sri Lanka, Sudan, Tanzania, Thailand, United Kingdom, Vanuatu.

IOTC Chairperson.

Cooperating non contracting parties: Senegal, South Africa, Uruguay.

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EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

INTERNATIONAL AFFAIRS AND MARKETS
International Affairs, Law of the Sea and Regional Fisheries Organisations

Brussels, 22.12.2009 D 14710
MARE B-1 OF/el D(2009)

Mr. Alejandro ANGANUZZI
IOTC Executive Secretary
P.O. Box 1011
Fishing Port - Victoria
SEYCHELLES

Subject: IUU fishing activities in the IOTC area of competence.

Dear Mr. Anganuzzi,

Please find enclosed two declarations transmitted by the French administration with regard to IUU fishing activities in the IOTC zone of jurisdiction. In order to transmit a clear copy of the photos inserted an electronic copy of this letter will be transmitted to your secretariat.

I would kindly ask you to provide this information to the other CPC's underlining that the EU would like to discuss this matter in the next plenary.

Moreover, I would like you to include these vessels in the IOTC provisional IUU list to be dealt in the next plenary, according to the resolution 09/03. Even if the deadline for this inclusion has expired as of the 1 December, it would be important to include these vessels in the provisional IUU list taking into account the seriousness of the infringements, - fishing without authorisation in a EEZ, control refusal and their offence of fleeing - the current small number of vessels in the IUU list and the time that the related CPC still has to react.

Yours sincerely,

Vincent GRIMAUD
Acting Head of Unit

Encl: 1

Copies: MM J-P. Vergine; O. Fachada, French administration (IOTC)

Note: What follows is a translation of a document in French, which has been received by the Secretariat.

ANNEX

ANNEX I

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 2009/03 *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 **La Réunion**.

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)	HOOM XIANG 11
b	Current Flag (previous flag/s, if any)	Current: Indonesia Previous: Unknown
c	Date first included on IOTC IUU Vessel List (if applicable)	Never listed Last IOTC authorisation: 000921 Year: 2004
d	Lloyds IMO Number, if available	/
e	Photo	Attached in annex
f	Call Sign (previous call sign, if any)	/
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Last known: HOOM XIANG INDUSTRIES SDN BHD MALAYSIAN INTERNATIONAL TUNA PORT 11960 BATU MAUNG PULAU PINANG
h	Operator (previous operator/s, if any) and Master/Fishing Master	/
i	Date of alleged IUU fishing Activities	9 th October, 2009
j	Position of alleged IUU fishing Activities	PSN: 24° 32 S – 054° 54 E Inside the exclusive economic zone (EEZ) of La Réunion
k	Summary of alleged IUU Activities (see section B for more detail)	Found red-handedly fishing inside the EEZ of La Réunion/Refusal of inspection
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	/
m	Outcome of Actions Taken	Conclusion of the hearing of the offence

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 2009/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC Area 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 or tuna-like species in the IOTC Area, when their flag state is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	
c	Do not record or report their catches made in the IOTC Area in accordance with IOTC reporting requirements, 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 the coastal state's laws and regulations,	X
i	Are without nationality and harvest tuna or tuna-like species in the IOTC Area	
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	

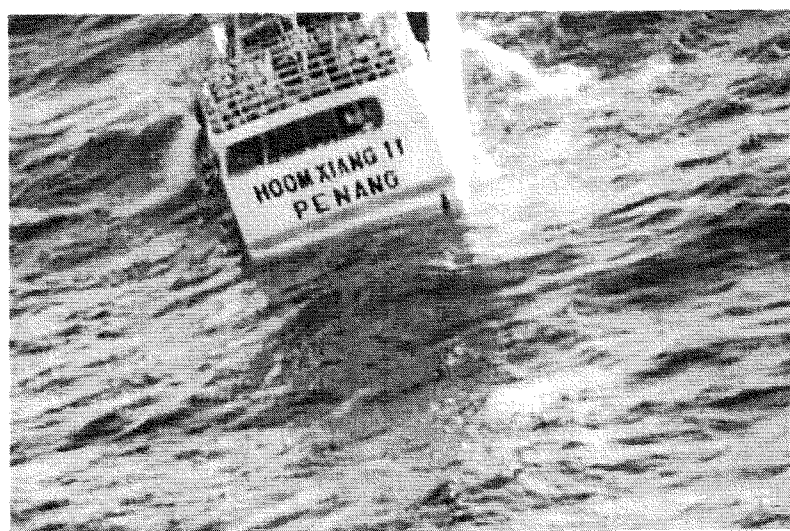
C. Associated Documents

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

D. Recommended Actions

Recommended Actions		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	X

Annexe



ANNEX I

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 2009/03 *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 EEZ of La Réunion**.

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)	LINGSAR N° 8
b	Current Flag (previous flag/s, if any)	Current: Indonesia Previous: Unknown
c	Date first included on IOTC IUU Vessel List (if applicable)	Not included Last IOTC authorisation: 003719 Valid up to 1/10/2008
d	Lloyds IMO Number, if available	/
e	Photo	Attached in annex
f	Call Sign (previous call sign, if any)	/
g	Owner / Beneficial Owner/s (previous owner/s, if any)	BUANA LINGSAR SAMUDRA, PT Komlek SSU Blok II N° 8 PELABUHAN BENOA BALI INDONESIA
h	Operator (previous operator/s, if any) and Master/Fishing Master	Master: CHERN KUEN YAN Nationality: Taiwan N° passport: T102760426 Date of birth: 17 September 1953
i	Date of alleged IUU fishing Activities	9 th October, 2009
j	Position of alleged IUU fishing Activities	PSN: 24° 33 S – 054° 42 E Inside the exclusive economic zone (EEZ) of La Réunion
k	Summary of alleged IUU Activities (see section B for more detail)	Fishing activity inside the EEZ of La Réunion/red-handed/refusal to obey order/fleeing offence
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	<ul style="list-style-type: none"> – Board the vessel – Escorted – Apprehend – Seize
m	Outcome of Actions Taken	Seized vessel subjected to a caution of 75,000 Euros

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 2009/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

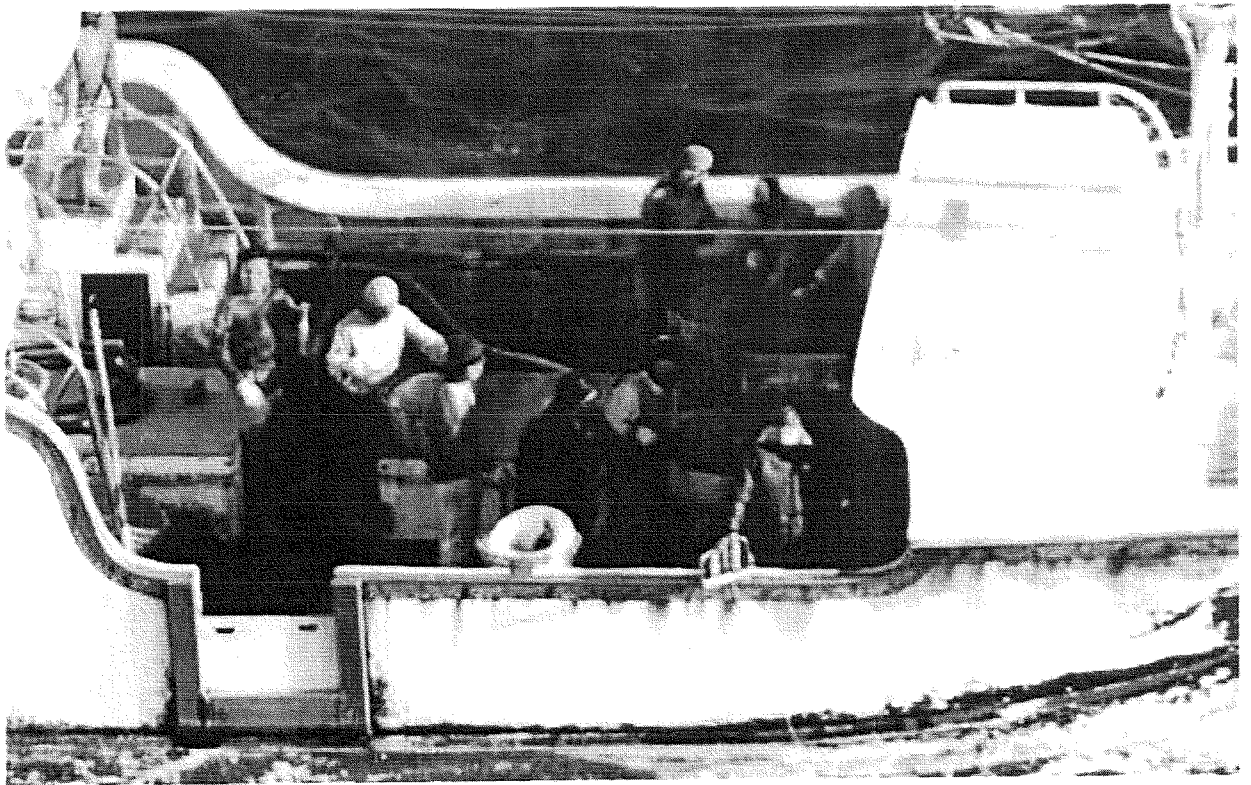
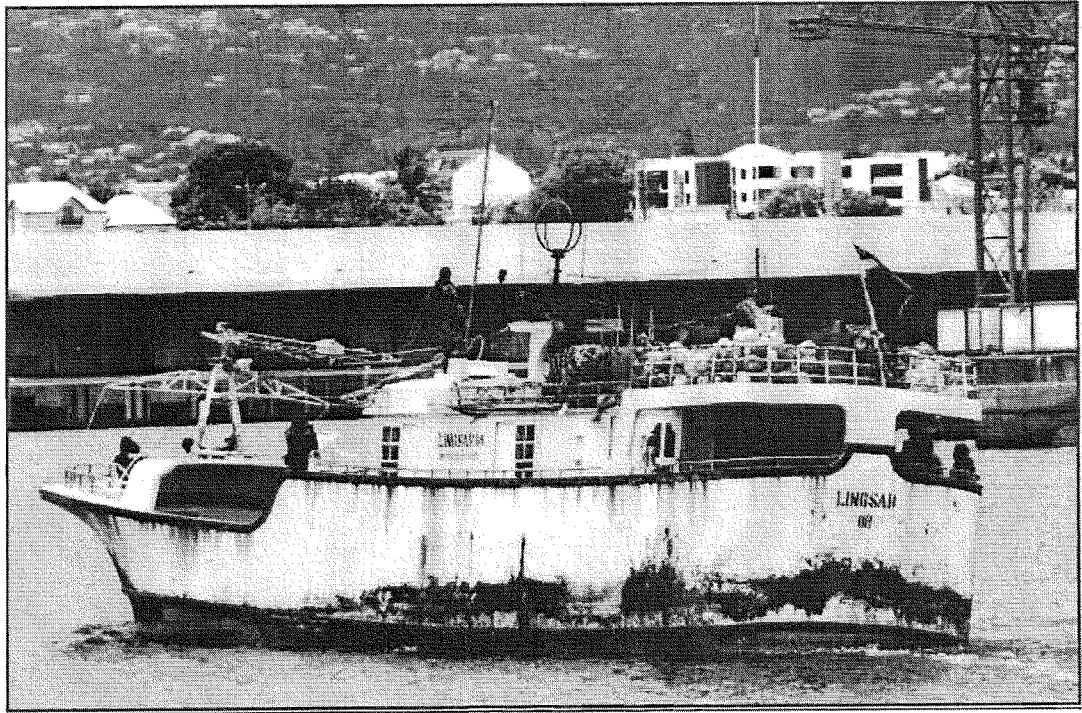
Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC Area	X
b	Harvest tuna or tuna-like species in the IOTC Area, when their flag state is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	
c	Do not record or report their catches made in the IOTC Area in accordance with IOTC reporting requirements, 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 the coastal state's laws and regulations,	X
i	Are without nationality and harvest tuna or tuna-like species in the IOTC Area	
j	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	

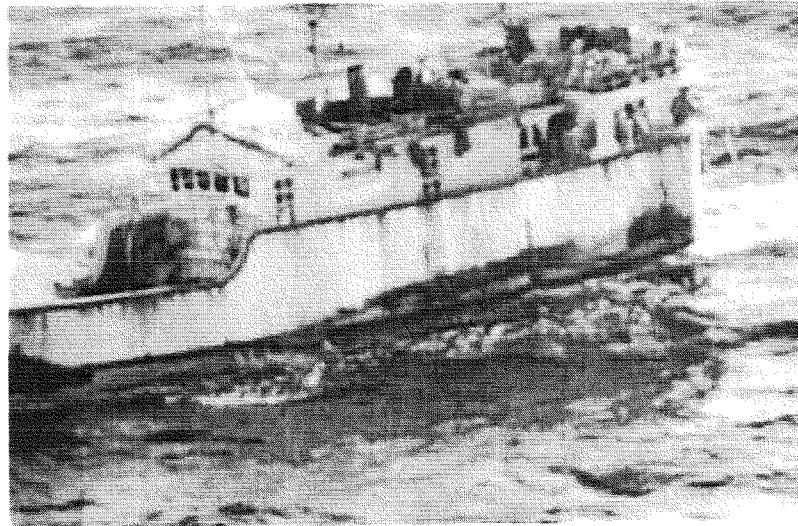
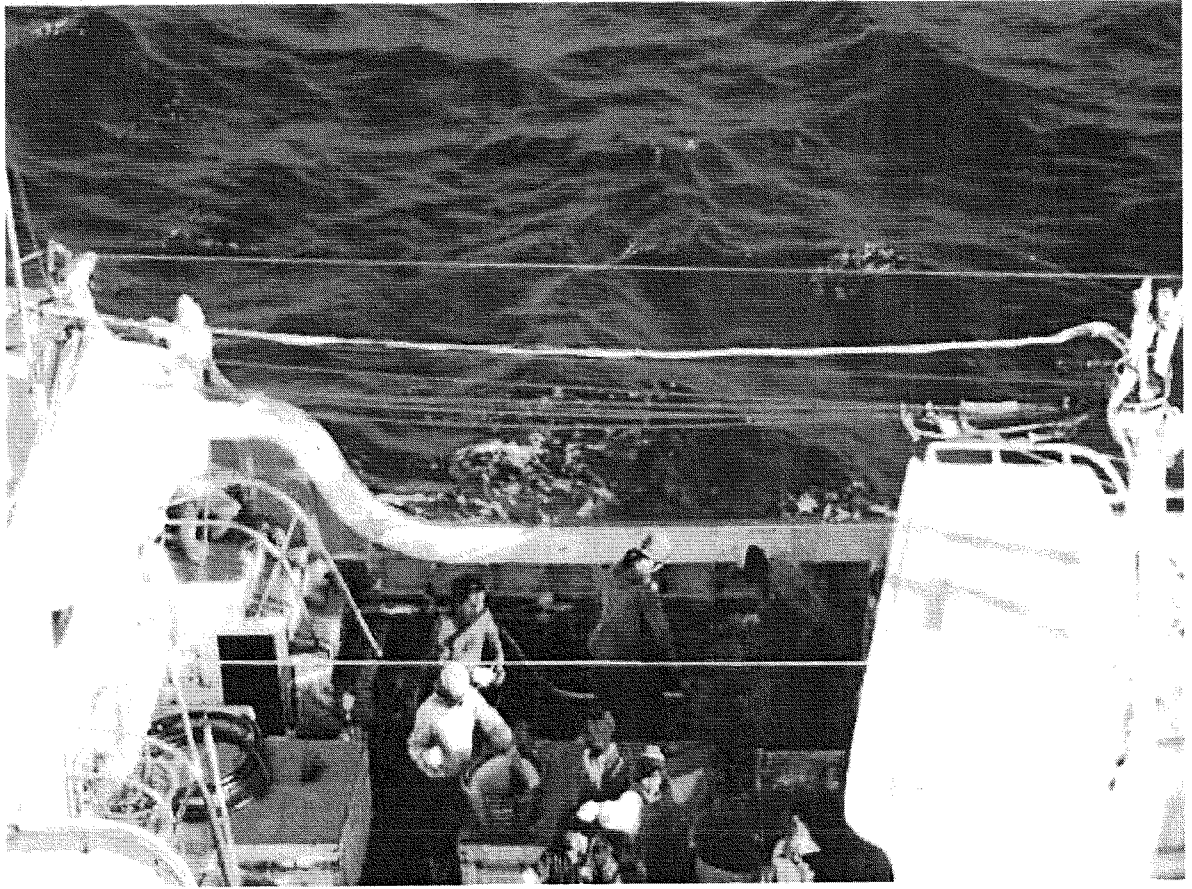
C. Associated Documents

Photographs of the longliner LINGSAR 08

D. Recommended Actions

Recommended Actions		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	X





08th January 2010/ 08janvier 2010

IOTC CIRCULAR 2010/04; CIRCULAIRE CTOI 2010/04

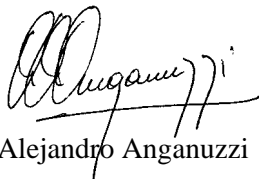
SUBJECT: LETTER FROM SOUTH AFRICA

Please find attached a communication from South Africa, relating to South African port state actions regarding Vanuatu-flagged vessel (Balena)

SUJET: LETTRE DE L'AFRIQUE DU SUD

Veuillez trouver ci-jointe une communication de l'Afrique du Sud concernant les actions du ressort de l'État de port prises par l'Afrique du Sud à l'encontre d'un navire battant pavillon du Vanuatu (Balena)

Yours sincerely/Cordialement,



Alejandro Anganuzzi

Executive Secretary / Secrétaire exécutif

Attachments/ Pièces jointes

- Letter from South Africa/Une de l'Afrique du Sud

Distribution

IOTC Members: Australia, Belize, China, Comoros, Eritrea, European Union, France, Guinea, India, Indonesia, Iran, Japan, Kenya, Korea, Madagascar, Malaysia, Mauritius, Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Sri Lanka, Sudan, Tanzania, Thailand, United Kingdom, Vanuatu.

IOTC Chairperson.

Cooperating non contracting parties: Senegal, South Africa, Uruguay.

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environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Enquiries:

Tel: +27 21 402 3048 Fax: +27 21 402 3618 E-mail: csmith@deat.gov.za

Mr Alejandro Anganuzzi
Executive Secretary
Indian Ocean Tuna Commission

Dear Sir

RE: South African port state actions regarding Vanuatu-flagged vessel (Balena)

The South African Department of Environmental Affairs branch Marine and Coastal Management (hereafter referred to as the "Department") hereby informs you of serious contraventions of the IOTC management and conservation measures by the Vanuatu-flagged vessel Balena (call sign YJSV8).

In May 2009, the vessel Balena sailed to the nearest port, namely Cape Town Harbour, as a result of mutiny by the crew on board the vessel. The Balena was intercepted and brought under control outside of Cape Town Harbour by various South African governmental agencies. The vessel was escorted to Cape Town Harbour where it was detained following thorough investigation. Despite the skipper declaring that it had tuna and tuna-like species on board and was fishing in the Indian Ocean without any authorization from the flag state the Department could not take any legal action against the vessel for this IUU activity. This was due to the skipper declaring the information prior to the South African EEZ permit being issued on 7 May 2009 which allowed the vessel legal access to South African ports. In applying for the EEZ permit, it was declared that the vessel had 2 t bigeye, 1 t yellowfin, 4t albacore, 3t swordfish and 2t of rough skin oilfish, and this was after the vessel had recently discharged product in Namibia in April 2009. After a lengthy legal process the vessel was offloaded and it was found that the skipper under-declared the vessel's cargo manifest by approximately 14.6 t, which was in violation of the EEZ permit conditions. The skipper was subsequently charged.

On the 24 August 2009 this matter was settled through a plea and sentence agreement where the skipper, in the employ of Longbow Fishery Co Ltd, admitted guilt and paid a fine of R200 000 and forfeited the under-declared fish to the state. Although the Department has taken some action against the vessel it is felt that further action is required against the vessel as it had blatantly contravened IOTC resolution [07-02]. In this regard, we note the vessel's activity as a serious offence and should warrant consideration for IUU-listing at the 14th Session of the Commission meeting.

It would be greatly appreciated if you could forward this letter to the Vanuatu Fisheries Authority and to all Member Parties of the IOTC.

Yours sincerely



RAZEENA OMAR

DEPUTY DIRECTOR-GENERAL: MARINE AND COASTAL MANAGEMENT (Acting)

SIGNED BY: Craig Smith

DEPUTY DIRECTOR: PELAGIC AND HIGH SEAS FISHERIES MANAGEMENT

DATE: 7 January 2010

CC:

Mr Laurent Parenté (Permanent Representative of Vanuatu to the IMO)

16th February 2010

Mr. Vincent Grimaud
Acting Head of Unit
MARE-B
European Commission
B-1049 Brussels
Belgium

Tel: (32-2) 299 11 11

Our Ref: 4118

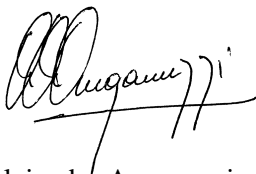
Dear Mr. Grimaud,

SUBJECT: IUU fishing activities in the IOTC Area of competence

Reference is made to your letter dated 22nd December, 2009 (Ref. 14710). As you may be aware, the referenced letter was circulated to Members and Cooperating non-Contracting Parties of the IOTC on 28th December, 2009. The response that the Secretariat has received from the concerned flag States are provided in the attached documents. Also attached, is a follow-up made by the Secretariat in relation to the reply of Indonesia. However, I regret to inform you that to date we have not received any reply to this follow-up.

I would like to invite you to provide any additional information in relation to the attached documents.

Yours sincerely,



Alejandro Anganuzzi

Executive Secretary

Attachments

- Letter from the Government of Indonesia
- Letter from the Government of Malaysia
- Letter from the Director, HOOM XIANG IND.SDN.BHD
- Follow-up by the Executive Secretary

cc: Messrs. R. Cesari, J. P. Vergine and O. Fachada

From: MOHD SUFIAN SULAIMAN [sufsul01@dof.gov.my]
Sent: 30 December 2009 12:16
To: Secretariat\g\)
Subject: Report of vessel presumed to have fished in the waters under the jurisdiction of La Reunion - Hoom Xiang 11 (PPF 771)

Dear Mr Secretary of IOTC,

The mentioned vessel currently flaged under Malaysian Tuna Longline Fishing vessel that authorised under IOTC no 000921 and authorised to fish in Indian Ocean as detail been summited to your good office ealiar this year.

This vessel been registered and licienced under HOOM XIANG INDUSTRIES PRIVATE LIMITED(MALAYSIA) by the registered number of **PPF 771** and valid until 10th December 2009. She have been landing at Tuna Landing site in Pulau Pinang , Malaysia on Januari 2 times, February 1 time and Mac 1 time in year 2009 with combined landing of 157.23 tonnes of tuna species.

At this time this vessel was at Mauritius. For your information, this vessel was equiped with Vessel Monitoring System (VMS) but unfortunately was not function due to electronic problems.

Please advise if this vessel just passing through the EEZ of any country in IOTC area due to bad wheather or any emergency reason, convicted any offences. If possible please give the indicator that this vessel been harvesting tuna or tuna like, red-handed fishing as mentioned in section B of the reporting form. Been in the EEZ of other country jurisdiction does not mean this vessel harvesting fish from that area.

I hope before this recommended for inclusion on IOTC IUU list establish, more evidence should be identified. The authorise body/ personal should boarded the vessel, escorted, apprehended and seized red handed this vessel during the action done.

If any outcome actions such as legal action been taken to this particular vessel, please inform for futher action.

Sincerely,

*MOHD SUFIAN Sulaiman,
Department Of Fisheries Malaysia,
Putrajaya, MALAYSIA.*

From: hoom xiang [hoomxiang@yahoo.com]
Sent: 19 January 2010 08:55
To: secretariat@iotc.org
Cc: En.Fauzi; sufsul01@dof.gov.my; noraisyah@dof.gov.my; noesya@yahoo.com
Subject: IUU FISHING ACTIVITIES IN THE IOTC AREA OF COMPETENCE (HOOM XIANG 11)

Mr. Alejandro Anganuzzi,
IOTC Executive Secretary,
P.O BOX 1011,
Fishing Port-Victoria
SEYCHELLES

Dear Mr.Anganuzzi,

We refer to the letter MARE B-1 OF/el D (2009) dated 22.12.2009, regarding the above matter.

We wish to draw your attention regarding our fishing vessel HOOM XIANG 11 (PPF 771) on the fateful day 9th October 2009, allegedly doing illegal fishing inside the Exclusive Economic Zone of La Reunion.

Inquiries were made on the matter and according to the captain of the vessel, he was doing "an innocent passage" passing through La Reunion EEZ on its way to the fishing ground, when suddenly the vessel developed a mechanical problem on the main engine and stalled. The problem was being repaired by the vessel's engineer. In the meantime the 'wind-anchor' was dropped (lowered) to stop the vessel from drifting further into the EEZ.

Finally the engine was repaired and before leaving, the 'wind-anchor' was hauled and during that hauling time the helicopter hovered above the vessel and took photographs as shown. The photograph which looks like the crew hauling a fish from the long-line was actually hauling the 'wind-anchor' , which looked like a fish.

On accusation that the vessel refused to be inspected, its a pity that the captain and the crew do not understand English or French as they are Taiwanese, Philipinos amd Indonesians, and they left not fled.

We hope your are satisfied with our explanation and we apologise for the inconveniences caused.

Thank you.

Yours faithfully,
Chew Ah Hock
Director
HOOM XIANG IND.SDN.BHD



Executive Secretary,
Indian Ocean Tuna Commission,
Victoria,
SEYCHELLES.
(Att.: Mr Alejandro Anganuzzi)

Prk ML 44/10 (53)
19th February 2010

Dear Mr. Anganuzzi,

**REPORT OF VESSEL PRESUMED TO HAVE FISHED IN THE WATER
UNDER THE JURISDICTION OF LA REUNION, CONTRARY TO IOTC
CONSERVATION AND MANAGEMENT MEASURES**

We are referring to your letter dated 28th December 2009 pertaining to the abovesaid matter. The letter from the European Commission dated 22nd December 2009 on the same matter is also referred.

2. It is in our concerned duty to inform you that the owners of vessel Hoom Xiang 11 had denied the said offences and thus provided us with the following factual occurrences;

i. That, on the 6th October 2009 at 1400 Hrs, the vessel bearing the registration number of 'Hoom Xiang 11' had departed from Port Louis heading South-west to the fishing ground. On its journey to the fishing ground, the vessel was intercepted by a helicopter at position Lat. 24° 32' S and Long. 054° 54 E, i.e., after more than 48 hours from the time of departure. Port clearance to depart from Port Louis was obtained from the port authority bearing the no.12187.

ii. That, the said vessel was encountering some mechanical problems need to be mended urgently at position, unfortunately within the jurisdiction of La Reunion.

iii. That, at time of engagement between the vessel and the helicopter, the former was about to leave the area after the completion of the repair works.

iv. That, the vessel was not in any way fishing in the said waters which can be proven by the presence of long-line floats placed at the stern of the vessel and radio-bouys (12 in number) at the port-side of the wheelhouse. This can be seen quite clearly on the photographs.

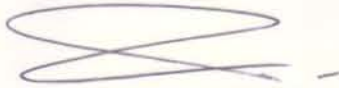
v. That, the photograph depicting vessel's crews in the act of hauling something is in fact the action of hauling the 'bag drift anchor' used for the purpose of stabilizing the vessel and to avoid it from drifting away. It is common practice that the bag drift Anchor is never lowered during a fishing operation.

vi. That, the act of leaving the area is not deliberately done to escape from the authority. The captain of the vessel could not understand the language used by the persons in the helicopter thus left the area to continue its journey.

3. While the incidence is regretful and we fully understand the concern of the authority of La Reunion, we would very much appreciate if this matter is being judged based on the facts given. We extend our gratitude and thanks in advance.

Thank you.

Yours sincerely,



(GULAMSARWAR BIN JAN MOHAMAD)
Director,
Licensing and Resource Management Section,
For the Director General of Fisheries Malaysia,
Putrajaya,
MALAYSIA.

C.C.
Director General of Fisheries,
Dept. of Fisheries,
Putrajaya,
Malaysia.



**MINISTRY OF MARINE AFFAIRS AND FISHERIES
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Ref: 87/DPT-1/TU.150.01/I/2010

January, 7, 2010

Mr. Alejandro Anganuzzi
Executive Secretary
Indian Ocean Tuna Commission (IOTC)
P.O. Box 1011 Victoria, Mahe, Seychelles

Subject : Report of Vessel presumed to have fished in the water under the jurisdiction of la reunion, contrary to IOTC conservation and management measures.

Dear Mr. Alejandro

I thank you very much for the information provided by European Union to IOTC regarding a vessel flying the flag of Indonesia that presumed to have fished in the water under the jurisdiction of la Reunion. I wish to inform you that we are now collecting data and information related the issues and will undertake a clarification to the boat's owner. We propose not to put the vessel in the provisional IUU vessel list while we are undertaking the clarification. In these regards, we need to advise that according to resolution 09/03, it was adopted that CPCs shall transmit alleged IUU fishing every year to the Secretariat at least 120 days before the Annual Meeting, in this case, the Annual Meeting will be undertaken on next March 2010. We therefore wish to encourage the CPCs to be committed to this resolution.

Sincerely Yours

Agus A. Budhiman

Director of Fisheries Resources Management,
Directorate General of Capture Fisheries,
Ministry of Marine Affairs and Fisheries of the Republic of Indonesia

From: IOTC Secretariat (a) [secretariat@iotc.org]
Sent: 08 January 2010 13:33
To: 'MOHD SUFIAN SULAIMAN'
Cc: gd@iotc.org
Subject: RE: Report of vessel presumed to have fished in the waters under the jurisdiction of La Reunion - Hoom Xiang 11 (PPF 771)

Dear Sir

Thank you very much for the information provided. Your response will be part of the dossier attached to this request for inclusion in the IUU List. We will communicate your response, and your request for additional information, to the French authorities. Our understanding is that the vessel was photographed with gear in the water,

We notice that you indicated that the vessel's VMS was not operational at the time. For the sake of completing the record, could you please let us know what actions were taken by Malaysian authorities when the vessel stopped transmitting? The Resolution 06/03 lists the actions to be followed upon detection of (technical) failure of transmissions (see Annex I, paragraphs E-G). It would also be useful to provide at least the last few VMS position reports before transmission stopped. Do you know if the vessels was inspected by Mauritian authorities upon return to port?

Please do not hesitate to contact us if you have any further questions, and we look forward to any additional information that you could provide about the status of the vessels during those dates.

Sincerely yours,

Alejandro Anganuzzi
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