

Alejandro Anganuzzi  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles  
20 January 2010

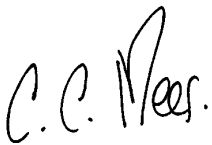
Dear Dr Anganuzzi,

**Resolution 09/03. 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 as required under resolution 09/03 please find attached details of five vessels flagged to Sri Lanka carrying out IUU fishing activities in the IOTC Area, specifically within the BIOT Fisheries Conservation Management Zone during 2009. The Sri Lankan Authorities have been notified of this action.

All vessel owners have paid their fines and the vessels have been released. We would be grateful if you could bring these details to the attention of the Compliance Committee for inclusion on the IUU list. Whilst none of the vessels had tuna onboard there were a large number of sharks and the vessels all used longline gear, associated with targeting tuna. This further highlights the continuing problem of IUU activity by vessels flagged to Sri Lanka, despite this issue having been raised at a number of levels in the past.

Yours sincerely



Dr C. C. Mees  
Head of UK Delegation to IOTC

## 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 British Indian Ocean Territory.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Chandra Kala
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Yes
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	Mr. D. Samantha
h	Operator (previous operators)	
i	Date of Activities	9 <sup>th</sup> December 2009
j	Position of Activities	(6°27'S, 71°34E)
k	Summary of IUU Activities	Vessel discovered at approximately 16:40 on Great Chagos Bank. Approx 4,000 kg fish in hold, mainly sharks and manta ray, obviously freshly caught. Admitted fishing without a licence, but claims fished for one day only, and most of catch is from outside BIOT. Onboard the vessel had driftnets and longline fishing gear with wire trace.
l	Summary of Actions Taken	Vessel was arrested and accompanied back to Diego Garcia. Court case 16 <sup>th</sup> December 2009.
m	Outcome of Actions Taken	£2,000 + £500 costs. Fishing gear forfeited, paid and departed Diego Garcia 24 <sup>th</sup> December 2009

## 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 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	
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. No tuna onboard but a large number of sharks. Vessel had been using longline gear, associated with targeting tuna.
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	

## C. Associated Documents

- 1 1 - Boarding report, 2 - Inspection Report, 3 - Collection of Evidence Form,  
4 – Photograph of vessel and catch.

## D. Recommended Actions

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	X

## Attachment 1 - BOARDING REPORT

**DATE:** 09.12.2009  
**VESSEL:** CHANDRA KALA  
**CALLSIGN:** -  
**BIOT/LICENSE No:** -  
**MASTER:** W. ANTONY  
**SFPO:** J. ROE  
**FPO:** R. BUGASH  
**FPO:** B. DE SILVA  
**BOARDING PURPOSE:** SUSPECTED IUU VESSEL

### 1. INTRODUCTION

On 9<sup>th</sup> December 2009 the BPV was patrolling inner sector 6 of the FCMZ in order to locate and intercept any IUU fishing boats operating in the area. There had recently been a sharp increase in IUU activity in the FCMZ, and four Sri Lankan fishing boats had been arrested for illegal fishing within the last two weeks. For the current patrol, BIOT Patrol 272, the BPV was specifically tasked to target IUU vessels operating in known favoured areas for illegal fishing, such as Pitt Bank and the Great Chagos Bank. The intention was to send a message, that IUU fishing would not be tolerated within BIOT. For this reason, three armed Royal Marines were present on the BPV throughout the patrol, providing support for the SFPO during vessel boardings.

At 15:48, a target was visually observed steaming ENE in position 06°27'S, 71°34'E. The BPV followed and gradually caught up with the target, enabling it to be identified as an unlicensed Sri Lankan fishing vessel. At 16:33, the SFPO, two FPOs and three Royal Marines were deployed in FRC1, and the vessel was boarded at 16:40.

### 2. BOARDING DETAILS

The vessel was first boarded by two Royal Marines and a Sri Lankan FPO, acting as an interpreter. The marines carried out a preliminary search of the vessel for any weapons, and then informed the SFPO that the vessel was now cleared and an inspection could now be conducted.

On board, all communication between the master of the vessel and the SFPO was through the Sri Lankan FPO. When questioned, the master identified the vessel as *Chandra kala*. The master stated that the vessel had been fishing on the Saya de Malha Bank until 1<sup>st</sup> December 2009, when one crewman fell overboard, and was not seen again. He said that the vessel had then set off on transit to Sri Lanka, but the GPS had broken, and he no longer knew his position. He stated that the GPS had been working intermittently until 8<sup>th</sup> December, and that from his last known position of 6°S, 73°E (*sic*), he had set a course of 112° for Sri Lanka. When the SFPO pointed out that this course would take him away from Sri Lanka, he became evasive and could not provide a satisfactory explanation. The master stated that there was approximately 4-5000 kgs of fish onboard, mainly sharks, with some manta ray, and that all the fish had been caught on the Saya de Malha Bank.

The master then provided details for a Sri Lankan Fishing Boat Information form, while the SFPO inspected the fishing gear and fish holds.



A full inspection of the vessel, including the hold and the fishing gear, was then carried out. Freshly-caught sharks were found in one of the fish holds. These were packed in ice, and it was not possible to remove all this for a complete look at the catch inside. However, the sharks found had obviously been caught recently – they were not stiff, and had fresh blood and slime on them.

When confronted with this evidence, the master of *Chandrakala* admitted that he had been fishing in BIOT, but claimed to have done so for one day only. He was then asked to indicate on a chart of the FCMZ where he had been fishing, and to sign the document if he agreed with the marked positions of the vessel at the time of boarding, and of where he had been fishing. He duly did so. He also stated to the SFPO that he did not have a fishing licence.

The master of the vessel was then informed by the SFPO that the vessel, and everyone onboard was under arrest, for fishing in BIOT without a licence, in contravention of Section 7 (1) of the Fisheries (Conservation and Management) Ordinance, 2007. Two members of the crew were then transferred, along with their personal possessions, to the BPV.

The master was shown a Collection of Evidence Notice, and informed that the SFPO would now collect evidence against him. This evidence included the vessel's GPS unit, radio microphone, nautical chart of the Indian Ocean and a length of fishing line, complete with wire trace and hook attached. Several photographs of the vessel, fishing gear, fish hold and sharks, and personnel were also taken. Once completed, the master and SFPO signed the Collection of Evidence Notice.

Fishing gear onboard included a driftnet, longline fishing gear, complete with bamboo poles and marker flags, and lengths of line with hooks on wire traces.

As the boarding party were preparing to leave the fishing boat, the master appeared to change his mind about his admission, and stated that he had not actually been fishing in BIOT. However, immediately afterwards, he seemed to change his mind again, and once again admitted that he had been fishing in BIOT.

### **3. RECOVERY**

The boarding party disembarked from the *Chandrakala* at 18:15, and were recovered to the BPV. The vessel then followed the BPV to Diego Garcia, where it was met by Royal Marine boarding parties at 10:30 the following morning (10/12/2009), and the matter handed over to BIOT Police.

**Jonathan Roe, B.Sc. (Hons)**  
**Senior Fisheries Protection Officer,**  
**BIOT 10.12.2009**

# Attachment 2 – Inspection Report

0014



## BRITISH INDIAN OCEAN TERRITORY INSPECTION REPORT – NOT BIOT LICENSED

Inspection Vessel: PACIFIC MARLIN

### 1. VESSEL DETAILS

Vessel Name	CHANDRAKALA
Call Sign	-
Vessel Type	LONGLINER/NETTER
BIOT ID No.	-
Licence No.	-
IMO Number	-
Flag State	SRI LANKA
GRT	10
No. of Crew	4
Masters Name	W. ANTONY
Fishing Masters Name	4
Vessel Owner Details	D. SAMANTHA
Vessel Agent Details	-

### 2. FISHERY PROTECTION OFFICERS

SFPO:	J. ROE
FPO:	B. DE SILVA
FPO:	R. BUGASH
FPO:	

### 3. VESSEL ACTIVITY

When Sighted	STEAMING
When Boarded	Hove to

### 4. CATCH (t)

YFT	BET	SKJ	OTH	SHK
			1000	3,500

Total Catch BIOT: ₹

Total Fish Onboard: 4,500-

### 5. INSPECTION DETAILS

Date:	9/12/09	Time:	17:40
Vessel	CHANDRAKALA		
Position	06°28' S	71°41' E	
Equipment	BPV GPS		

Signatures:

SFPO:	<i>[Signature]</i>
MASTER:	<i>[Signature]</i>
WITNESS:	<i>[Signature]</i>

COLLECTION OF EVIDENCE ISSUED?

COMMENTS: ADMITTED FISHING  
IN BIOT WITHOUT A  
LICENCE. ARRESTED.

### CHART OF BIOT FCMZ: VESSEL POSITION MARKED BY CROSS(X)



**Attachment 3 – Collection of Evidence form**



**NOTICE OF COLLECTION OF EVIDENCE**

To:

The Master of the Fishing Vessel: CHANDRAKALA  
 BIOT Fishing Vessel Notification Number: -  
 License Number: -  
 International Call Sign: -

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

Evidence Collected: 1 X NAVIGATION CHART  
ADMITTED FISHING WITHOUT A LICENCE  
1 X GARMIN GPS UNIT  
1 X MICROPHONE LEAD FOR RADIO.  
PHOTOGRAPHED HOLD, FISH, VESSEL +  
PERSONNEL  
1 LENGTH OF FISHING LINE WITH WIRE TRACE AND HOOK

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	J. ROE
Time/Date	18:05 9/12/09
Position of BIOT Patrol Vessel	6°28', 71°41'
Position of Fishing Vessel	6°28', 71.41'

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	W. M. ANTONY FERNANDO
Date (dd/mm/yyyy)	9/12/2009



**Attachment 4 – Photograph of vessel and catch.**



## 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 British Indian Ocean Territory.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Lakshani
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Yes
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	Rodney Joseph Fernando
h	Operator (previous operators)	
i	Date of Activities	25 <sup>th</sup> November 2009
j	Position of Activities	(6°24'S, 72°10E)
k	Summary of IUU Activities	Vessel discovered at approximately 10:15 on Great Chagos Bank. Longline with wire traces and driftnets onboard along with around 1,500kg of sharks and other fish. Admitted fishing without a licence.
l	Summary of Actions Taken	Vessel was arrested and accompanied back to Diego Garcia, all navigational gear confiscated. Court date 16 <sup>th</sup> December 2009
m	Outcome of Actions Taken	Vessel fined £2,500 + £500 costs, fishing gear forfeited.

## 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 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	
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. No tuna onboard but a large number of sharks. Vessel had been using longline gear, associated with targeting tuna.
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	

## C. Associated Documents

1 1 - Boarding report, 2 - Inspection Report, 3 - Collection of Evidence Form,  
4 – Photograph of vessel and catch.

## D. Recommended Actions

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	X

## Attachment 1 - BOARDING REPORT

**DATE:** 25.11.2009  
**VESSEL:** LAKSHANI  
**CALLSIGN:** -  
**BIOT/LICENSE No:** -  
**MASTER:** K. JUDE FERNANDO  
**SFPO:** J. ROE  
**FPO:** J. MANDAWE  
**FPO:** B. de SILVA  
**BOARDING PURPOSE:** SUSPECTED IUU VESSEL

### 1. INTRODUCTION

On 25<sup>th</sup> November 2009 the BPV was escorting an arrested Sri Lankan IUU fishing vessel to Diego Garcia in inner sector 8, (Boarding Report JR/2009/NL0006), when at 10:20, second target vessel was observed at position 06°22'S, 72°10'E, moving at 2 knots in a north-easterly direction. The target was visually identified as a Sri Lankan potential IUU fishing vessel, and the BPV immediately proceeded towards it. As the BPV closed with the target vessel at 10:36, FRC1 with the SFPO and 2 FPOs was deployed with the intention of conducting a boarding.

### 2. BOARDING DETAILS

On approach to the vessel, no name could be distinguished, and there was no marked IRCS. As the FRC drew alongside, the crew of the fishing vessel helped secure FRC1 to the vessel to facilitate boarding. The boarding party then boarded the vessel at 10:55.

On board, all communication between the master of the vessel and the SFPO was through a Sri Lankan FPO acting as a translator. When questioned, the master identified the vessel as *Lakshani*, and stated that he was in BIOT as his GPS was broken and strong currents had caused his vessel to drift into its present position. Prior to that, he had been fishing in waters outside the FCMZ. On examination of the GPS, it was found that there was a loose wire in the plug. The SFPO instructed the master to rectify this and to then turn on the GPS. Once this had been done, the position of 06°17'S, 72°30'E tallied with the SFPO's personal GPS. FPO Mandawe examine the unit, and found a waypoint close to the current position, from the previous day.

When asked, the master stated that there was approximately 1,500kg of fish in the hold, the majority of which were sharks. I then put it to the master, that he had in fact been fishing in BIOT waters, and all the catch onboard was caught in the FCMZ. In response, he admitted that this was the case, and he had been fishing in BIOT without a fishing licence. The SFPO subsequently marked the position of the vessel on a chart of the FCMZ, and asked the master if he agreed that this was his present position, and if was also where he had been fishing. The master stated that this was the case, and signed the document to that effect. He was then informed by the SFPO that the vessel was under arrest for fishing in BIOT without a licence, in contravention of Section 7 (1) of the Fisheries (Conservation and Management Ordinance), 2007.

The master was then asked to provide details pertaining to a Sri Lankan Fishing Boat Information Form, while the SFPO showed the master a Notice of Collection of Evidence form, and seized the vessel's GPS, radio microphone and identity documents from the five crew (including the master). Two of the crew were then transferred, along with their personal possessions, to the BPV.

A full inspection of the vessel, including the hold and the fishing gear, was carried out and noted on the Notice of Collection of Evidence Form. There was a significant amount of fish in the hold, a driftnet, longline fishing gear with hooks on wire traces, and assorted pieces of what appeared to be dried and salted manta ray on the roof of the wheelhouse.

The SFPO, master and one FPO acting as a witness, then signed the Notice of Collection of Evidence form, as well as an Inspection Report form pertaining to the vessel. The master was then given the opportunity to surrender any further communications equipment or navigational aids, such as charts, to the SFPO, before being instructed to follow the BPV to Diego Garcia, where a further inspection would take place. He stated that there was no further comms. or navigational equipment on board, and that he would comply with following the BPV to Diego Garcia.

### **3. RECOVERY**

The boarding party disembarked from the *Lakshani* at 11:40, and were recovered to the BPV. The BPV successfully escorted the *Lakshani* to Diego Garcia, where it was met by Royal Marine boarding parties and the matter handed over to BIOT Police.

**Jonathan Roe, B.Sc. (Hons)**  
**Senior Fisheries Protection Officer,**  
**BIOT 25.11.2009**



Attachment 2 – Inspection Report Form

0007



BRITISH INDIAN OCEAN TERRITORY  
INSPECTION REPORT – NOT BIOT LICENSED

Inspection Vessel: PACIFIC MARLIN

1. VESSEL DETAILS

Vessel Name	LAKSHANI
Call Sign	-
Vessel Type	LL/NETTER
BIOT ID No.	-
Licence No.	-
IMO Number	-
Flag State	SRI LANKA
GRT	8
No. of Crew	5
Masters Name	K. JUDE FERNANDO
Fishing Masters Name	" "
Vessel Owner Details	RODNEY JOSEPH FERNANDO
Vessel Agent Details	-

2. FISHERY PROTECTION OFFICERS

SFPO:	J. ROE
FPO:	J. MANDAWE
FPO:	B. DE SILVA
FPO:	

3. VESSEL ACTIVITY

When Sighted	STEAMING
When Boarded	HOVE TO

4. CATCH (t)

YFT	BET	SKJ	OTH	SHK

Total Catch BIOT:	1,500 KG
Total Fish Onboard:	1,500 KG

5. INSPECTION DETAILS

Date:	25/11/09	Time:	11:00
Vessel	LAKSHANI		
Position	6°24 S	72°10 E	
Equipment	SPS		

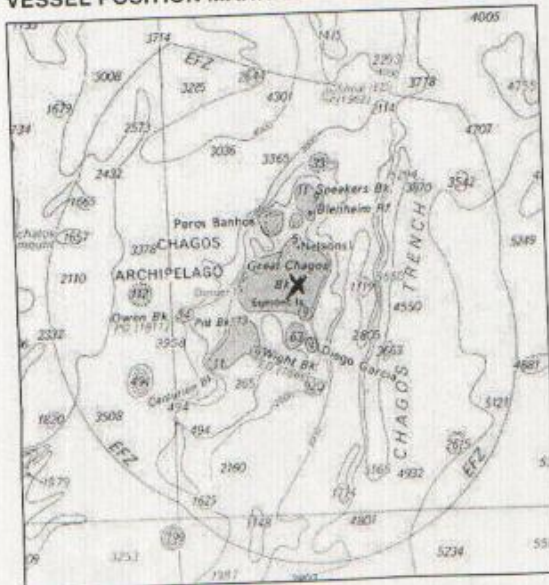
Signatures:

SFPO:	<i>[Signature]</i>
MASTER:	JUDE
WITNESS:	Bryan de Silva

COLLECTION OF EVIDENCE ISSUED?

COMMENTS: MASTER ADMITTED FISHING WITHOUT A LICENCE

CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)



**Attachment 3 – Collection of Evidence Form.**



**NOTICE OF COLLECTION OF EVIDENCE**

To:

The Master of the Fishing Vessel: LAKSHANI  
 BIOT Fishing Vessel Notification Number: -  
 License Number: -  
 International Call Sign: -

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

ADMITTED ~~USING~~ FISHING IN BIOT WITHOUT A LICENCE  
SPS SEIZED  
HF RADIO MIKE SEIZED  
PHOTOGRAPHS TAKEN OF HOLD

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	JONATHAN ROE
Time/Date	11.40 25/11/09
Position of BIOT Patrol Vessel	6°24', 72°10'
Position of Fishing Vessel	6°24', 72°10'

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	K. JUDE FERNANDO
Date (dd/mm/yyyy)	25/11/09



**Attachment 4 – Photograph of vessel and catch.**



## 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 British Indian Ocean Territory.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Randika Putha 1
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Yes
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	Anton Ranjan Perara
h	Operator (previous operators)	
i	Date of Activities	25 <sup>th</sup> November 2009
j	Position of Activities	(6°01'S, 72°13E)
k	Summary of IUU Activities	Vessel discovered at approximately 07:00 on Great Chagos Bank with fishing longline (with wire traces) deployed. Line recovered with one small shark (released), at least 45kg of shark in hold. Admitted fishing without a licence.
l	Summary of Actions Taken	Vessel was arrested and accompanied back to Diego Garcia, all navigational gear and radios taken as evidence. Court case on 16 <sup>th</sup> December 2009
m	Outcome of Actions Taken	Fined £2,500 + £500 costs, fishing gear forfeited, paid and departed Diego Garcia on 24 <sup>th</sup> December 2009.

## 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 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	
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. No tuna onboard but a large number of sharks. Vessel had been using longline gear, associated with targeting tuna.
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	

## C. Associated Documents

1 1 - Boarding report, 2 - Inspection Report, 3 - Collection of Evidence Form,  
4 – Photograph of vessel and catch.

## D. Recommended Actions

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	X

## Attachment 1 - BOARDING REPORT

**DATE:** 25.11.2009  
**VESSEL:** RANDIKA PUTHA 1  
**CALLSIGN:** -  
**BIOT/LICENSE No:** -  
**MASTER:** P, WASHINGTON SILVA  
**SFPO:** J. ROE  
**FPO:** J. MANDAWA  
**FPO:** D. PEIRIS  
**BOARDING PURPOSE:** SUSPECTED IUU VESSEL

### 1. INTRODUCTION

On 25<sup>th</sup> November 2009 the BPV was conducting a routine patrol in inner sector 8, when a target vessel was observed at 06:45 at position 06°01'S, 72°13'E, moving at 2 knots in a westerly direction. There was also longline fishing gear deployed in the immediate vicinity of the vessel. The target was visually identified as a Sri Lankan potential IUU fishing vessel, and the BPV immediately proceeded towards it. As the BPV closed with the target vessel at 07:15, FRC1 with the SFPO and 2 FPOs was deployed with the intention of conducting a boarding.

### 2. BOARDING DETAILS

On approach to the vessel, no name could be distinguished, and there was no marked IRCS. As the FRC drew alongside, the crew of the fishing vessel helped secure FRC1 to the vessel to facilitate boarding. The boarding party then boarded the vessel at 07:18.

On board, all communication between the master of the vessel and the SFPO was through a Sri Lankan FPO acting as a translator. As it was clear that the vessel had deployed fishing gear, after identifying himself, the SFPO's first question was to see the vessel's fishing licence. When the master replied that he did not have one, the SFPO then asked him why he was fishing in BIOT without a licence. He replied that he knew it was wrong but needed to earn money. He was then asked to confirm that he admitted to fishing without a licence, which he did, then to mark on a chart of the FCMZ where he was fishing, which he also complied with. The master stated that he had caught 45kg of mainly sharks at the position, and signed to that effect. He was then informed by the SFPO that the vessel was under arrest for fishing without a licence, in contravention of Section 7 (1) of the Fisheries (Conservation and Management Ordinance), 2007.

The SFPO then established the vessel's name, *Randika Putha 1*, and took identification documents from each of the 5 crew on board, and arranged for 2 of the crew to be transferred, with their personal possessions, to the BPV. It was also arranged that the BPV would commence hauling in the fishing gear.

The master of the vessel was then told by the SFPO that evidence against him would be collected, and a Collection of Evidence form completed. For evidence, the SFPO seized the vessel's GPS and radio microphone, and took photographs of the fishing gear, hold and catch and all personnel onboard. The master's admission of the offence was also noted on the Collection of Evidence form. Once it had been fully completed, it was signed by the master, the SFPO and 1 FPO acting as a witness. The master was then asked to complete a Sri Lankan Fishing Vessel Information Form, to which he duly complied.

As the BPV was still hauling the deployed fishing gear when the inspection had been completed, the master was told to head due south, with the boarding party still on board and the BPV would catch up in due course. He was told to then follow the BPV to Diego Garcia, where a full inspection would take place. He was compliant in following these instructions.

### **3. RECOVERY**

Once the BPV had finished hauling in the fishing gear, it steamed south to catch up with the fishing vessel. At a distance of approximately 3 miles, the inspection party disembarked the *Randika Putha 1* at 09:40 and were recovered to the BPV at 10:00. The BPV continued catching up with the vessel, but was unable to pass it due to being distracted by the sighting of another potential IUU vessel (Boarding report JR/2009/NL0007). Once this second vessel had been dealt with, the BPV successfully escorted the *Randika Putha 1* to Diego Garcia, where it was met by Royal Marine boarding parties and the matter handed over to BIOT Police.

**Jonathan Roe, B.Sc. (Hons)**  
**Senior Fisheries Protection Officer,**  
**BIOT 25.11.2009**





**BRITISH INDIAN OCEAN TERRITORY  
INSPECTION REPORT – NOT BIOT LICENSED**

Inspection Vessel: **PACIFIC MARLIN**

**1. VESSEL DETAILS**

Vessel Name	RANDIKA PUTHA
Call Sign	-
Vessel Type	LONGO LINE
BIOT ID No.	-
Licence No.	-
IMO Number	-
Flag State	SRI LANKA
GRT	-
No. of Crew	05
Masters Name	
Fishing Masters Name	PHILPE WASINTONSILVA
Vessel Owner Details	ANTON RANJAN PERARA
Vessel Agent Details	071379696

**2. FISHERY PROTECTION OFFICERS**

SFPO:	J. ROE
FPO:	J. MANDAWE
FPO:	D. PEIRIS
FPO:	

**3. VESSEL ACTIVITY**

When Sighted	DRIFTING
When Boarded	DRIFTING

**4. CATCH (t)**

YFT	BET	SKJ	OTH	SHK
				45 KG

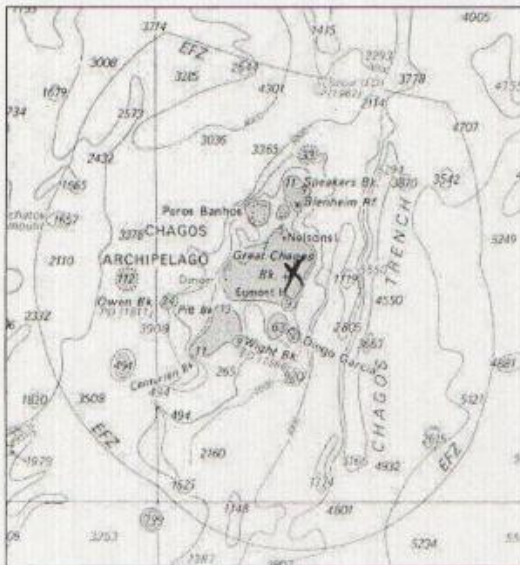
Total Catch BIOT:	45KG
Total Fish Onboard:	45KG

**5. INSPECTION DETAILS**

Date:	25/11/2009	Time:	07.30
Vessel	RANDIKA PUTHA		
Position	06°01'0 S 72°12'7 E		
Equipment	GPS		

Signatures:	
SFPO:	<i>[Signature]</i>
MASTER:	<i>[Signature]</i>
WITNESS:	<i>[Signature]</i>

**CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)**



COLLECTION OF EVIDENCE ISSUED?

**COMMENTS:**  
FOUND WITH LINE IN WATER.  
ADMITTED FISHING WITHOUT  
A LICENCE. APPROX 50  
SMALL SHX ONBOARD.  
ARRESTED.



**Attachment 3 – Collection of Evidence Form.**



**NOTICE OF COLLECTION OF EVIDENCE**

To:

The Master of the Fishing Vessel: M. PHILPE WASHINGTON SILVA  
 BIOT Fishing Vessel Notification Number: — RANDIKA PUTHA I  
 License Number: —  
 International Call Sign: —

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

ADMITTED FISHING WITHOUT A LICENCE.  
GPS UNIT SEIZED  
 HF RADIO MIKE SEIZED.  
IDENTIFICATION CARDS X5  
WIRE TRACES ONBOARD.

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	<u>[Signature]</u>
Name (Block Capitals)	<u>JONATHAN ROE</u>
Time/Date	<u>07:55 25/11/09</u>
Position of BIOT Patrol Vessel	<u>06° 05.45, 72° 12.4 E</u>
Position of Fishing Vessel	<u>06° 01.0 S 72° 12.7 E</u>

Received by the Master of the Fishing Vessel

Signature	<u>[Signature]</u>
Name (Block capitals)	<u>M. PHILPE WASHINGTON SILVA</u>
Date (dd/mm/yyyy)	<u>25/11/09</u>

**Attachment 4 – Photographs of vessel and catch.**



## 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 British Indian Ocean Territory.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Sulara 3
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Yes
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	Mr. Surithe
h	Operator (previous operators)	
i	Date of Activities	5 <sup>th</sup> December 2009
j	Position of Activities	(7°37'S, 70°51'E)
k	Summary of IUU Activities	Vessel discovered at approximately 04:40 on Centurion Bank. No fish in hold, dried and salted fish in hold. Deployed longline gear (with wire traces) and driftnet found nearby. Admitted setting gear and fishing without a licence.
l	Summary of Actions Taken	Following a previous inspection the vessel was instructed to leave BIOT waters as there was no evidence for arrest. On this occasion vessel was arrested and accompanied back to Diego Garcia. Court set for 16 <sup>th</sup> December 2009
m	Outcome of Actions Taken	Fined £3,000 + £500 costs, fishing gear forfeited, paid and departed Diego Garcia on 24 <sup>th</sup> December 2009.

## 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 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	
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. No tuna onboard but a large number of sharks. Vessel had been using longline gear, associated with targeting tuna.
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	

## C. Associated Documents

1 1 - Boarding report, 2 - Inspection Report, 3 - Collection of Evidence Form,  
4 – Photograph of vessel.

## D. Recommended Actions

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	X

## Attachment 1 - BOARDING REPORT

**DATE:** 05.12.2009  
**VESSEL:** SULARA 3  
**CALLSIGN:** -  
**BIOT/LICENSE No:** -  
**MASTER:** L. H. ANURA  
**SFPO:** J. ROE  
**FPO:** L. ONGUSCO  
**FPO:** D. PEIRIS  
**BOARDING PURPOSE:** SUSPECTED IUU VESSEL

### 1. INTRODUCTION

On 5<sup>th</sup> December 2009 the BPV was patrolling inner sector 6 of the FCMZ in order to locate and intercept any IUU fishing boats operating in the area. There had recently been a sharp increase in IUU activity in the FCMZ, and three Sri Lankan fishing boats had been arrested for illegal fishing within the last two weeks. For the current patrol, BIOT Patrol 271, the BPV was specifically tasked to target IUU vessels operating in known favoured areas for illegal fishing, such as the Great Chagos Bank, Speakers Bank and Peros Banhos. The intention was to send a message, that IUU fishing would not be tolerated within BIOT. For this reason, two armed Royal Marines were present on the BPV throughout the patrol, providing support for the SFPO during vessel boardings.

At 04:40, a target was visually observed drifting in position 07°37'S, 70°51'E. As the BPV proceeded towards the target, it turned off all lights and began steaming south-west at nearly 7 kts. The BPV followed and gradually caught up with the target, which hove-to at 06:48. It was then identified as a Sri Lankan potential IUU fishing vessel. At 07:00, the SFPO, two FPOs and two Royal Marines were deployed in FRC1, and the vessel was boarded shortly after.

### 2. BOARDING DETAILS

On board, all communication between the master of the vessel and the SFPO was through a Sri Lankan FPO acting as a translator. When questioned, the master identified the vessel as *Sulara 3*. This vessel had been boarded and inspected by the SFPO just one week previously on the Great Chagos Bank (boarding report: JR/2009/NL0008). At that time the master claimed to be in transit to the Saya de Malha Bank; there had been no fish on board, and all the fishing gear was stowed, so the action taken was to order the vessel to leave BIOT waters immediately.

On this occasion, the master stated to the SFPO that he had intended to go to the Saya de Malha Bank, but that two days after the previous inspection, his GPS had broken and he no longer knew the vessel's position. When asked why his vessel was steaming northeast, i.e., away from the Saya de Malha Bank, the master stated that he did not know what vessel was approaching his, and that he had become scared. He also stated that he had not been fishing in the FCMZ and that there was no fish onboard.

The master then provided details for a Sri Lankan Fishing Boat Information form, and signed a chart of the FCMZ on which the SFPO had marked his vessel's position.

A full inspection of the vessel, including the hold and the fishing gear, was then carried out. No fish was found in either of the vessel's fish holds, although there was what appeared to be dried cuttings of manta ray and unidentified split fish on the roof of the wheelhouse. There was some fishing gear onboard, including a driftnet, longline fishing gear, complete with bamboo poles and marker flags, and lengths of line with hooks on wire traces. However, there appeared to be significantly less longline gear on board than is typically found on these kind of vessels. It was therefore decided that the BPV would conduct a thorough search of the area where the vessel was first sighted, while the SFPO questioned the master further.

At 07:55 the BPV reported that it had located a deployed driftnet and longline fishing gear. Both sets of gear were marked by bamboo poles with marker flags at the tops. The SFPO told the master of *Sulara 3* to head towards the location of the BPV, but did not, at this stage, mention the fact that fishing gear had been located. The master complied with the request, but began to show signs of agitation, at one point asking the SFPO to 'let me go'. He also appeared to start crying. During this time, the Sri Lankan FPO onboard had been inspecting the GPS unit. He had found that it was not wired to the power supply correctly, had rectified this, and found that the unit was now working normally. The SFPO then informed the master that the fishing gear had been found, and put it to him that it was set by the *Sulara 3*. The master confirmed that this was the case. He subsequently admitted that he had set the fishing gear, knew that he was in BIOT and knew that he needed a licence to fish there. He also stated that he did not have a licence.

While the BPV hauled the driftnet, the crew of the fishing boat hauled the longline. After all the line was onboard *Sulara 3*, the SFPO informed the master that the vessel was under arrest for fishing without a licence, in contravention of section 7 (1) of the Fisheries (Conservation and Management) Ordinance, 2007. Following this, the master was directed to head to the BPV, where, on arrival, two of the crew members were transferred to the BPV. The SFPO then showed the master a Collection of Evidence Notice, and began to gather evidence against the vessel. This included seizing the vessel's GPS unit, radio microphone and a section of fishing line, with wire trace and hook attached. After the evidence had been collected, the master signed the relevant forms, and was instructed that he would now follow the BPV to Diego Garcia, where a further inspection would take place. The boarding party then disembarked from the vessel.

### **3. RECOVERY**

The boarding party disembarked from the *Sulara 3* at 12:05, and were recovered to the BPV. The *Sulara 3* then followed the BPV to Diego Garcia, where it was met by Royal Marine boarding parties at 08:10 the following morning (06/12/2009), and the matter handed over to BIOT Police.

**Jonathan Roe, B.Sc. (Hons)**  
**Senior Fisheries Protection Officer,**  
**BIOT 06.12.2009**



**Attachment 2 – Inspection Report Form.**



0013

**BRITISH INDIAN OCEAN TERRITORY  
INSPECTION REPORT – NOT BIOT LICENSED**

Inspection Vessel: **PACIFIC MARLIN**

**1. VESSEL DETAILS**

Vessel Name	SULARA 3
Call Sign	-
Vessel Type	LONGLINER/NETTER
BIOT ID No.	-
Licence No.	-
IMO Number	-
Flag State	SEI LANKA
GRT	-
No. of Crew	5
Masters Name	L.H. ANURA
Fishing Masters Name	"
Vessel Owner Details	SUMITHE
Vessel Agent Details	-

**2. FISHERY PROTECTION OFFICERS**

SFPO:	J. ROE
FPO:	D. PEIRIS
FPO:	L. ONGOSCO
FPO:	

**3. VESSEL ACTIVITY**

When Sighted	DRIFTING
When Boarded	Hove to

**4. CATCH (t)**

YFT	BET	SKJ	OTH	SHK

Total Catch BIOT:

Total Fish Onboard: 0

**5. INSPECTION DETAILS**

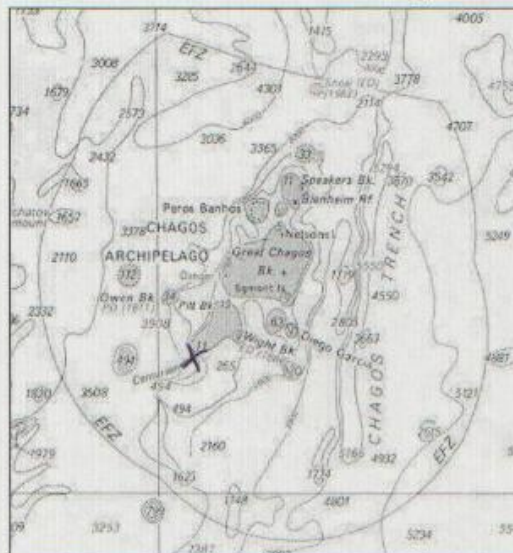
Date:	5/12/09	Time:	07:55
Vessel			
Position	07° 44' S	070° 48' E	
Equipment	GPS		

Signatures:

SFPO:	<i>J. Roe</i>
MASTER:	<i>L.H. Anura</i>
WITNESS:	<i>Phill</i>

COLLECTION OF EVIDENCE ISSUED?

**CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)**



**COMMENTS:**

ADMITTED FISHING WITHOUT A LICENCE. ARRESTED AND ESCORTED TO DIEGO GARCIA

### Attachment 3 – Collection of Evidence Form



#### NOTICE OF COLLECTION OF EVIDENCE

To:

The Master of the Fishing Vessel: SULARA 3  
 BIOT Fishing Vessel Notification Number: -  
 License Number: -  
 International Call Sign: -

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

Evidence Collected:

1 X GARMIN GPS MODULE  
1 X RADIO MIKE  
DRIFTNET ON PACIFIC MARLIN  
1 X LENGTH OF LINE WITH WIRE TRACE AND HOOK

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	<i>[Signature]</i>
Name (Block Capitals)	J. ROE
Time/Date	11.45 5/12/09
Position of BIOT Patrol Vessel	08°40' S 70°47' E
Position of Fishing Vessel	08°40' S 70°47' E

Received by the Master of the Fishing Vessel

Signature	<i>[Signature]</i>
Name (Block capitals)	L.H. ANURA
Date (dd/mm/yyyy)	5/12/09



**Attachment 4 – Photograph of Vessel.**



## 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 British Indian Ocean Territory.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Suratha
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Yes
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	Sujishi Prashana
h	Operator (previous operators)	
i	Date of Activities	28 <sup>th</sup> November 2009
j	Position of Activities	(5°53'S, 72°02E)
k	Summary of IUU Activities	Vessel discovered at approximately 19:00 on Great Chagos Bank. About 200kg freshly caught fish and wet fishing gear (longline with wire trace and driftnet) onboard. Admitted fishing without a licence.
l	Summary of Actions Taken	Vessel was arrested and accompanied back to Diego Garcia, all navigational gear and radios taken as evidence. Court date on 16 <sup>th</sup> December 2009
m	Outcome of Actions Taken	£1,750 + £500 costs, fishing gear forfeited, paid and departed Diego Garcia on 24 <sup>th</sup> December 2009.

## 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 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	
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. No tuna onboard but a large number of sharks. Vessel had been using longline gear, associated with targeting tuna.
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	

## C. Associated Documents

- 1 1 - Boarding report, 2 - Inspection Report, 3 - Collection of Evidence Form,  
4 – Photograph of vessel and catch.

## D. Recommended Actions

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	X

## Attachment 1 - BOARDING REPORT

<b>DATE:</b>	<b>28.11.2009</b>
<b>VESSEL:</b>	<b>SURATHA</b>
<b>CALLSIGN:</b>	-
<b>BIOT/LICENSE No:</b>	-
<b>MASTER:</b>	<b>W. L. THISARA</b>
<b>SFPO:</b>	<b>J. ROE</b>
<b>FPO:</b>	<b>J. MANDAWE</b>
<b>FPO:</b>	<b>D. PEIRIS</b>
<b>BOARDING PURPOSE:</b>	<b>SUSPECTED IUU VESSEL</b>

### 1. INTRODUCTION

On 28<sup>th</sup> November 2009 the BPV was patrolling inner sector 8 of the FCMZ in order to locate and intercept any IUU fishing boats operating in the area. There had recently been a sharp increase in IUU activity in the FCMZ, and two Sri Lankan fishing boats had been arrested for illegal fishing just three days previously. The BPV had earlier in the day, recovered a BIOT fisheries observer, Mr. John Mcdonagh, from the inshore vessel, *Talbot IV*. On his recovery to the BPV, Mr. Mcdonagh had provided information regarding the positions of two IUU boats seen on the 24<sup>th</sup> November, as well as that of an illegally-set driftnet recovered by the *Talbot IV* on 23<sup>rd</sup> November. It was towards these positions, 05°50'S, 72°26'E, and 05°48'S, 72°09'E that the BPV was currently heading.

At 18:46, three target vessels were visually observed heading north-east in position 06°01'S, 72°08'E. As the BPV proceeded towards the targets, they became identifiable as Sri Lankan potential IUU fishing vessels. As darkness was approaching, and the vessels were steaming away from the BPV, it was decided to launch the BPV's FRC2 at a distance of over three miles from the targets, in order to minimize pursuit time. Subsequently, at 19:07, FRC2 with the SFPO, two FPOs and Mr. Mcdonagh was deployed to give chase. The SFPO's intention was to order the nearest two targets to stop and wait until the furthest target had been dealt with. On launching, FRC2 developed mechanical problems which caused a delay in starting the pursuit. However, after a 40 minute chase, FRC2 closed on the nearest vessel. The master was hailed, and told to stop his engine, turn on all lights and wait for the FRC's return. The FRC2 then repeated this with the second vessel, before closing in on the third..

Both the two targets ordered to stop and wait complied. They were both subsequently boarded (boarding reports JR/2009/NL0010, JR/2009/NL0011).

### 2. BOARDING DETAILS

As it was now dark, it was not possible to see any markings on the fishing vessel. On approach, the master was told to stop his engine and turn on all lights. He complied with this, and at 19:44 the vessel was boarded.

On board, all communication between the master of the vessel and the SFPO was through a Sri Lankan FPO acting as a translator. When questioned, the master identified the vessel as *Suratha*, and stated that he was in BIOT waiting for another fishing boat, before proceeding to the Saya de Malha Bank. He stated that he had left Sri Lanka on 17<sup>th</sup> November, and that he had approximately 200kg of fish on board, all caught from outside BIOT. When asked why his vessel was steaming northeast, i.e., away from the Saya de Malha Bank, the master stated that he thought the BPV might be a Taiwanese fishing boat that was going to attack his vessel.



The SFPO then inspected the fish hold and the fishing gear. On the deck, there was a damp driftnet section, which had many pieces of coral in the meshes. There was also some fresh split fish underneath some sacking in front of the wheelhouse, as well as what appeared to be freshly-caught snappers and sharks in the hold. The SFPO confronted the master with this evidence, and asked him if he now wanted to admit that he had been fishing in BIOT. The master replied that he did admit it. The SFPO subsequently marked the position of the vessel on a chart of the FCMZ, and asked the master if he agreed that this was his present position, and if it was also where he had been fishing. The master stated that this was the case, and signed the document to that effect. He was then informed by the SFPO that the vessel was under arrest for fishing in BIOT without a licence, in contravention of Section 7 (1) of the Fisheries (Conservation and Management Ordinance), 2007.

The master was then asked to provide details pertaining to a Sri Lankan Fishing Boat Information Form, while the SFPO showed the master a Notice of Collection of Evidence form, and seized the vessel's GPS, radio microphone and identity documents from the five crew (including the master). Two of the crew were then transferred, along with their personal possessions, to the BPV.

A full inspection of the vessel, including the hold and the fishing gear, was then carried out and noted on the Notice of Collection of Evidence Form. There was more fish found on the deck, and some shark fins on the wheelhouse roof. Fishing gear consisted of a driftnet, longline fishing gear, complete with bamboo poles and marker flags, and lengths of line with hooks on wire traces.

The SFPO, master and one FPO acting as a witness, then signed the Notice of Collection of Evidence form, as well as an Inspection Report form pertaining to the vessel. The master was then given the opportunity to surrender any further communications equipment or navigational aids, such as charts, to the SFPO, before being instructed to follow the BPV to Diego Garcia, where a further inspection would take place. He stated that there was no further comms. or navigational equipment on board, and that he would comply with following the BPV to Diego Garcia.

### **3. RECOVERY**

The boarding party disembarked from the *Suratha* at 20:35, and then proceeded to the vessels ordered to wait. These were both inspected, but on each occasion, no fish was onboard and all fishing gear was stowed. These vessels were not arrested (boarding reports JR/2009/NL0010, JR/2009/NL0011).

The *Suratha* followed the BPV to Diego Garcia, where it was met by Royal Marine boarding parties and the matter handed over to BIOT Police.

**Jonathan Roe, B.Sc. (Hons)**  
**Senior Fisheries Protection Officer, BIOT 28.11.2009**

**Attachment 2 – Inspection Form.**



0009

**BRITISH INDIAN OCEAN TERRITORY  
INSPECTION REPORT – NOT BIOT LICENSED**

Inspection Vessel: **PACIFIC MARLIN**

**1. VESSEL DETAILS**

Vessel Name	SURATHA
Call Sign	-
Vessel Type	LONGLINER
BIOT ID No.	-
Licence No.	-
IMO Number	-
Flag State	SRI LANKA
GRT	-
No. of Crew	5
Masters Name	LEON THISARA
Fishing Masters Name	
Vessel Owner Details	SUTHI PRASHANA
Vessel Agent Details	

**2. FISHERY PROTECTION OFFICERS**

SFPO:	J. ROE
FPO:	J. MANDAWE
FPO:	D. PEIRIS
FPO:	

**3. VESSEL ACTIVITY**

When Sighted	STEAMING
When Boarded	MOVE TO

**4. CATCH (t)**

YFT	BET	SKJ	OTH	SHK

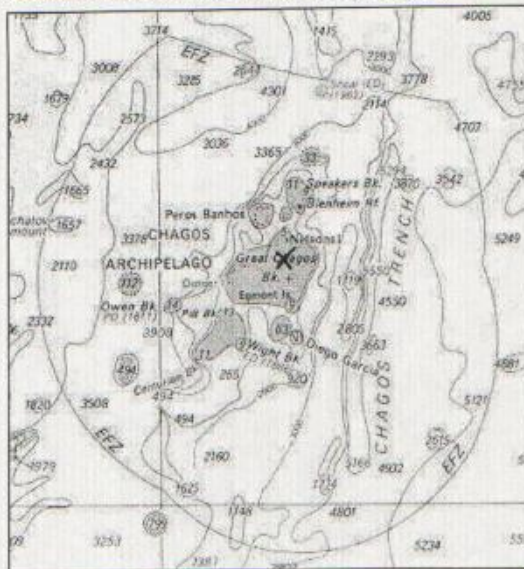
Total Catch BIOT:	200 KG
Total Fish Onboard:	200 KG

**5. INSPECTION DETAILS**

Date:	28/11/09	Time:	20:00
Vessel	SURATHA		
Position	5°53.3'S	72°01.6'E	
Equipment	GPS.		

Signatures:	
SFPO:	<i>[Signature]</i>
MASTER:	<i>W. N. Thisara</i>
WITNESS:	<i>[Signature]</i>

**CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)**



COLLECTION OF EVIDENCE ISSUED?

**COMMENTS:** ADMITTED  
FISHING WITHOUT A  
LICENCE  
ARRESTED



**Attachment 3 – Collection of Evidence Form.**



**NOTICE OF COLLECTION OF EVIDENCE**

To:

The Master of the Fishing Vessel: SURATHA I  
 BIOT Fishing Vessel Notification Number: -  
 License Number: -  
 International Call Sign: -

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

ADMITTED FISHING WITHOUT A LICENSE  
GPS UNIT X 1  
RADIO MICROPHONE X 1  
PHOTOGRAPHED CATCH + GEAR  
IDENTITY CARDS X 5

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	<i>J. Roe</i>
Name (Block Capitals)	J. ROE
Time/Date	20.25 28/11/09
Position of BIOT Patrol Vessel	5°32', 72°02'
Position of Fishing Vessel	5°32', 72°02'

Received by the Master of the Fishing Vessel

Signature	<i>W. Leon Thysara</i>
Name (Block capitals)	W. LEON THYSARA
Date (dd/mm/yyyy)	28/11/09

**Attachment 4 – Photograph of vessel and catch**



Alejandro Anganuzzi  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles  
26 February 2010

Dear Dr Anganuzzi,


**Resolution 09/03. 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 as required under resolution 09/03 please find attached details of two vessels flagged to Sri Lanka carrying out IUU fishing activities in the IOTC Area, specifically within the BIOT Fisheries Conservation Management Zone during 2010. The Sri Lankan Authorities have been notified of this action.

Fines for both vessels have been paid, and the vessels have been released. Below I attach two letters from the Ministry of Fisheries and Aquatic Resources in Sri Lanka that illustrate their direct involvement in these cases. Whilst UK(BIOT) recognise that there are livelihood constraints faced by fishermen in Sri Lanka we are concerned about the involvement of Government of Sri Lanka in illegal fishing and their apparent support for it. We have urged the Sri Lankan Authorities to effectively manage their domestic fleets and to prevent illegal activity within the BIOT FCMZ.

We would be grateful if you could bring these details to the attention of the Compliance Committee for inclusion on the IUU list. Whilst these details are submitted too late for inclusion on the IUU list to be discussed at IOTC next week, UK (BIOT) would nevertheless appreciate the opportunity to raise these serious issues at the Compliance Committee meeting in Busan.

Yours sincerely



Dr C. C. Mees  
Head of UK Delegation to IOTC



Office

Ministry of Fisheries & Aquatic Resources,  
New Secretariat, Maligawatta,  
Colombo 10, Sri Lanka.



Tele : +94 - (0)112 - 446188  
Fax : +94 - (0)112 - 446187

**Felix Perera (M.P.)**  
Minister of Fisheries & Aquatic Resources

Residence

No. 25, Negombo Road,  
Tudella, Ja-Ela,  
Sri Lanka.

Tele: +94 - (0) 112 - 236122  
: +94 - (0) 112 - 236141  
Fax : +94 - (0) 112 - 236866

Mr. Mark Gansr,  
Registrar,  
Magistrate Court  
Diego Garcia.

05/02/2010

Dear Mr. Mark,

Apprehension of Sri Lankan Fishers and boats in Diego Garcia

This has reference to the note verbal dated 01/02/2010 sent to Mr. Fernando by you on the above subject.

Two vessels namely IMUL-A-0280 NBO and IMUL-A-0342NBO were taken in to custody by the security forces enlisted in Diego Garcia while they were traveled towards to the south costal region.

As this matter is now under consideration of the court of law your government (GOUK) is not in a position to intervene for this but, however, we strongly believe that there may be a possibility of taking the matter on humanitarian ground in terms of bilateral relationship of the two countries and making decision on that basis to release the fishermen.

I am personally aware of the difficulties faced by the families of these arrested fishermen and the vessels owners. I shall thankful to you if this matter is given due attention with a view of providing relief to the affected parties resulted from the arrested of fishermen and fishing vessels.

I take this opportunity to thank you for the assistance provided for the Ministry of Fisheries and Aquatic Resources of (GOSL) so far in this connection. I look forward to hearing a pleasing reply.

With best regards,

Your sincerely

**Felix Perera (MP)**  
Minister of Fisheries and Aquatic Resources

25.02.2010

The Magistrate,  
Diego Gracia,  
British Indian Ocean Territory.

Dear sir ,

**Case No : 04/10**  
**Name : Mr. Nihanth Francis Fernando**  
**Employee : Skipper of Fishing Vessel FV Mandu Kumari 02.**

**subject : Appal to get released fishing instrument used for fishing  
by fishing boat,FV Madu Kumari 02**

The above case was taken up on 11.02.2010 and skipper of the fishing vessels appeared before the court and he was sentence to pay the total of £4000 accordingly the said amount was paid through SWIFT payment transfer.

It was also ordered to forfeit any fishing gear and other instrument of appliances use for fishing to crown. We wish to make and appeal to get those fishing instruments released and accordingly the following fact are submitted to your kind attention.

1. The accused admitted the commission of the offence of fishing without a license.
2. The accused is the breadwinner of his family and fishing is only way of income.
3. This situation has badly affect the economic situation of the accused and his family.

After the above factors been considered I respectfully plead your honors court to release the fishing instrument of fishing vessels FV Mandukumari 2.

Thanking You,

**Thushani Liyanaarchchi**

**Manager Legal/ Legal Consultant to the Hon. Minister to the MFAR**

**Sri Lanka**

## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 06/01 “On establishing a list of vessels resumed 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.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Lek Sauro
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Attached
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	D. J. Perera
h	Operator (previous operators)	
i	Date of Activities	29/01/2010
j	Position of Activities	06°07.1'S 071°29.7'E
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). Carrying 3,200kg shark on board.
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia
m	Outcome of Actions Taken	Fined £4,000 and gear confiscated. Fine paid.

## B. 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	X
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	

## C. Associated Documents

(Attach associated documents e.g. boarding reports, court proceedings, photographs)

- 1) Boarding report
- 2) Photograph
- 3) Collection of evidence
- 4) Inspection report

## D. Recommended Actions

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	X

## BOARDING REPORT

**DATE:** 29.01.2010  
**VESSEL:** LEK SAURO  
**CALLSIGN:** N/A  
**BIOT/LICENSE No:** NONE  
**MASTER:** H. A. SUJITH RANJITH LALL AJITH  
**SFPO:** R. GATER  
**FPO:** N. MOHIDEEN  
**FPO:** R. BUGASH  
**BOARDING PURPOSE:** INVESTIGATIVE / IUU

### 1. INTRODUCTION

On Friday 29th January 2010, the BPV was conducting a routine patrol on the western Great Chagos Bank (GCB). At 11:50 the officer of the watch spotted two vessel targets located in the vicinity of the shallow reefs fringing the western edge of the GCB immediately north of Three Brothers. The BPV altered course slightly to narrow the distance as the reef topography meant it was unsafe to head directly to intercept. Both targets were positively acquired on radar, steaming SSW at 5knts towards Three Brothers. At 12:15 at a range of 3 nm, the SFPO and boarding party were deployed in FRC1 to conduct investigative boardings. On transit to the vessels, a deployed longline and marker flag was noted. Upon reaching the first vessel at 12:25 the crew were instructed to stay put and await further instructions. Following the inspection of second vessel (Madu Kumari 2), the SFPO/Boarding party returned to the first vessel encountered and boarded at 13:35.

### 2. BOARDING DETAILS

The captain was identified, separated from the crew and taken into the wheelhouse for questioning. He stated that his vessel, the Lek Sauro, had been returning to Sri Lanka after leaving Mauritius. He also stated that he had believed the BPV to be a Taiwanese fishing vessel, and so had entered the GCB in an attempt to escape from any aggressive acts towards his vessel and crew. The captain was then instructed to begin completing a Sri Lankan vessel information form, whilst I noted the vessels current position as 06°07.1'S 071°29.7'E. Chief Mate FPO Bugash examined the vessels GPS unit, but no waypoints remained within the memory. The captain claimed ignorance of his current position, despite the presence of Admiralty Plotting Chart 4071 onboard.

The captain claimed to have left Sri Lanka on 9th December 2009, and spent twenty days fishing on the Saya de Mahla Bank (SDMB) before leaving there eight days ago to return to Sri Lanka. However, upon interception, the Lek Sauro had been acquired on radar steaming SSW, a course that would take the vessel away from Sri Lanka, and in a position much further south (at least 150nm) than required if on innocent navigation between the SDMB and Sri Lanka. The captain declared a quantity of approximately 300 individual sharks or 5000kg of catch aboard. It was put to the captain that he had caught the sharks near his present position on the GCB, and that the deployed line observed during transit to the Lek Sauro belonged to his vessel. The captain denied this, although could not provide a precise location as to where he claimed to have caught the sharks, or an explanation as to why he had almost no longline fishing gear aboard his vessel.

During the inspection, FRC2 had been deployed to search for additional deployed fishing gear, and had reported by VHF the discovery of two more lines marked with bamboo poles and flag markers. The type and colour of flags on these markers exactly matched the type and colour of the single bamboo pole and flag marker remaining on the Lek Sauro. An inspection of the main forward fish hold revealed a large amount of ice, within which was a



large quantity of whole reef sharks and a smaller quantity of reef fish. Manta ray pectoral 'wings' were also visible on top of the ice in the hold. It was clear that the sharks, manta and reef fish had been freshly caught, with blood and slime evident. A small quantity of 'chunked' dried shark and grouper species was also located on the wheelhouse roof. The only fishing gear remaining onboard was an approximately 1.5 nm length of driftnet, some polystyrene floats, and a single bamboo pole and flag marker.

Contrary to what he had told me, it was my belief that he had brought his vessel to BIOT waters specifically to fish for sharks on the GCB, and had set the three longlines located nearby. If intending to return to home, the location of his apprehension at the western GCB was over 150 nm away from the direct passage route back to Sri Lanka. Additionally his course when encountered was SSW, away from Sri Lanka and on course towards the Three Brothers and the deployed longline gear. The three longlines deployed around North and Middle Brother were marked at their terminus with bamboo pole and flag markers of an identical colour and type to that single marker remaining onboard the Lek Sauro. The quantity of ice within the hold was inconsistent with a date of departure from Sri Lanka of 9th December 2009, and the sharks, manta and reef fish onboard were fresh and had clearly been caught recently. At 14:20 the vessel was arrested for illegal fishing within BIOT waters without a licence contrary to Section 7(1) of Ordinance 5 2007 (BIOT Fisheries Law).

The captain was ordered to take his vessel to the nearest deployed longline, approximately 250m away, and begin hauling it under supervision. The line produced six dead reef sharks which were retained onboard, and two live sharks which were cut free and released. As a precaution against an attempt to evade the BPV during the overnight escort back to Diego Garcia, after the haul had been completed, two crewman were transferred to the BPV. In addition, the vessels GPS unit, HF SSB radio mike, crew members identity cards, and Admiralty Plotting chart No. 4071 were confiscated. The captain was informed that his vessel was to proceed immediately to Diego Garcia for further investigations to take place, and was instructed to follow the BPV overnight in convoy with the Madu Kumari 2.

### **3. RECOVERY and ESCORT**

Escort duties for the approximately 90 nm back to Diego Garcia began at 15:50. At 07:50 on 30th January 2010 both vessels were met by a Royal Marine boarding party who took over the escort until both vessels were secured alongside Finger Pier No.3 small boat basin.

**Rob Gater, MSc, BA (Hons)**  
**Senior Fisheries Protection Officer, BIOT 29.01.2010**





### NOTICE OF COLLECTION OF EVIDENCE

To:

The Master of the Fishing Vessel: LEK SAURO

BIOT Fishing Vessel Notification Number: N/A

License Number: N/A

International Call Sign: N/A

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

FISHING WITHIN BIOT WITHOUT A LICENCE CONTRARY TO SECTION 7 ORDINANCE 5 (FISHERIES REGS 2007)

SECTION 7 ORDINANCE 5 (FISHERIES REGS 2007)

CONFISCATED 3x ID CARDS, CHART 4071, GPS UNIT AND RADIO  
MILES TO WEST COAST OF INDIA

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	R. CARTER
Time/Date	29/1/10 14:20
Position of BIOT Patrol Vessel	06°08'35" 071°29'5" E
Position of Fishing Vessel	06°07'5" 071°30' E

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	H. ABOQIR
Date (dd/mm/yyyy)	29/1/10 17:15





0017

**BRITISH INDIAN OCEAN TERRITORY  
INSPECTION REPORT – NOT BIOT LICENSED**

Inspection Vessel: **PACIFIC MARLIN**

**1. VESSEL DETAILS**

Vessel Name	LEK SAURO
Call Sign	N/A
Vessel Type	DN/LL
BIOT ID No.	N/A
Licence No.	NONE
IMO Number	N/A.
Flag State	SL
GRT	12
No. of Crew	5
Masters Name	H.A. RANGITH
Fishing Masters Name	11
Vessel Owner Details	D.J. PERERA
Vessel Agent Details	-

**2. FISHERY PROTECTION OFFICERS**

SFPO:	R. FATER
FPO:	N. MOULDEEN
FPO:	R. RUGSH
FPO:	

**3. VESSEL ACTIVITY**

When Sighted	STERNAING
When Boarded	NOVE TO

**4. CATCH (t)**

YFT	BET	SKJ	OTH	SHK

Total Catch BIOT:

Total Fish Onboard: 5000k

**5. INSPECTION DETAILS**

Date:	29/1/10	Time:	14:10
Vessel	LEK SAURO		
Position	06°07.1 S	071°29.7 E	
Equipment	GPS		

Signatures:

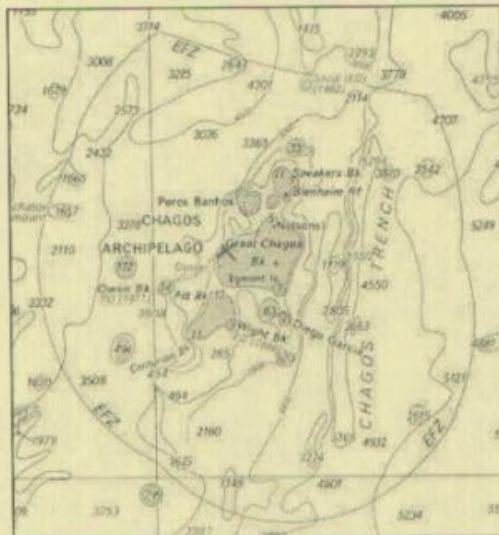
SFPO:	
MASTER:	HABOSHAN
WITNESS:	

COLLECTION OF EVIDENCE ISSUED?

**COMMENTS:**

FISHING WITHIN BIOT WITHOUT A LICENCE CONTRARY TO SECTION 7 ORDINANCE 5 (FISHERIES REGS 2007).

**CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)**



## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 06/01 “On establishing a list of vessels resumed 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.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Madu Kumari 2
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Attached
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	K. V. M. Fernando
h	Operator (previous operators)	As above
i	Date of Activities	29/01/2010
j	Position of Activities	06°06.3'S 071°28.5'E
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). 5,500kg of shark product found on board
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia
m	Outcome of Actions Taken	Fined £4,000 and gear confiscated. Fine paid and vessel left zone.



## B. 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	X
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	

## C. Associated Documents

(Attach associated documents e.g. boarding reports, court proceedings, photographs)

- 1) Boarding report
- 2) Photograph
- 3) Collection of evidence form
- 4) Inspection report

## D. Recommended Actions

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	X

## BOARDING REPORT

**DATE:** 29.01.2010

**VESSEL:** MADU KUMARI 2

**CALLSIGN:** N/A

**BIOT/LICENSE No:** NONE

**MASTER:** NISHANTHA FRANCIS FERNANDO

**SFPO:** R. GATER

**FPO:** N. MOHIDEEN

**FPO:** R. BUGASH

**BOARDING PURPOSE:** INVESTIGATIVE / IUU

### 1. INTRODUCTION

On Friday 29th January 2010, the BPV was conducting a routine patrol on the western Great Chagos Bank (GCB). At 11:50 the officer of the watch spotted two vessel targets located in the vicinity of the shallow reefs fringing the western edge of the GCB immediately north of Three Brothers. The BPV altered course slightly to narrow the distance as the reef topography meant it was unsafe to head directly to intercept. Both targets were positively acquired on radar, steaming SSW at 5knts towards Three Brothers. At 12:15 at a range of 3 nm, the SFPO and boarding party were deployed in FRC1 to conduct investigative boardings. On transit to the vessels, a deployed longline and marker flag was noted. Upon reaching the first vessel at 12:25 the crew were instructed to stay put and await further instructions. The SFPO/Boarding party then continued to the second vessel, which was boarded at 12:30 in position 06°06.3'S 071°28.5'E.

### 2. BOARDING DETAILS

The captain was immediately identified and taken into the wheelhouse for questioning, while the remaining 4 crew were kept together at the bow. He stated that his vessel had been returning to Sri Lanka after leaving Mauritius, but was currently engaged in searching for another vessel in distress. The captain denied knowledge of his location, and of the name of the islands immediately behind his vessel. When asked how he had navigated here, two Admiralty charts, both number 4702 were produced. At my request, Chief Mate FPO Bugash then examined the vessels GPS unit and found eight waypoints, all of which were dated either 28th or 29th January, and located in the immediate vicinity of the vessels current position and the Three Brothers islands.

A total of 200 individual sharks and 25 'reef' fish were declared aboard the vessel. Some of which, according to the captain, had been caught 'here', and some 'outside'. When asked to clarify exactly when and where the fish had been caught, the captain admitted that he had caught it yesterday (28th January) near to the islands. At this admission, the captain was asked if he had a licence to fish in BIOT, to which he replied he did not. An inspection of the main hold revealed a large quantity of whole reef sharks and a smaller quantity of reef fish. It was evident that the sharks which were most accessible under a thin layer of ice were fresh and had been caught recently, in line with the captains previous admission. Fishing gear onboard comprised an approximately 1.5 nm length of driftnet and a large quantity of longline materiel and hooks which had clearly been prepared ready to deploy to the sea, with bamboo poles and flag markers lashed to both port and starboard sides, and a quantity of longline snoods and hooks arrayed appropriately for imminent use.

It was apparent that the vessel had navigated directly to BIOT waters sufficiently provisioned and equipped to deliberately fish on the shallow reefs and banks. It was clear that the sharks and reef fish located in the hold were fresh and had been caught recently, which was a fact that the captain had admitted earlier in response to questioning. As a result, the vessel was arrested for illegal fishing within BIOT waters without a licence contrary to Section 7(1) of Ordinance 5 2007 (BIOT Fisheries

Law). As a precaution against an attempt to evade the BPV during the overnight escort back to Diego Garcia, two crewman were transferred to the BPV. In addition, the vessels two GPS units, HF SSB radio mike, crew members identity cards, and Admiralty Plotting chart No. 4702 (x2) were confiscated. The captain was told to remain in his current position until further instructions, following which, the SFPO/Boarding party transferred to the other fishing vessel which had earlier been told to remain in position and wait.

### **3. RECOVERY and ESCORT**

The SFPO/Boarding party returned to the MADU KUMARI 2 at 15:20. The captain was then informed that his vessel was to proceed immediately to Diego Garcia for further investigations to take place, and was instructed to follow the BPV overnight in convoy with the LEK SAURO. Upon leaving the vessel to begin its escort behind the BPV, SFPO/FRC1 transferred across to FRC2 which was engaged in hauling a deployed longline from the reefs around North Brother. In cooperation with FRC2, remaining longlines were retrieved from the water before both RIBs were recovered aboard the BPV. Escort duties for the approximately 90 nm back to Diego Garcia then began at 15:50. At 07:50 on 30th January 2010 both vessels were met by a Royal Marine boarding party who took over the escort until both vessels were secured alongside Finger Pier No.3 small boat basin.

**Rob Gater, MSc, BA (Hons)**

**Senior Fisheries Protection Officer, BIOT 29.01.2010**





### NOTICE OF COLLECTION OF EVIDENCE

To:

The Master of the Fishing Vessel: MADU KUWARI 2  
 BIOT Fishing Vessel Notification Number: N/A  
 License Number: NONE  
 International Call Sign: N/A

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

ILLEGAL FISHING IN VICINITY OF THREE BROTHER,  
WITHIN BIOT WITHOUT A LICENCE CONTRARY TO  
SECTION 7 ORDINANCE 5 (FISHING REGULATIONS 2007).

GPS, RADIO MIKE, PARTS CONFISCATED.

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	R. CARTER
Time/Date	29/1/10 13:15
Position of BIOT Patrol Vessel	06°08.2 071°29.5
Position of Fishing Vessel	06°06.3 071°28.5

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	D.V. NISANUMA
Date (dd/mm/yyyy)	29/1/10 13:15





0016

# BRITISH INDIAN OCEAN TERRITORY INSPECTION REPORT - NOT BIOT LICENSED

Inspection Vessel: PACIFIC MARLIN

### 1. VESSEL DETAILS

Vessel Name	MADU KUMARI 2
Call Sign	N/A
Vessel Type	DN/LL
BIOT ID No.	N/A
Licence No.	NONE
IMO Number	N/A
Flag State	SL
GRT	-
No. of Crew	5
Masters Name	D.V. NISANTHA
Fishing Masters Name	
Vessel Owner Details	KVM FERNANDO
Vessel Agent Details	30 CUSTOM RD NEGEMBLO

### 2. FISHERY PROTECTION OFFICERS

SFPO:	R. GATER.
FPO:	P.S. BUGASH
FPO:	N. MOHIDEEN.
FPO:	

### 3. VESSEL ACTIVITY

When Sighted	STEAMING
When Boarded	MOVE TO

### 4. CATCH (t)

YFT	BET	SKJ	OTH	SHK
		2		200 Shots

Total Catch BIOT:	200 shots + 25kg fish
Total Fish Onboard:	.. ..

### 5. INSPECTION DETAILS

Date:	29/1/10	Time:	13:05
Vessel	MADU KUMARI 2		
Position	06°06.3 S 071°28.5 E		
Equipment	FIXED GPS.		

Signatures:

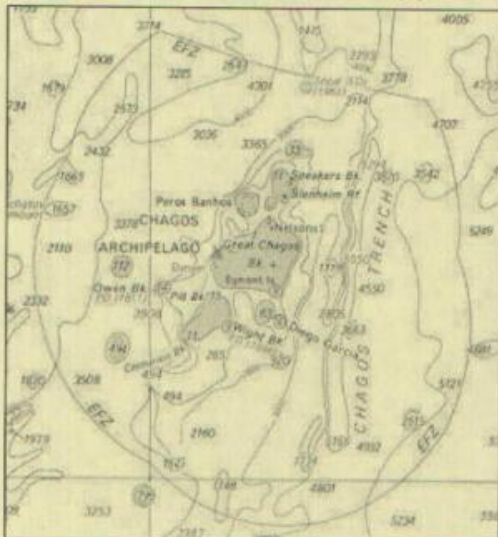
SFPO:	
MASTER:	
WITNESS:	

COLLECTION OF EVIDENCE ISSUED?

### COMMENTS:

FISHING WITH A BIOT WITHOUT  
A LICENCE CONTRARY TO  
SECTION 7 ORD 5 (FISH REGS 2007)

CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)



Alejandro Anganuzzi  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

17 June 2010

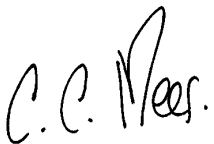
Dear Dr Anganuzzi,

**Resolution 09/03. 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 as required under resolution 09/03 please find attached details of Anuska Putha 1 flagged to Sri Lanka carrying out IUU fishing activities in the IOTC Area, specifically within the BIOT Fisheries Conservation Management Zone during 2010. The Sri Lankan Authorities have been notified of this action. The fine has been paid, and the vessel has been released and left the zone.

We would be grateful if you could bring these details to the attention of the Compliance Committee for inclusion on the IUU list in addition to those vessels reported to the Secretariat prior to the meeting in Busan, but after the deadline.

Yours sincerely



Dr C. C. Mees

Head of UK Delegation to IOTC

## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 09/03 “On establishing a list of vessels resumed 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.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Anuska Putha 1
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	No
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	Owner unknown. Kumar Gunasinga Arachchiga (Fishing Master)
h	Operator (previous operators)	Not Known
i	Date of Activities	07/03/2010
j	Position of Activities	06°47.6'S 071°10.5'E
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). 1,150kg of whole shark, 300kg small shark, split and salted, 350kg tuna species (mainly kawakawa).
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia
m	Outcome of Actions Taken	Fined £4,250 and gear confiscated. Fine paid and vessel left zone.

## B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 09/03 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	X
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	

## C. Associated Documents

(Attach associated documents e.g. boarding reports, court proceedings, photographs)

- 1) Boarding report
- 2) Collection of evidence form
- 3) Inspection report
- 4) Position report form

## D. Recommended Actions

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	X

## BOARDING REPORT

**DATE:** 07.03.2010

**VESSEL:** ANUSKA PUTHA  
**CALLSIGN:** N/A

**BIOT/LICENSE No:** NONE  
**MASTER:** KUMAR GUNASINGHA ARACHCHIGA

**SFPO:** R. GATER  
**FPO:** C. C. PEIRIS

**FPO:** K. NEPUCPAN

**BOARDING PURPOSE:** INVESTIGATIVE

### 1. INTRODUCTION

On Sunday 7th March 2010, the BPV was engaged in a routine patrol on passage between the Egmonts and Pitt Bank. At 04:55 a vessel target was located on radar, positioned just north of Pitt Bank. The radar signature indicated that the vessel was small, and appeared to be drifting in position 06°47.6'S 071°10.2'E. One white navigation light was visible on the vessel until 05:15, when at a range of 2.2 nm the light was extinguished. The BPV discreetly monitored the target until at 06:40 the vessel increased speed to 5.5 knts and made course to the west. There was now sufficient daylight to identify the target as a Sri Lankan drift net / longline vessel. The vessel continued to run for a brief period until the BPV was within 1 nm, when at 07:15 FRC1/SFPO and boarding party were deployed to undertake an inspection.

### 2. BOARDING DETAILS

During the approach the vessel stopped running and was hove to when reached. Once alongside it became apparent that the vessel had been inspected previously in my current tour. The captain stated that he was heading to rendezvous with another of the companies craft, which had a broken engine and required a tow. He claimed that this vessel was called Jhanth Putha, and was located to the south west in position 08°49'S 068°47'E. Upon approach and first boarding it was clear that a quantity of longline gear was missing from the vessel. Due to this observation and to the close proximity of shallow water at Pitt Bank, the BPV was tasked to searching for deployed gear in the vicinity. The 4th Officer noted the vessels current position as 06°47.94'S 071°08.14'E, and then examined the vessels GPS unit for waypoints. The captain declared he had not undertaken any more fishing since last inspected (24th Feb). However, a total of between 2500 – 3000 kg of fish onboard was claimed, which was between 500 – 1000 kg more than declared before.

To aid investigation, details of the previous inspection were sought (Ref: Inspection Report Form RG 075). This inspection took place on the north-eastern Great Chagos Bank south-west of Nelson Island. On that occasion, although suspiciously located upon the GCB, the vessel was acting in accordance with innocent passage back to Sri Lanka. All gear was onboard and stowed securely, and there was no evidence of recent fishing. After specific and direct instructions to depart BIOT were given, the vessel was released.

Several waypoints were recovered from the GPS unit, the two most recent of which were on the current day, 7th March, and located in the immediate vicinity of the vessel. Whilst noting these down, the BPV called to advise that a deployed longline had been located close to the vessels position. The description of the gear suggested that its type, colour and construction exactly matched the longline material remaining onboard. An examination of the holds was then made. The forward hold contained a small quantity of dried mixed fish species. Main hold No.1 contained mainly sharks, several of which were in an extremely fresh condition, with blood, slime and moisture evident. These appeared to have been quickly and haphazardly placed on top of the ice, giving an appearance of recent capture and hurried stowage. In hold No.2 more ice was found, upon which a small quantity of tuna species (mainly kawakawa) was found, along with what appeared to be a striped marlin. Quantities of split and salted mixed fish and shark species were also located stacked aft of the wheelhouse and on the forward deck starboard.

The captain was instructed to maneuver his vessel and begin hauling the deployed longline, and to cut free any sharks or fish that were caught alive. Between 08:25 and 09:00 the ANUSKA PUTHA 1 hauled the first line, from which four sharks were cut free and released. Following this, a further line was located nearby, marked in an



identical way. The second line was hauled between 09:10 and 10:25, from which seven sharks were released alive.

From the physical evidence present, it was clear that the captain had ignored the warning and directions given to him during the previous inspection, and had remained within BIOT waters specifically to fish for sharks. To this end the captain had set the two longlines located just north of Pitt Bank where the water is deeper and the habitat more suited to bigger, more valuable sharks. Recent fishing activity in the vicinity was demonstrated by time and spatially referenced waypoints in the vessels GPS, and in the presence of freshly killed sharks in the hold. Consequently the captain was informed that his vessel was under arrest for illegal fishing within BIOT waters without a licence contrary to Section 7(1) of Ordinance 5 2007 (BIOT Fisheries Law). As a precaution against an attempt to evade the BPV during the overnight escort back to Diego Garcia, two crewman were transferred across to the BPV. Additionally, the vessels GPS unit, HF SSB radio mike, and crew members identity cards were confiscated.

### **3. RECOVERY**

The boarding party disembarked the Anuska Putha 1 at 10:45, and were recovered aboard the BPV. Escort duties back to Diego Garcia then commenced.

**Rob Gater, MSc, BA (Hons)**

Senior Fisheries Protection Officer, BIOT 07.03.2010



**NOTICE OF COLLECTION OF EVIDENCE**

To:

The Master of the Fishing Vessel: ANUSKA PUTNA 1  
 BIOT Fishing Vessel Notification Number: N/A  
 License Number: NONE  
 International Call Sign: IMUH 0007KLT

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

FISHING ON PITT BANK WITHOUT A BIOT LICENCE  
CONTRARY TO SECTION 7 ORDINANCE 5 BIOT FISHERIES  
LAW. VESSEL HAWLS TWO LONGLINES OVERSEEN BY BOARDING PARTY.

GPS, RADIO MIKE, CREW ID CARDS CONFISCATED

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	R.A. GATER
Time/Date	7/3/2010 10:36
Position of BIOT Patrol Vessel	06° 49.9 S 071° 08.5
Position of Fishing Vessel	06° 50.2 S 071° 08.56

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	
Date (dd/mm/yyyy)	7/3/10



**BRITISH INDIAN OCEAN TERRITORY  
INSPECTION REPORT – NOT BIOT LICENSED**

Inspection Vessel: PACIFIC MARLIN

**1. VESSEL DETAILS**

Vessel Name	ANUSKA PUTHA 1
Call Sign	0007KLT.
Vessel Type	DN/LL BE-457
BIOT ID No.	N/A.
Licence No.	NONE
IMO Number	-
Flag State	LK
GRT	15
No. of Crew	6
Masters Name	KUNAR GUNASINHA
Fishing Masters Name	ARACHENGA
Vessel Owner Details	-
Vessel Agent Details	-

**2. FISHERY PROTECTION OFFICERS**

SFPO:	R. GATER
FPO:	K. NEPUCAN
FPO:	C.C.P (INTERPRETER)
FPO:	

**3. VESSEL ACTIVITY**

When Sighted	DRIFTING
When Boarded	STEAM TREN MOVE TO.

**4. CATCH (t)**

YFT	BET	SKJ	OTH	SHK

Total Catch BIOT:	3000kg
Total Fish Onboard:	

**5. INSPECTION DETAILS**

Date:	7/3/10	Time:	10:35
Vessel	ANUSKA PUTHA 1		
Position	06 48.73 S 071 07.14 E		
Equipment	GARMIN GPS.		

Signatures:

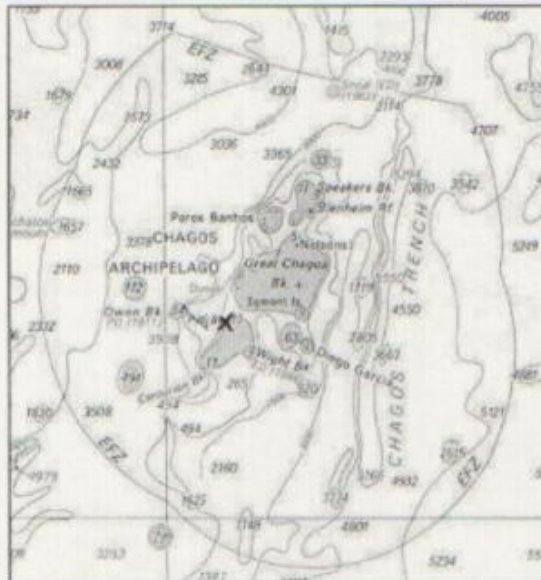
SFPO:	
MASTER:	
WITNESS:	

COLLECTION OF EVIDENCE ISSUED?

**COMMENTS:**

FISHING ON PTT BANK WITHOUT A LICENCE. TWO LINES HAULED WHILE BOARDING TEAM ON BOARD. FRESH SHARKS IN HOLD AND GPS WPTS FOR AREA HELD ONBOARD.

**CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)**





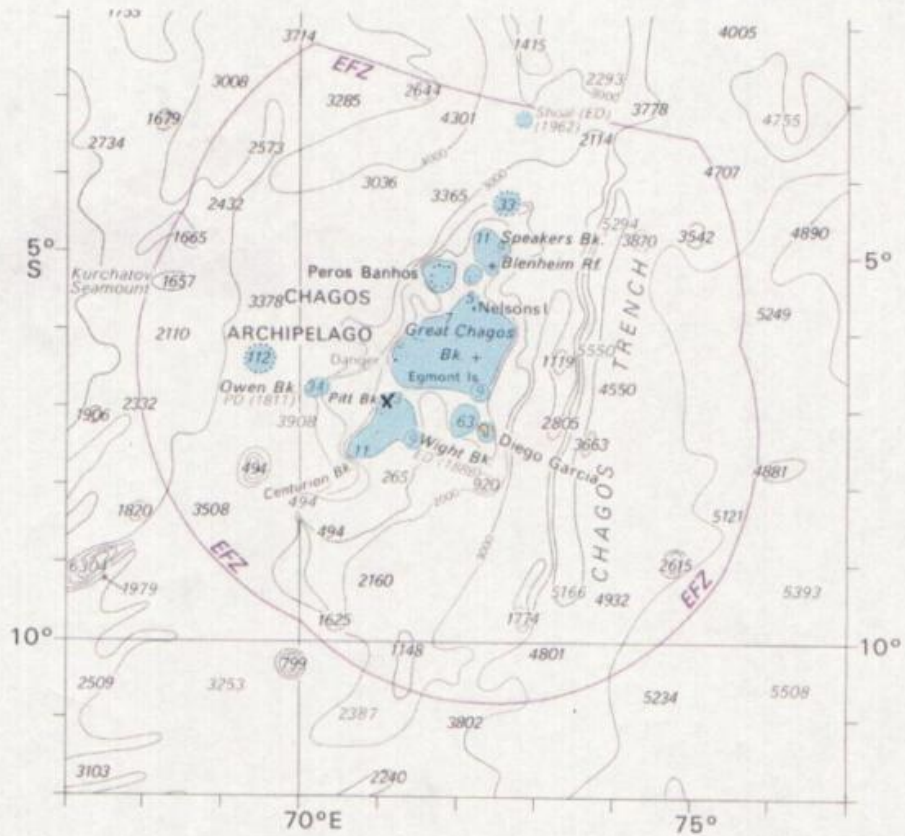
BIOT FISHERIES CONSERVATION AND MANAGEMENT ZONE (FCMZ)

DATE: 07/03/2010 TIME: 10:30

VESSEL NAME: ANUSKA PUTNA I

GPS POSITION: 06°47.94 S 071°08.14 E

POSITION OF FV  
WHEN APPREHENDED  
AND LINE DEPLOYED  
IN SEA.



GPS POSITION CONFIRMED:

SFPO:

CAPTAIN:

WITNESS:

*[Handwritten signatures and initials]*

## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 09/03 “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 British Indian Ocean Territory.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Sudeesa Marine 5
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A (IMUL-585 national registration No.)
e	Photo	No
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	Fernando Warnakulasuriya Antony Camillus Peiris
h	Operator (previous operators)	Not Known
i	Date of Activities	13/05/2010
j	Position of Activities	05°55' S, 072°38'E
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). 2,000kg mixed species (sharks and other fish) caught in driftnets. Tuna species included kawakawa ( <i>E. affinis</i> ).
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia
m	Outcome of Actions Taken	Fined £7,000 paid, vessel released 25 June.



## B. 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	X
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	

## C. Associated Documents

(Attach associated documents e.g. boarding reports, court proceedings, photographs)

- 1) Boarding report
- 2) Collection of evidence form
- 3) Inspection report
- 4) Position report form
- 5) Vessel Information Form.

## D. Recommended Actions

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	

## BOARDING REPORT

**DATE:** 13.05.2010

**VESSEL:** SUDEESA MARINE 5  
**REGISTRATION:** IMUL – A – 0585 - NBO

**BIOT/LICENSE No:** NONE  
**MASTER:** WASALASURIYA WICKRAMANAYRA

**SFPO:** R. GATER  
**FPO:** M. R. R. T. DAYAL PEIRIS

**FPO:** B. B. GADOR

**BOARDING PURPOSE:** INVESTIGATIVE

### 1. INTRODUCTION

On Thursday 13th May 2010, I was conducting a routine patrol onboard the BIOT Patrol Vessel (BPV) Pacific Marlin on the north eastern section of the Great Chagos Bank (GCB). At 07:20 I was informed by the officer of the watch (OOW) that a vessel target had been located close to on the port quarter at a range of 2.56 nm. The vessel had been detected visually due to a combination of bad weather, a big swell and the poor radar signature of this type of small glass reinforced plastic (GRP) and wooden hulled craft. The captain of the BPV Mr. Neil Sandes was immediately informed, and proceeded to take over command from the OOW. After Captain Sandes had ensured it was safe to manoeuvre freely over this section of the GCB, the BPV altered course to intercept the vessel. Being only 2.56 nm away, using binoculars I was able to clearly distinguish that the vessel was a Sri Lankan flagged driftnet / longline fishing vessel. Suspecting that the vessel was fishing, using the binoculars I proceeded to search the sea in the vicinity of the vessel, and quickly located a bamboo pole and flag marker approximately 0.5 nm ahead of the vessel. At this point the OOW had successfully obtained a fix on the vessels position and speed using the ARPA radar, with the vessel located at 05°55'S 072°38'E, and apparently hove to. Before deploying to the vessel, I asked Captain Sandes to conduct a brief search for further deployed fishing gear in the immediate area while I was onboard undertaking the inspection. I also reminded him that in the execution of this he should be aware that the extensive lines or nets may be deployed, constituting a major hazard that could immobilise the BPV. At 07:36 I was deployed in FRC1 in order to conduct an investigative boarding, accompanied by two fishery protection officers (FPO).

### 2. BOARDING DETAILS

On approach, it became clear that the vessel was currently engaged in hauling its driftnet. The net was in the process of being hauled over the starboard side with the assistance of a hydraulic line hauler. This fact explains why rather unusually the vessel did not attempt to escape the BPV upon our initial approach. To avoid entanglement with the FRC, the coxswain manoeuvred FRC1 to the port side where I embarked together with the two FPOs. Upon boarding the vessel at 07:44, all communication between myself and the captain and crew was undertaken via a Sri Lankan FPO translator.

Moving about on the deck of the vessel was difficult due to both the big swells and the number of freshly caught fish and large sharks lying on the deck. The captain was taken into the wheelhouse where he was identified as being Mr. Wickramanayra Wasalasureiya. The five crewmen were instructed to remain together at the bow. The captain was immediately informed that I was the senior fisheries officer for BIOT, and as such had the authority to stop his vessel and conduct an inspection. The name of the vessel was given as the SUDEESA MARINE No. 5. When questioned the captain claimed to be unaware of his location and unfamiliar with the BIOT exclusive Fisheries Conservation and Management Zone (FCMZ). Several photocopied admiralty charts were produced of the Andaman Sea and Bay of Bengal, but none which delineated BIOT were located. At 07:47 I asked FPO Gabor to activate the vessels two global positioning systems (GPS) and inspect them for waypoints. While this was being done, I asked the captain where he normally fished, and in reply was shown a logbook within which were dated positions the captain claimed were previous fishing locations. I noted initially that the latest entries included positions within the BIOT FCMZ and upon the GCB. FPO Gabor then informed me that no waypoints remained within either GPS unit.

I then asked the captain where else he had been fishing other than at his current location. In reply I was shown a fishing logbook which contained numerous dated positions indicating the location of fishing events. The last entry was not dated, but comprised of three positions all within the immediate area of the vessels location, these were;

05°57.000'S	072°44.500'E
05°53.306'S	072°41.988'E
05°52.368'S	072°41.330'E

There were two entries prior to this, both belonging to the vessels current voyage which according to the logbook had begun on 27th April 2010. These entries were dated, and were as follows;

5 <sup>th</sup> May 2010		6 <sup>th</sup> May 2010	
05°25.518'S	075°22.316'E	04°27.355'S	075°13.265'E
05°22.366'S	075°20.062'E	04°26.550'S	075°09.578'E
05°21.860'S	075°18.415'E	04°26.490'S	075°09.033'E

All of the recent fishing event entries within the vessels fishing logbook and provided above are located within the BIOT FCMZ. Asked why he was fishing at his current location, the captain stated that he had been there for three days, and that his course had been dictated by the prevailing weather conditions and sea state. Previous intelligence had shown me that Sri Lankan vessels routinely set their driftnets in the evening, so that the net is fishing overnight when the crew is asleep and the vessel drifts with the net. In the morning the nets are hauled, and the vessel continues its passage. This explains why the positions dated a week earlier on the 5th and 6th May are in the deep waters of north eastern BIOT, on the passage between Sri Lanka and the GCB.

I was told that the net currently in use had been set at 18:30 the previous day 12th May, and was approximately 1.5 nm long, of which roughly 0.5 nm remained in the sea awaiting recovery. The captain denied having any other gear currently deployed in the sea. At 07:55 the captain was instructed to complete a Sri Lankan vessel information form with the assistance of the FPO. This was completed at 08:00, following which I questioned the captain further about his vessels movements. I was told that the vessel had departed Sri Lanka on 27th April 2010, and had navigated south and south west via courses favourable to the sea state. This fits comfortably with the date of departure provided in the fishing logbook, and with a Sri Lankan customs clearance dated 26th April 2010 which was located amongst ships papers seized during the inspection.

Approximately 2000 kg of mixed species sharks and fish was declared aboard, which the captain stated had been caught during the previous three days in the vicinity of his current location. At this point the captain was shown an A4 form with the BIOT FCMZ delineated on it, upon which I had marked the vessels position when apprehended as 05°55.2'S 072°37.6'E. The captain was asked to sign the form to confirm that the marked position was an accurate indication of his vessels location, and the location of current fishing activity. The captain duly signed the form, which I then signed also.

At 08:05 I began an inspection of the vessel and its hold spaces. On deck forward of the wheelhouse lay several reef sharks (*Carcharhinidae spp.*), barracudas (*Sphyraena spp.*), trevallies (*Carangidae spp.*), and reef fish. These had been recently removed from the meshes of the net during the current haul, and had yet to be processed and placed in the holds. In the main central hold I located a large quantity of kawakawa (*E. affinis*), trevallies and sharks packed neatly in ice. The other three small holds contained ice, fresh vegetables and spare fishing equipment. All sharks and reef fish onboard were photographed in situ in case an attempt was made to discard physical evidence at a later stage.

Upon returning to the wheelhouse I asked the captain if he had a licence to fish in BIOT waters, or a licence to fish in any other territorial waters. The captain stated that he did not hold any fishing licences. Consequently I reminded the captain that I had discovered his vessel actively fishing with a driftnet in BIOT waters on the GCB without a licence, and faced with the circumstances of his vessels apprehension, he had admitted to fishing in BIOT for the last three days, during which he had caught all of the sharks and reef fish aboard. At 08:17 the captain was informed that his vessel was under arrest for illegal fishing within BIOT waters without a licence contrary to Section 7(1) of Ordinance 5 2007 (BIOT Fisheries Law). The captain was then shown the completed BIOT Inspection Report Form. It was explained to the captain that the form outlined the details of the inspection, and he was asked to sign it as an acknowledgement of receipt. The captain signed the form, which I then signed also. The captain was also shown a Collection of Evidence form detailing the nature of the offence. After this had been translated, the captain signed the form, which I then signed also.

Once this had been done, at 08:25 I instructed the captain to resume hauling his driftnet and to release anything caught that was still alive. FPO Gador monitored the remainder of the haul, noting the number of fish and sharks brought aboard dead, and the number released alive. While this was being undertaken, I remained in the wheelhouse and confiscated the vessels two GPS units, the HF SSB radio mike, fishing logbooks, ships papers, and crew members identity cards. The haul was completed at 09:25 in position 05°55.5'S 072°36.3'E. FPO Gador reported that during the hours haul observed, a total of twelve dead sharks and twenty seven dead fish had been brought aboard, with just five fish being released alive.

The captain was then informed that his vessel was to proceed immediately to Diego Garcia for further investigations to take place, and was instructed to follow the BPV overnight. He was warned against attempting to discard evidence or evade the BPV during the escort. Before disembarking, two crewman were transferred across to the BPV as a precaution against an attempt to evade the escort during passage back to Diego Garcia. At 09:35 I disembarked the SUDEESA MARINE No. 5 along with the two crewmen, and the two FPOs. Escort duties for the approximately 100 nm back to Diego Garcia began at 09:50.

**Rob Gater, MSc, BA (Hons)**

**Senior Fisheries Protection Officer, BIOT 13.05.2010**



### NOTICE OF COLLECTION OF EVIDENCE

To:

The Master of the Fishing Vessel: SUDASHE MARINE 5  
 BIOT Fishing Vessel Notification Number: N/A  
 License Number: N/A  
 International Call Sign: MUL-485

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

ILLEGAL FISHING WITH NETS ON GREAT CHAGOS BANK WITHOUT A LICENCE CONTRARY TO SECTION 7(1) ORDINANCES (2007) BIOT FISHERIES LAW.

GPS; ID CARDS; RADIO NIKE; SHIPS PAPERS (CONFISCATED).

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	R. GATER
Time/Date	13/5/10
Position of BIOT Patrol Vessel	05° 55' 072' 37"
Position of Fishing Vessel	05° 55' 072' 37"

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	
Date (dd/mm/yyyy)	13/5/10





**BRITISH INDIAN OCEAN TERRITORY  
INSPECTION REPORT - NOT BIOT LICENSED**

Inspection Vessel: PACIFIC MARLIN

**1. VESSEL DETAILS**

Vessel Name	SUDANE MARINE 5
Call Sign	MML-585
Vessel Type	D/YLL
BIOT ID No.	NONE
Licence No.	NONE
IMO Number	-
Flag State	LK
GRT	12
No. of Crew	6
Masters Name	W. WIKROMANYAKA
Fishing Masters Name	" "
Vessel Owner Details	FERNANDO . W.A.C.
Vessel Agent Details	PEIRIS.

**2. FISHERY PROTECTION OFFICERS**

SFPO: R. GATER.
FPO: R. GADOR
FPO: FPO SRI LANKAN INTERPRETER
FPO:

**3. VESSEL ACTIVITY**

When Sighted	HAULING NET
When Boarded	HAULING NET

**4. CATCH (t)**

YFT	BET	SKJ	OTH	SHK
-	-	-	-	-

Total Catch BIOT:	} 2000kg.
Total Fish Onboard:	

**5. INSPECTION DETAILS**

Date:	13/5/2010	Time:	08:20
Vessel	SUDANE MARINE 5		
Position	05°55.2 S 072°37.6 E		
Equipment	FUJINO GPS		

Signatures:	
SFPO:	
MASTER:	
WITNESS:	

COLLECTION OF EVIDENCE ISSUED?

**COMMENTS:**

VESSEL ARRESTED FOR FISHING WITH NET (WHILE BOARDED) AGAINST SECTION 7(i) ORDINANCE 5 (2007). NET HAULED WITH INSPECTION TEAM ONBOARD.

**CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)**

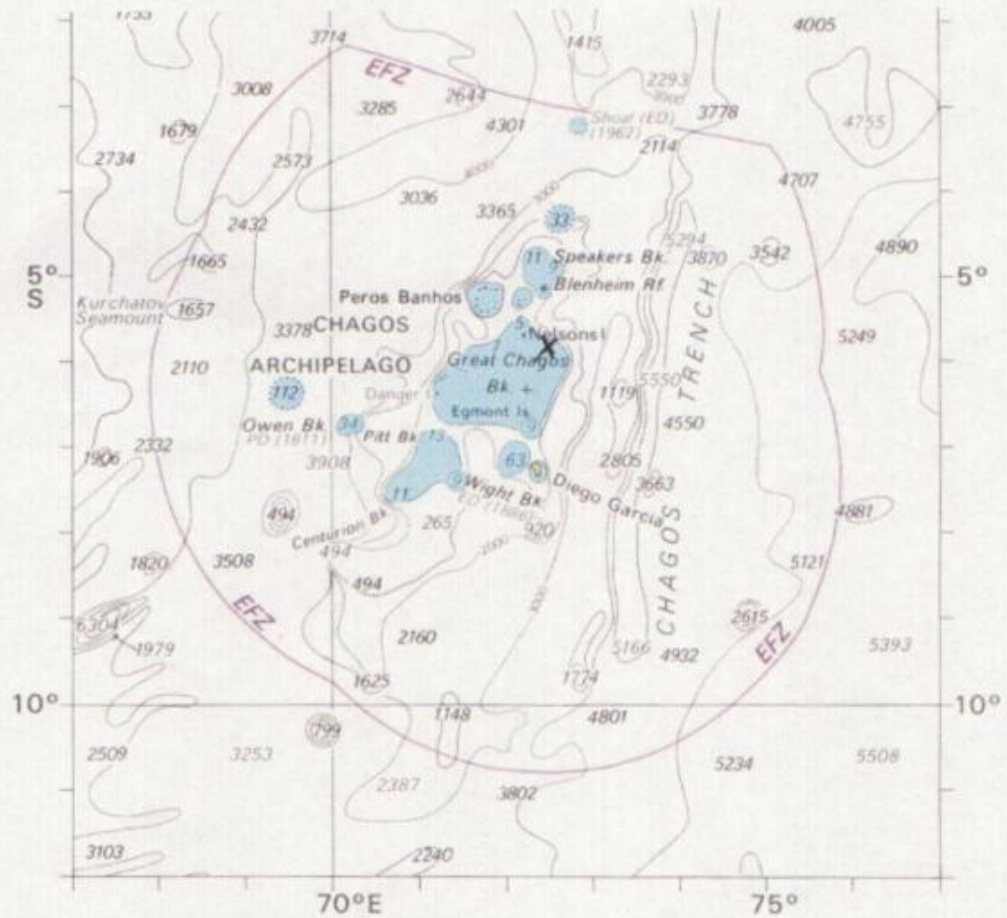


BIOT FISHERIES CONSERVATION AND MANAGEMENT ZONE (FCMZ)

DATE: 13/5/2010 TIME: 08:05

VESSEL NAME: SUDASHE MARINE S

GPS POSITION: 05° 55.2 S 072° 37.6 E



GPS POSITION CONFIRMED:

SFPO: \_\_\_\_\_

CAPTAIN: \_\_\_\_\_

WITNESS: \_\_\_\_\_



**SRI LANKAN FISHING VESSEL INFORMATION FORM**  
**BRITISH INDIAN OCEAN TERRITORY (BIOT - CHAGOS)**



INFORMATION REQUIRED		SINGHALESE	ENGLISH
1	OWNERS NAME AND ADDRESS	අනුරාධපුරයේ මධ්‍යම අරාමයේ අරාමයේ	FERNANDO WARRAKULASURIYA ANTHONY CAMILLUS PEIRIS
2	SKIPPER NAME AND DOB	කපුමුල්ලේ මධ්‍යම අරාමයේ අරාමයේ	W. WIKRAMANYAKA 03.11.1957
3	REGISTRATION NUMBER	වෙළඳාමේ අංකය	IMUL-585
4	VESSEL NAME	මධ්‍යම අරාමයේ මධ්‍යම අරාමයේ	SUDASHE MARINE 05
5	LANDING PORT	මධ්‍යම අරාමයේ වෙරළ	NIGOMBO
6	PORT OF REGISTRY	වෙළඳාමේ වෙරළ	NIGOMBO
7	OVERALL LENGTH	මුළු දිගය	46F
8	ENGINE TYPE / HP	අන්තර්ගත වලට අරාමයේ වෙරළ	MTSUBISI
9	GROSS TONNAGE OF VESSEL	මධ්‍යම අරාමයේ මධ්‍යම අරාමයේ අරාමයේ	-
10	NUMBER OF CREW	මධ්‍යම අරාමයේ මධ්‍යම අරාමයේ අරාමයේ	06
11	QUANTITY FISH ONBOARD	මධ්‍යම අරාමයේ මධ්‍යම අරාමයේ අරාමයේ	2000 kg
12	OTHER: LK LICENCE COR DOCUMENTS QUALIFICATIONS NID CARDS	ලැංකා අරාමයේ අරාමයේ: අරාමයේ අරාමයේ: අරාමයේ අරාමයේ: අරාමයේ අරාමයේ:	- - LB848006

Alejandro Anganuzzi  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

11 November 2010

Dear Alejandro,

**Resolution 09/03. On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area.**

As required under resolution 09/03 the British Indian Ocean Territory Administration attaches details of four vessels flagged to Sri Lanka:

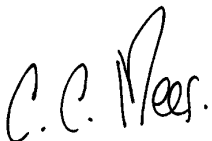
- Rashmi
- Chmale
- Sriyani Duwa
- Dory II

These vessels were found to be carrying out IUU fishing activities in the IOTC Area, specifically within the BIOT Fisheries Conservation Management Zone during October/November 2010. All vessels were found guilty of fishing illegally and have been fined. At the time of writing (i.e. within 120 days of the IOTC meeting in 2011) no fines have been paid and Rashmi and Sriyani Duwa are in the process of appealing.

We would be grateful if you could circulate these details for the attention of all CPCs and for consideration at the next Compliance Committee. These incidents are subsequent to the communication from Sri Lanka, IOTC CIRCULAR 2010-57 dated 2 August 2010 in which a number of measures they are undertaking to combat IUU are described. This serious problem has not yet been controlled.

The Sri Lankan Authorities have been notified of this action.

Yours sincerely



Dr C. C. Mees

Head of UK Delegation to IOTC

## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 2009/03 *On establishing a list of vessels resumed 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.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Rashmi
b	Current Flag (previous flag)	Sri Lankan
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Yes
f	Call Sign (previous call sign)	A-0363-KLT (IMUL: 13-5978-KLT)
g	Owner / Beneficial Owners	Mr Warnakulasooriya Ajith Fernando (Captain)
h	Operator (previous operators)	W.L.P. Nishantha Roiieley Perera
i	Date of Activities	15/10/2010 to 20/10/2010
j	Position of Activities	06° 08'.000 S / 071° .56'.894 E–Arrest Pos. 06° 09'.133 S / 071° 55'.100 E–Way Point 06° 11'.455 S / 071° 52'.716 E–Way Point 06° 08'.153 S / 071° 57'.102 E–Way Point 06° 03'.676 S / 072° 00'.372 E– Way Point
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). Vessel had approximately 4170 kg of shark species, 50 kg marlin species, 220 kg swordfish, 110 kg of yellowfin, 25 kg of trevally, 80 kg wahoo, 20 kg barracuda, 5 kg kawakawa, and 15 kg of job fish.
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia. Equipment taken as evidence –GPS Map 278 Garmin, charts, fishing log book, radio mike and ID cards.
m	Outcome of Actions Taken	Court case was on the 3 <sup>rd</sup> November 2010. Fine was set at £12,000 plus £1,000 costs and given 30 days to pay.



## 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 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	X
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	X
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	X

## C. Associated Documents

- 1) Record of court proceedings.
- 2) Boarding report.
- 3) Inspection report.
- 4) Collection of evidence forms.
- 5) Vessel information form
- 6) Photographs.

## D. Recommended Actions

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	X



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

**RECORD OF PROCEEDINGS THIRD DAY OF NOVEMBER 2010**

Case number: **21/10**

**Name:** Mr Warnakulasooriya Ajith ferando

**Employee:** **Captain of Fishing Vessel Rashmi.**

The above named person appeared in the Magistrates Court on the Third day of November 2010 on the following charge:

STATEMENT OF OFFENCE

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

**PARTICULARS OF OFFENCE**

Mr Warnakulasooriya Ajith Ferando did between the 14<sup>th</sup> day of October 2010 and the 21<sup>st</sup> day of October 2010 fish within the fishing waters of the British Indian Ocean Territory without a licence by fishing boat Rashmi.

Mr Fernando pleaded guilty to the charge and was sentenced to the following:

To forfeit all fishing gear and instruments used for fishing whether or not used in the offence and to forfeit all fish and fish products to the Crown under sections 17(3) of the Fisheries (Conservation and Management) Ordinance 2007

Fine **£12,000**

To pay costs of **£1,000**

Total **£13,000 / \$20,540**

**£1 = 179.06** Sri Lankan Rupees

Total Sri Lankan Rupees **2,327,780**

It was ordered that Mr Ferando, his crew and vessel (Rashmi) would be detained until monies due was paid. The guilty party will be granted 30 days in which to pay the fine. If payment has not been received after the 30 day period, Mr Ferando will be summoned to appear before the Magistrate to explain why the said fine has not been paid.

Mr Neal Carmon

Clerk of the Magistrates Court

BIOT

## BOARDING REPORT

**DATE:** 20<sup>th</sup> October, 2010

**VESSEL:** 'Rashmi'

**REGISTRATION:** IMUL: 13 – 5978 – KLT  
**Call Sign:** A – 0363 – KLT

**BIOT/LICENSE No:** None

**MASTER:** W.A. Fernando

**SFPO:** John McDonagh

**FPO:** D.D.S. Krulanayake

1. FPO: E.M.K. Edirisuriya

2. BOARDING PURPOSE: Investigative

### 1. Introduction

On Wednesday 20<sup>th</sup> October I was conducting a routine patrol on board BPV 'Pacific Marlin' across the CH1 area of GCB. At 15:45 hrs the OOW visually detected a vessel target and informed myself, and Captain Cragg of the BPV, of the situation. At 15:50 hrs a radar signature was plotted; the vessel target was located at position 06° 08'.000 S / 071° 56'.894 E, in 80 meters of water depth, approximately 26 nm east of the 'Three Brothers', and 71 nm NNW of 'Diego Garcia'. The BPV's bearing and range to the target was 080° and 5 nm; the target was stationary. The BPV headed towards the suspected IUU vessel to intercept; during this time, using binoculars, the vessel was identified as a Sri Lankan drift net / long liner and it was noted that the target did not appear to have any longline marker buoys/poles on board, therefore, the BPV proceeded with caution in case any fishing gear was deployed. At approximately 1.9 nm distance from the target, at 16:19 hrs, the BPV stopped and FRC1 was deployed, with myself and two FPO's aboard, to conduct an investigative boarding of the target.

### 2. Boarding Details

On approach it was noted that the vessel had a sea anchor deployed. Upon my instruction the FRC circled the vessel twice for observations; it was noted that the crew were asleep and that no fishing gear was deployed or attached to the vessel; the name of the vessel was 'Rashmi' (Call Sign: A – 0363 – KLT and IMUL: 13 – 5978 – KLT). We alerted the vessel's crew to our presence; then myself and the two FPO's (D.D.S Karulanayake and E.M.K Edirisuriya) boarded the 'Rashmi' at 16:30 hrs; all communication between myself and the Captain, and crew of the 'Rashmi', was undertaken through the FPO translator, D.D.S Karulanayake.

Immediately upon boarding the following was noted on the forward deck: shark sp., three bins of steel hooks, steel trace and attachments and five radio beacons. The Captain of the 'Rashmi' was identified as W.A. Fernando and was taken, by myself and FPO Karulanayake, in to the wheelhouse for questioning whilst the six remaining crew were escorted to the bow of the vessel by FPO Edirisuriya and guarded. The Captain was asked what he was doing on the GCB, he replied that due to a cyclone in the north, whilst enroute to 'Saya de Malha' bank, he decided to steam south and 'wait the storm out' at his present location. He stated he had been on the GCB for three days. When asked if had he been fishing on the GCB he replied 'Yes'; asked whether he had a BIOT fisheries licence he replied 'No'. I then examined the vessel's GPS unit for waypoints and found four, all within the northern area of GCB, *i.e.* NCH and CH1

The waypoint coordinates were:

06° 09'.133 S / 071° 55'.100 E (waypoint No. 0844)  
06° 11'.455 S / 071° 52'.716 E (waypoint No. 0847)  
06° 08'.153 S / 071° 57'.102 E (waypoint No. 0854)  
06° 03'.676 S / 072° 00'.372 E (waypoint No. 0857)

Furthermore, the Captain's fishing log book, when inspected, showed that his vessel had been fishing within BIOT waters since the 15<sup>th</sup> October, 2010, *i.e.* for five days until boarded by the SFPO.

The Captain was asked to mark his present position from the vessel's GPS on his own chart of the area, he did so and signed it, as did myself and FPO Karulanayake (photo taken). The Captain was then instructed to complete the 'Sri Lankan Vessel Information' form. Upon completion I asked the Captain how much catch was on

board, he replied approximately 2300 kg, of which most was shark sp. Asked if he had caught these marine animals within the vicinity of his present position, and recorded waypoints (see above), he replied 'Yes'.

At 17:05 hrs I inspected the vessel's four holds: two, on the forward port side, were full of shark sp., barracuda, yellow fin tuna, swordfish and marlin sp., and also food stores; one, on the forward starboard side, appeared to be full of shark sp., only; the one forward bow hold was empty. Three bins of longline gear – steel hooks and steel trace, plus attachments were again noted, as were the five radio beacons and eight shark sp. at several places alongside the gunwales (port and starboard). No drift net was observed.

Upon my return to the wheelhouse I completed the BIOT 'Inspection Report – not BIOT licenced' form at 17:34 hrs and asked the Captain to mark his present position (ref. to vessel's own GPS) with a cross on the BIOT FCMZ Chart where he had admitted fishing; he concurred, and confirmed with his signature, as did myself and the witness, FPO Karulanayake. I can confirm that the position he marked on the BIOT FCMZ Chart was an accurate indication of his vessel's location, *i.e.* 06° 08'.000 S / 071° 56'.894 E. The Captain was then informed, under caution, that he, his crew and vessel, were under 'arrest and escort' for the offence of 'Evidence of recent FCMZ fishing' within BIOT waters without a licence, contrary to Section 7 (1) Ordinance 5, 2007 (BIOT Fisheries Law). I also notified him that I would be transferring two of his crew to the BPV. Asked if he understood the aforementioned he replied 'Yes'. The BPV was then contacted and informed of the arrest. The Captain was then shown a form outlining the 'Collection of Evidence'. I then proceeded to collect evidence and seized the following items from the wheelhouse:

1 x Garmin GPSmap 298  
1 x Radio Mike (with lead)  
4 x Marine Charts  
1 x Fishing Log Book  
7 x Crew ID Cards

The Captain signed the 'Collection of Evidence' form, as did myself, at 17:50 hrs (20/10/10). At this point I instructed the Captain to follow the BPV 'Pacific Marlin' towards 'Diego Garcia': he agreed. Afterwards, myself, the two FPO's and the two crew members of the 'Rashmi' boarded FRC1 and headed back to the BPV at 17:59 hrs.

On the morning of 21<sup>st</sup> October, 2010, the BPV and 'Rashmi' approached Diego Garcia. At 09:12 hrs, whilst passing buoys 1 and 2, ROPO 10 – Dave Kearns (BIOT Police) boarded the BPV and the 'Collection of Evidence' was handed over to him (see below). The BPV 'Pacific Marlin' and 'Rashmi' tied up alongside 'finger piers' 2 and 3, respectively, at 10:00 hrs. During the morning and afternoon of this day, after the Captain and crew had been removed from the 'Rashmi', the vessel was searched by BIOT Customs and Police. After the search the crew were instructed to off load the catch.

### 3. Catch

- Shark Sp. (whole) x 145. Estimated weight at 4170 kg
- YFT (whole) x 3. Estimated weight at 110 kg
- Job Fish x 6. Estimated weight at 15 kg
- Wahoo x 7. Estimated weight at 80 kg
- Barracuda x 8. Estimated weight at 20 kg
- Trevally x 2. Estimated weight at 25 kg
- Bonito x 2. Estimated weight at 5 kg
- Marlin Sp. x 2. Estimated weight at 50 kg
- Sword Fish Sp. x 11. Estimated weight at 220 kg

Total Catch Estimated @ 4695 kg

### 4. Fishing Gear

5 Radio Beacons: Estimated value @ \$ 600 USD  
Long Line Sections, hooks, steel trace, snoods and attachments: Estimated value @ \$ 1,500 USD  
Fishing vessel: Estimated value @ \$ 20,000 – 25,000 USD

## 5. Collection of Evidence

At 09:12 on the 21<sup>st</sup> October, 2010, at buoys 1 & 2 outside Diego Garcia, I handed the following items to ROPO 10 (Mr. Dave Kearns) which he seized as the following exhibits:

Exhibit No.	Description of Exhibit
DPK/1	1 x Radio Mike (with lead)
DPK/2	1 x Garmin GPSmap 298
DPK/3	1 x Fishing Log Book
DPK/4	7 x Crew ID Cards
DPK/5	4 x Marine Charts

I have signed all the exhibit labels as the person originally identifying the articles.

At 11:35 hrs on Tuesday 26<sup>th</sup> October 2010, within the BIOT Police Station I handed over the following exhibits to Mr. Graham Haynes (ROPO 1) who gave them the following exhibit numbers, below. I signed the labels accordingly, as did Mr. Haynes.

JM/1	1 x BIOT Inspection Report
JM/2	1 x Notice of Collection of Evidence Report

**John McDonagh, MSc., BSc. (Hons.)**

BIOT Senior Fisheries Protection Officer

20<sup>th</sup> October, 2010





0026

**BRITISH INDIAN OCEAN TERRITORY  
INSPECTION REPORT – NOT BIOT LICENSED**

Inspection Vessel: **PACIFIC MARLIN**

**1. VESSEL DETAILS**

Vessel Name	Rashmi
Call Sign	A-0363
Vessel Type	LL
BIOT ID No.	—
Licence No.	—
IMO Number	—
Flag State	Sri Lanka.
GRT	5
No. of Crew	7
Masters Name	W.A.T. FERNANDO.
Fishing Masters Name	—
Vessel Owner Details	W.L.P.N. RAY PERERA
Vessel Agent Details	—

**2. FISHERY PROTECTION OFFICERS**

SFPO:	John McDonald etc.
FPO:	D.D.S. KARUNAWANKE
FPO:	E.M.K. ERISSARIYA
FPO:	—

**3. VESSEL ACTIVITY**

When Sighted	15:45
When Boarded	16:30.

**4. CATCH (t)**

YFT	BET	SKJ	OTH	SHK
75	—	—	200 kg 10 kg TREG.	2000
Total Catch BIOT:				2335 kg.
Total Fish Onboard:				2335 kg.

**5. INSPECTION DETAILS**

Date:	20/10/10	Time:	17:45
Vessel	Rashmi		
Position	06 08 .00 S 071 .56 .84 E		
Equipment	GPS Map 248 - Gartuni.		
Signatures:	—		
SFPO:	—		
MASTER:	W.A.Fernando		
WITNESS:	D.D.S. KARUNAWANKE		

**CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)**



COLLECTION OF EVIDENCE ISSUED?

**COMMENTS:**  
Admitted Fishing without a licence.  
Approx 2000 kg of Shark on board.  
Arrested (Sect. 7(2) Ordinance 5, 2002)



**NOTICE OF COLLECTION OF EVIDENCE**

To:

The Master of the Fishing Vessel: W.A. FERNANDO  
 BIOT Fishing Vessel Notification Number: N/A (Vessel - "RASHMI")  
 License Number: None.  
 International Call Sign: A-0363

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

Evidence Collected: Admitted Fishing without a licence.  
GPS Map GARMIN  
Four Charts.  
Fishing Log Book.  
Radio Mite.  
Crew ID Cards (x 7).

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

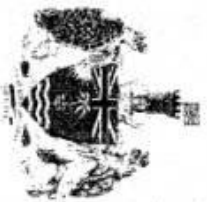
Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	<u>JOHN M. DONAGH</u>
Time/Date	<u>17:50 on 20<sup>th</sup> Oct. 2010.</u>
Position of BIOT Patrol Vessel	<u>6 09.7 S / 71 52.8 E</u>
Position of Fishing Vessel	<u>6 08.5 S / 71 57.8 E</u>

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	<u>WARNAKULASURIYA, AJITH THUSARA FERNANDO</u>
Date (dd/mm/yyyy)	<u>20/10/10</u>

**SRI LANKAN FISHING VESSEL INFORMATION FORM  
BRITISH INDIAN OCEAN TERRITORY (BIOT - CHAGOS)**



INFORMATION REQUIRED	SINGHALESE	ENGLISH
1 OWNERS NAME AND ADDRESS	අයිතිකරුවන්ගේ නම සහ ලිපිනය	W. L. P. NISHANTHA. ROILEY PERERA
2 SKIPPER NAME AND DOB	නිවැරදිකරුගේ නම සහ ලෝක දිනය	W. ASITH TRUSHARA FERNANDO 73-05-15 20.0.8.
3 REGISTRATION NUMBER	රේජිස්ට්‍රේෂන් අංකය	IMUL - A-0363
4 VESSEL NAME	වැදගත් වෛද්‍යයාගේ නම	KASHMI
5 LANDING PORT	තරණ කඩොලු වරාය	BERUWALA
6 PORT OF REGISTRY	රේජිස්ට්‍රේෂන් වරාය	BERUWALA
7 OVERALL LENGTH	මුළු දිගය	48 FEET
8 ENGINE TYPE / HP	අන්තර්ගත ජනකය සහ වේගය	YANMAR SPEED 5KNOTS
9 GROSS TONNAGE OF VESSEL	වැදගත් බර	05 TONS
10 NUMBER OF CREW	වැඩිමැදිවරුන්ගේ සංඛ්‍යාව	7 CREW
11 QUANTITY FISH ONBOARD	වැදගත් වෛද්‍යයාගේ අවශ්‍යතා	2000 KG
12 OTHER: LK LICENCE COR DOCUMENTS QUALIFICATIONS NID CARDS	ලාංකේශ්‍ය ආරක්ෂක අවසරය ලාංකේශ්‍ය අවසරය, වැදගත් අවසරය, නිවැරදිකරුගේ නිවැරදිකරුගේ	731361770 U





**Figure 1**      **Rashmi**



**Figure 2**      **Rashmi catch**

## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 2009/03 *On establishing a list of vessels resumed 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.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Chmale
b	Current Flag (previous flag)	Sri Lankan
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Yes
f	Call Sign (previous call sign)	IMUL: A-0503-NBO
g	Owner / Beneficial Owners	Mr. Hetti Arachchi (Captain)
h	Operator (previous operators)	Mr. Kalasurey Ruban Nekalis Lema
i	Date of Activities	17/10/2010 – 24/10/2010
j	Position of Activities	06° 05'.6 S / 072° 31'.6 E – Arrest Position 05° 59'.0 S / 072° 45'.0 E – GCB Way Point 05° 48'.6 S / 072° 52'.7 E – GCB Way Point 05° 54'.4 S / 072° 33'.8 E – GCB Way Point 06° 03'.0 S / 072° 32'.5 E – GCB Way Point 06° 05'.5 S / 072° 38'.6 E – GCB Way Point 06° 09'.7 S / 072° 39'.7 E – GCB Way Point
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). Vessel found to have 480 kg of shark species, 10 kg of yellowfin, 30 kg of skipjack tuna and 40 kg marlin sp., on board.
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia. Equipment taken as evidence – Furuno GPS, charts, radio mike and ID cards
m	Outcome of Actions Taken	Court case held on 03/11/2010. Vessel ordered to pay fine of £15,000 + costs of £1,000 within 30 days.



## 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 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	X
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	X
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	X

## C. Associated Documents

- 1) Record of court case
- 2) Boarding report.
- 3) Inspection report.
- 4) Collection of evidence forms.
- 5) Vessel information form
- 6) Photographs.

## D. Recommended Actions

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	X



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

**RECORD OF PROCEEDINGS THIRD DAY OF NOVEMBER 2010**

Case number: **22/10**

Name: Mr Hetti Arachchi Sumith Ranjith Lal Appuhpmy

Employee: **Captain of Fishing Vessel Chmale.**

The above named person appeared in the Magistrates Court on the Third day of November 2010 on the following charge:

**STATEMENT OF OFFENCE**

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

**PARTICULARS OF OFFENCE**

Mr Hetti Arachchi Sumith Ranjith Lal Appuhpmy did between the 17<sup>th</sup> day of October 2010 and the 24<sup>th</sup> day of October 2010 fish within the fishing waters of the Territory without a licence on fishing boat Chmale

Mr Appuhpmy pleaded guilty to the charge and was sentenced to the following:

To forfeit all fishing gear and instruments used for fishing whether or not used in the offence and to forfeit all fish and fish products to the Crown under sections 17(3) of the Fisheries (Conservation and Management) Ordinance 2007

Fine **£15,000**

To pay costs of **£1,000**

Total **£16,000 / \$25,280**

**£1 = 179.06** Sri Lankan Rupees

Total Sri Lankan Rupees **2,864,960**

It was ordered that Mr Appuhpmy, his crew and vessel (Chmale) would be detained until monies due was paid. The guilty party will be granted 30 days in which to pay the fine. If payment has not been received after the 30 day period, Mr Appuhpmy will be summoned to appear before the Magistrate to explain why the said fine has not been paid.

Mr Neal Carmon

Clerk of the Magistrates Court

BIOT

## BOARDING REPORT

**DATE:** 23<sup>rd</sup> October, 2010

**VESSEL:** 'Chmale'

**REGISTRATION:** IMUL: A – 0503 – NBO

**BIOT/LICENSE No:** None

**MASTER:** Hetti Arachchi Sumith Ranjeth Lal Appuhami

**SFPO:** John McDonagh

**FPO:** D.D.S. Krulanayake

**FPO:** M.R.R.C.C. Peiris

**BOARDING PURPOSE:** Investigative

### 1. Introduction

On Saturday the 23<sup>rd</sup> October I was conducting a routine patrol on board the BIOT Patrol Vessel (BPV) 'Pacific Marlin' on the eastern Great Chagos Bank (GCB). At 17:58 hrs the OOW visually detected a vessel target and informed myself, and Captain Cragg of the BPV, of the situation. At 18:00 hrs a radar signature was plotted; the vessel target was located at position 06° 05'.6 S / 072° 31'.6 E, in 30 meters of water depth, approximately 25 nm SE of 'Nelson' Island, and 72 nm north of 'Diego Garcia', on the eastern area of GCB (ECH). The BPV's bearing and range to the target was 034° and 3.9 nm; the target was drifting NW at the time. The BPV headed towards the suspected IUU vessel to intercept; upon closer inspection the vessel was identified as a Sri Lankan drift net / long liner. At approximately 1.7 nm distance from the target the BPV stopped and FRC1 was deployed at 18:20 hrs, with myself and two FPO's on board, to conduct an investigative boarding of the target. At this time it was noted that the target had started to steam in a northerly direction at 5 to 6 knots.

### 2. Boarding Details

On approach the target stopped steaming and started to drift again. Upon my instruction the FRC circled the vessel for observations; it was noted that no fishing gear was deployed or attached to the vessel. The name of the vessel was 'Chmale' (IMUL No.: A – 0503 – NBO). We alerted the vessel's crew of our intentions to board, and then myself and the two FPO's (D.D.S Karulanayake and M.R.R Peiris) boarded the 'Chmale' at 18:30 hrs; all communication between myself and the Captain, and crew of the 'Chmale', was undertaken through the FPO translator, D.D.S Karulanayake.

Immediately upon boarding it was noted that the forward deck was covered with hooks, steel trace, snoods, longline, and a drift net, and that the longline marker poles/flags and buoys were stowed on top of the bridge; there was no sign of marine animal catch. The Captain of the 'Chmale' was identified as S.R.L Sumith and was taken, by myself and FPO Karulanayake, in to the wheelhouse for questioning whilst the four remaining crew were escorted to the bow of the vessel by FPO Peiris and guarded. The Captain was asked what he was doing on the GCB, he replied that it was a short-cut to 'Saya de Malha' bank. Asked how long he had been on the GCB he replied that his vessel had just arrived, and that he had left Sri Lanka on the 11<sup>th</sup> October. He stated that, due to a cyclone in the north, it had taken him 12 days to reach his present position (06° 05'.6 S / 072° 31'.6 E). When asked if had he been fishing on the GCB, and whether he had any catch in his hold, he replied 'No'; asked whether he had a BIOT fisheries licence he replied 'No'; he also stated that all his fishing gear was on board the vessel. I then carried out a search, at 18:46 hrs, of the main forward hold and found marlin sp. and shark sp. Upon my return to the wheelhouse I asked the Captain about his catch and he stated that it was caught enroute to BIOT waters and consisted of 250 kg Shark sp., 30 kg Skipjack and 10 kg YFT. At this point (19:05 hrs) I asked him to fill out the 'Sri Lankan Vessel Information Form'; whilst this was being done I checked the vessel's GPS for waypoints. It was noted that the 'Chmale' entered BIOT waters at 19:20 hrs on 18<sup>th</sup> October, 2010 at position 04° 24'.1 S / 074° 20'.7 E, *i.e.* Outer Sector 2 (waypoint No. 022 – 18<sup>th</sup> October). After this date six more waypoints were found for the 19<sup>th</sup> through to the 23<sup>rd</sup> October, 2010, all located in the east and NE of GCB (ECH).

The waypoint coordinates were:

05° 59'.0 S / 072° 45'.0 E (waypoint No.023 on 19<sup>th</sup> Oct)  
05° 48'.6 S / 072° 52'.7 E (waypoint No.024 on 19<sup>th</sup> Oct)  
05° 54'.4 S / 072° 33'.8 E (waypoint No.034 on 20<sup>th</sup> Oct)  
06° 03'.0 S / 072° 32'.5 E (waypoint No.035 on 21<sup>st</sup> Oct)  
06° 05'.5 S / 072° 38'.6 E (waypoint No.042 on 22<sup>nd</sup> Oct)  
06° 09'.7 S / 072° 39'.7 E (waypoint No.046 on 23<sup>rd</sup> Oct)

After completion of the 'Sri Lankan Vessel Information Form' I asked the Captain again if he had been fishing in BIOT waters and he replied 'Yes'; asked if the catch in the hold was caught in BIOT waters, he replied 'Yes'; asked if he had a fishing licence for BIOT waters, he replied 'No'. I then completed the BIOT 'Inspection Report' form ('not BIOT licenced') at 19:15 hrs and asked the Captain to mark his present position (ref. to vessel's own GPS) with a cross on the BIOT FCMZ Chart where he had admitted fishing; he concurred, and confirmed with his signature, as did myself and the witness - FPO Karulanayake. I can confirm that the position he marked on the BIOT FCMZ Chart was an accurate indication of his vessel's location, *i.e.* 06° 02'.716 S / 072° 31'.075 E. At 19:28 hrs the Captain was informed, under caution, that he, his crew and vessel, were under 'arrest and escort' for the offence of 'Evidence of recent FCMZ fishing' within BIOT waters without a licence, contrary to Section 7 (1) Ordinance 5, 2007 (BIOT Fisheries Law). I also notified him that I would be transferring two of his crew to the BPV. Asked if he understood the aforementioned he replied 'Yes'. The BPV was then contacted and informed of the arrest. The Captain was then shown a form outlining the 'Collection of Evidence'. I then proceeded to collect evidence and seized the following items from the wheelhouse:

1 x Furuno GPS / WAAS Navigator (GP – 32)  
1 x Radio Mike (with lead)  
2 x Marine Charts  
4 x Crew ID Cards (the 5<sup>th</sup> crew member did not have one)  
2 x Crew members on board BPV 'Pacific Marlin'

The Captain signed the 'Collection of Evidence' form as did myself (SFPO) at 19:37 hrs (23/10/10). At this point I instructed the Captain to follow the BPV 'Pacific Marlin' towards Diego Garcia: he agreed. Afterwards, myself, the two FPO's, and the two crew members of the F/V 'Chmale', boarded FRC1 and headed back to the BPV for 19:54 hrs.

At 14:25 hrs on the 24<sup>th</sup> October, 2010, the BPV and F/V 'Chmale' tied up at Diego Garcia alongside 'finger piers' 2 and 3, respectively. At 14:30, on board the BPV, I handed over to ROPO 5 (Ms. Coral Loveday) the above seized items ('Collection of Evidence'). For the rest of the afternoon, after the Captain and crew had been removed from the 'Chmale', the vessel was searched by BIOT Customs and Police. After the search the crew were instructed to off load the catch.

### **3. Catch:**

- Shark sp. (whole) x 50. Estimated weight at 480 kg
- Marlin sp. (not whole) x 8 pieces. Estimated weight at 40 kg
- Yellowfin tuna (whole) x 1. Estimated weight at 10 kg
- Skipjack tuna (whole). Estimated weight at 40 kg

Total Catch Estimated @ 570 kg

**John McDonagh, MSc., BSc. (Hons.)**

BIOT Senior Fisheries Protection Officer  
**24<sup>th</sup> October, 2010**



**BRITISH INDIAN OCEAN TERRITORY  
INSPECTION REPORT - NOT BIOT LICENSED**

Inspection Vessel: **PACIFIC MARLIN**

**1. VESSEL DETAILS**

Vessel Name	Chmale
Call Sign	AMUL A-0503-NBD
Vessel Type	LL & Drift Net
BIOT ID No.	/
Licence No.	/
IMO Number	/
Flag State	Sri Lanka
GRT	6
No. of Crew	5
Masters Name	S.R.L. Sumith
Fishing Masters Name	S.R.L. Sumith
Vessel Owner Details	NUMDBO
Vessel Agent Details	-

**2. FISHERY PROTECTION OFFICERS**

SFPO:	John McDonagh
FPO:	D.D.S. KARUNANAYAKE
FPO:	M.M.R.C. C. PEIRES
FPO:	

**3. VESSEL ACTIVITY**

When Sighted	17:58
When Boarded	18:30

**4. CATCH (t)**

YFT	BET	SKJ	OTH	SHK
10 kg	/	30 kg	/	250 kg

Total Catch BIOT:	290 kg
Total Fish Onboard:	290 kg

**5. INSPECTION DETAILS**

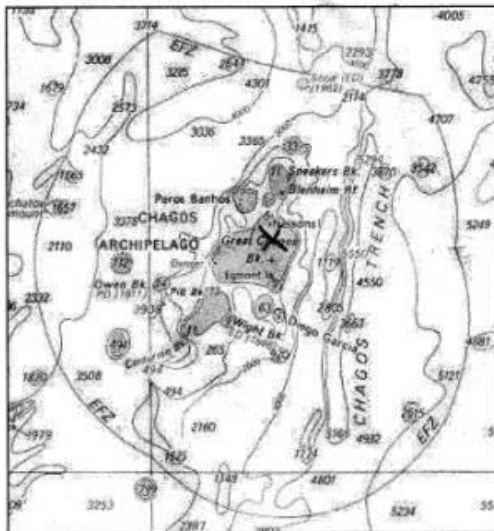
Date:	22/10/10	Time:	19:15
Vessel	CHMALE		
Position	06 02.716 S	72 31.078 E	
Equipment	Furuno GPS		

Signatures:	
SFPO:	[Signature]
MASTER:	[Signature]
WITNESS:	[Signature]

COLLECTION OF EVIDENCE ISSUED?

**COMMENTS:** Arrested for fishing in BIOT waters without a licence.  
(Evidence of Re-ent. fishing in FCMZ, contrary to Section 7 (1) Ordinance 5, 2007 (BIOT Fisheries Law))

**CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)**







**NOTICE OF COLLECTION OF EVIDENCE**

To:

The Master of the Fishing Vessel: SRL Sumth  
 BIOT Fishing Vessel Notification Number: — (FN CHMALE)  
 License Number: —  
 International Call Sign: AMUL A-0503-NBD

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

Evidence Collected: Admitted Fishing in BIOT waters without licence.  
Furuno GPS Unit  
One Radio Mike  
4 ID Cards (1 crew with no ID card)  
Two Charts

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	<i>[Signature]</i>
Name (Block Capitals)	JOHN McDONAGH
Time/Date	23/10/10 @ 19:37
Position of BIOT Patrol Vessel	06 08.3 S / 72 29.44 E.
Position of Fishing Vessel	06 02.716 S / 72 31.075 E.

Received by the Master of the Fishing Vessel

Signature	<i>[Signature]</i>
Name (Block capitals)	HABOQW
Date (dd/mm/yyyy)	23/10/10 1971-11-27.

**SRI LANKAN FISHING VESSEL INFORMATION FORM**  
**BRITISH INDIAN OCEAN TERRITORY (BIOT - CHAGOS)**



INFORMATION REQUIRED	SINGHALESE	ENGLISH
1 OWNERS NAME AND ADDRESS	අයිතිකරුවන්ගේ නම සහ ලිපිනය	HETTI APARACHITHARAJE JUDE KALASURAY RUBAN NEMALS Lema 98/FA SANCHI TULAWA NEOOMBO
2 SKIPPER NAME AND DoB	කැප්ටන්ගේ නම සහ දිනය	HETTI ARACHCHI Sumanth RANJETH LAL APPUNAMI 1971-07-27
3 REGISTRATION NUMBER	නේළුවේ නොනිවැරදි අංකය	IMUL - F.M.U.L.A - 0503 - NBO
4 VESSEL NAME	වාහන නම	CHAMALE
5 LANDING PORT	තොරතුරු ලබා ගන්නා වරාය	NEOOMBO
6 PORT OF REGISTRY	නේළුවේ වරාය	NEOOMBO
7 OVERALL LENGTH	මුළු දිග	38
8 ENGINE TYPE / HP	ආන්දෝලන වර්ගය සහ බලය	YANMAR
9 GROSS TONNAGE OF VESSEL	මුළු බරපත	6 Ton
10 NUMBER OF CREW	කැප්ටන් සහ කාර්ය මණ්ඩලයේ සංඛ්‍යාව	05 CREW
11 QUANTITY FISH ONBOARD	වාහන මත ඇති මසු	NIL
12 OTHER: LK LICENCE CoR DOCUMENTS QUALIFICATIONS NID CARDS	ලංකා රජයේ ලිසන්ස්, මරණයේ ලිසන්ස්, වෛද්‍ය සහ අනෙකුත් සාක්ෂිපත	NIL

Paul.golightly.gv@diogo.af.mil



**Figure 1** Chmale.



**Figure 2** Chmale catch

## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 2009/03 *On establishing a list of vessels resumed 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.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Shehani (or Sriyani) Duwa
b	Current Flag (previous flag)	Sri Lankan
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Yes
f	Call Sign (previous call sign)	IMUL No.: A – 0405 – NBO
g	Owner / Beneficial Owners	Mr. Lokugam Hewage Reje (Captain)
h	Operator (previous operators)	Mr. P.R.A Fernando
i	Date of Activities	24 <sup>th</sup> Oct. to 28 <sup>th</sup> Oct. 2010
j	Position of Activities	05° 58'.922 S / 072° .33'.423 E
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). Vessel had approximately 1,900 kg of shark species, 25 kg sailfish, 200 kg manta ray, 80 kg tuna like species, and 20 kg assorted dried fish.
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia. Equipment taken as evidence – Furuno GPS , marine charts, fishing log books, insurance documents, radio mike and ID cards.
m	Outcome of Actions Taken	Court case was on the 8 <sup>th</sup> November 2010. Fine was set at £12,000 plus £1,000 costs and given 30 days to pay.

## 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 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	X
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	X
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	X

## C. Associated Documents

- 1) Record of court proceedings
- 2) Boarding report
- 3) Inspection report
- 4) Collection of evidence forms
- 5) Vessel information form
- 6) Photograph

## D. Recommended Actions

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	X





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

**RECORD OF PROCEEDINGS EIGHTH DAY OF NOVEMBER 2010**

Case number: **23/10**

Name: **Mr Lokugam Hewage Reje**

Employee: **Captain of Fishing Vessel Sriyani Duwa.**

The above named person appeared in the Magistrates Court on the Eighth day of November 2010 on the following charge:

**STATEMENT OF OFFENCE**

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

**PARTICULARS OF OFFENCE**

Mr Lokugam Hewage Reje did between the 24<sup>th</sup> day of October 2010 and the 28<sup>th</sup> day of October 2010 fish within the fishing waters of the Territory without a licence by fishing boat Sriyani Duwa – IMUL A-0405.

Mr Reje pleaded guilty to the charge and was sentenced to the following:

To forfeit all fishing gear and instruments used for fishing whether or not used in the offence and to forfeit all fish and fish products to the Crown under sections 17(3) of the Fisheries (Conservation and Management) Ordinance 2007

Fine **£12,000**

To pay costs of **£1,000**

Total **£13,000 / \$20,540**

**£1 = 179.06** Sri Lankan Rupees

Total Sri Lankan Rupees **2,327,780**

It was ordered that Mr Reje, his crew and vessel (Sriyani Duwa) would be detained until monies due was paid. The guilty party will be granted 30 days in which to pay the fine. If payment has not been received after the 30 day period, Mr Reje will be summoned to appear before the Magistrate to explain why the said fine has not been paid.

Mr Neal Carmon  
Clerk of the Magistrates Court  
BIOT





0028

# BRITISH INDIAN OCEAN TERRITORY INSPECTION REPORT – NOT BIOT LICENSED

Inspection Vessel: PACIFIC MARLIN

### 1. VESSEL DETAILS

Vessel Name	SRIYANI DUNJA
Call Sign	IMUL A-0405-N80
Vessel Type	LL / DRIFT
BIOT ID No.	N/A
Licence No.	N/A
IMO Number	N/A
Flag State	SRI LANKA
GRT	NOT KNOWN
No. of Crew	5
Masters Name	RESE HEWAGE LOKUGAM
Fishing Masters Name	
Vessel Owner Details	P. R. A. FERNANDO
Vessel Agent Details	N/A

### 2. FISHERY PROTECTION OFFICERS

SFPO:	John McDonagh
FPO:	M. R. P. C. C. PEREIRA
FPO:	B. M. K. EDIRISURIYA
FPO:	

### 3. VESSEL ACTIVITY

When Sighted	Stat. on way @ 03:08
When Boarded	04:30

### 4. CATCH (t)

YFT	BET	SKJ	OTH	SHK
—	—	—	650kg	600kg
Total Catch BIOT:				1250 kg
Total Fish Onboard:				1250 kg approx

### 5. INSPECTION DETAILS

Date:	27/10/10	Time:	05:34
Vessel	SRIYANI DUNJA		
Position	05 58.928 72 33.423E		
Equipment	FURUND GPS/DIARS NAV (GP-32)		
Signatures:			
SFPO:			
MASTER:			
WITNESS:			

### CHART OF BIOT FCMZ: VESSEL POSITION MARKED BY CROSS(X)



COLLECTION OF EVIDENCE ISSUED?

**COMMENTS:**  
Arrested for fishing in BIOT WATERS without a licence, contrary to Section 7(1), Ordinance S. 2007 (BIOT FISHERIES LAW) (Actively engaged in fishing)



**NOTICE OF COLLECTION OF EVIDENCE**

To:

The Master of the Fishing Vessel: RESE HEWAGE LOKUGAM  
 BIOT Fishing Vessel Notification Number: N/A  
 License Number: N/A.  
 International Call Sign: IMUL A-0405-NBO

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

Assessed for actively engaging in fishing in BIOT Waters, contrary SECT 7 (1) Ord. 5, 2007 (BIOT FISHERIES LAW)  
5 x ID Cards ; 2 x Log Book ; 1 x Info File ; 1 x FURUNO GPS ; 1 Radio Mike with Lead ; Nautic Chart x 5.

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	JOHN McDONAGH
Time/Date	05:41 on 27/10/10
Position of BIOT Patrol Vessel	06 02.545 S / 072 33.130 E
Position of Fishing Vessel	05 57.920 S / 72 32.973 E

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	LOKUGAM HEWAGE RESE
Date (dd/mm/yyyy)	27.10.2010

**SRI LANKAN FISHING VESSEL INFORMATION FORM**  
**BRITISH INDIAN OCEAN TERRITORY (BIOT - CHAGOS)**



INFORMATION REQUIRED	SINGHALESE	ENGLISH
1 OWNERS NAME AND ADDRESS	අයිතිකරුවන්ගේ නම සහ ලිපිනය	0094-714252315 P. R. A. Fernando. No. 643/1 Pitipana North Negombo
2 SKIPPER NAME AND DOB	කපුන්තිස්සේගේ නම සහ පැයිරි දිනය	LOKUPAN HEWAGE REJE
3 REGISTRATION NUMBER	රේජිලාන් අංකය	IMUL - A - 0405 - NB0
4 VESSEL NAME	වැදූ නම	BEYANE DUWA
5 LANDING PORT	තැබුම් කඩය	Negombo
6 PORT OF REGISTRY	රේජිලාන් බලකා	Negombo
7 OVERALL LENGTH	මුළු දිග	44 ft
8 ENGINE TYPE / HP	දැමුමේ වර්ගය සහ වේගය	YANMAR . 5.6
9 GROSS TONNAGE OF VESSEL	වැදූ බර	
10 NUMBER OF CREW	වැදූවන්ගේ සංඛ්‍යාව	05 (පිරිස)
11 QUANTITY FISH ONBOARD	වැදූ මසුන්ගේ ප්‍රමාණය	1250 Kg
12 OTHER: LK LICENCE COR DOCUMENTS QUALIFICATIONS NID CARDS	ලැංකේන් පවත්වාගෙන යාමේ අවස්ථාව: වැදූ මසුන්ගේ වර්ගය සහ වේගය	NIL





**Figure 1** Shehani Duwa



**Figure 2** Shehani Duwa catch



## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 2009/03 *On establishing a list of vessels resumed 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.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Dory II
b	Current Flag (previous flag)	Sri Lankan
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Yes
f	Call Sign (previous call sign)	IMUL No.: A – 0006 – KLT
g	Owner / Beneficial Owners	Mr. Gunasingha Arrachige Tissa Kumara
h	Operator (previous operators)	Mr. Dulip Samantha
i	Date of Activities	26 <sup>th</sup> Oct. to 31 <sup>st</sup> Oct 2010
j	Position of Activities	07° 31'.082 S / 071° .30'.565 E
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). Vessel had approximately 35 kg of shark species, 42 kg tuna like species, and 150 kg assorted dried fish.
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia. Equipment taken as evidence – Garmin GPS , marine chart, radio mike and ID cards.
m	Outcome of Actions Taken	Court case was on the 8 <sup>th</sup> November 2010. Fine was set at £15,000 plus £1,000 costs and given 30 days to pay.

## 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 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	X
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	X
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	X

## C. Associated Documents

- 1) Record of court proceedings
- 2) Boarding report
- 3) Inspection report
- 4) Collection of evidence forms
- 5) Vessel information form
- 6) Photograph

## D. Recommended Actions

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	X



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

**RECORD OF PROCEEDINGS EIGHTH DAY OF NOVEMBER 2010**

Case number: **24/10**

Name: **Mr Gunasingha Arrachige Tissa Kumara**

Employee: **Captain of Fishing Vessel Dory II.**

The above named person appeared in the Magistrates Court on the Eighth day of November 2010 on the following charge:

**STATEMENT OF OFFENCE**

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

**PARTICULARS OF OFFENCE**

Mr Gunasingha Arrachige Tissa Kumara did between the 26<sup>th</sup> day of October 2010 and the 31<sup>st</sup> day of October 2010 fish within the fishing waters of the British Indian Ocean Territory without a licence by fishing boat Dory II.

Mr Kumara pleaded guilty to the charge and was sentenced to the following:

To forfeit all fishing gear and instruments used for fishing whether or not used in the offence and to forfeit all fish and fish products to the Crown under sections 17(3) of the Fisheries (Conservation and Management) Ordinance 2007

Fine **£15,000**

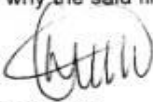
To pay costs of **£1,000**

Total **£16,000 / \$25,280**

**£1 = 179.06** Sri Lankan Rupees

Total Sri Lankan Rupees **2,864,960**

It was ordered that Mr Kumara, his crew and vessel (Dory II) would be detained until monies due was paid. The guilty party will be granted 30 days in which to pay the fine. If payment has not been received after the 30 day period, Mr Kumara will be summoned to appear before the Magistrate to explain why the said fine has not been paid.

  
Mr Neal Carmon  
Clerk of the Magistrates Court  
BIOT



## BOARDING REPORT

**DATE:** 29<sup>th</sup> October, 2010

**VESSEL:** 'Dory II'

**REGISTRATION:** IMUL: A – 0006 – KLT

**BIOT/LICENSE No:** None

**MASTER:** G.A. Thissa Kumara

**SFPO:** John McDonagh

**FPO:** E.M.K Edirisuriya

1. FPO: M.R.R. Peiris

2. BOARDING PURPOSE: Investigative

### 1. Introduction

On Friday the 29<sup>th</sup> October 2010 I was conducting a routine patrol on board the BIOT Patrol Vessel (BPV) 'Pacific Marlin' on the south eastern outer perimeter of Pitt Bank. At 00:15 hrs the OOW detected a vessel target on the radar and informed myself, and Captain Cragg of the BPV, of the situation. The vessel target (No.1) was located at position 07° 22'.78 S / 071° 28'.88 E, in >200 meters of water depth, approximately 1 nm south of 'Pitt Bank', 3.5 nm NW of 'Wight Bank', and 55 nm WSW of Diego Garcia. The BPV's bearing and range to the target was 258° and 5.1 nm; the target was stationary at the time. A second suspected IUU vessel (No.2) was also plotted on the radar soon afterwards – Position: 07° 22'.05 S / 071° 35'.2 E – approximately 2.5 nm SE of 'Wight Bank'; the BPV's bearing and range to this second target was 232° and 5.8 nm; this target was also stationary at the time. I decided, in consultation with the Captain, that the BPV should standby and monitor these vessels until day-break. However, at 05:10 hrs Target No.1 began steaming in a SE direction with its lights off, consequently, the BPV then headed towards the suspected IUU vessel to intercept.

### 2. Boarding Details

At approximately 1.5 nm distance from the target (No.1) the BPV stopped and FRC1 was deployed at 05:20 hrs with myself and one FPO on board (at the time of deployment the second target vessel was also underway though in a NE direction). After approximately 50 minutes the FRC located the target, with its lights off and steaming at 6 kts. Under my instruction the FRC circled the vessel for observations; the vessel was identified as a Sri Lankan drift net / long liner and it was noted that no fishing gear was deployed or attached to the vessel. The name of the vessel was 'Dory II' (IMUL No.: A – 0006 – KLT). This was the same vessel that was boarded, inspected and released, due to lack of evidence, at 17:48 hrs on Wednesday 27<sup>th</sup> October 2010 on the SE GCB (SEC). We alerted the vessel's crew of our intentions to board, and then myself and FPO E.M.K Edirisuriya boarded the 'Dory II' at 06:12 hrs; all communication between myself and the Captain, and crew of the 'Dory II', was undertaken through the FPO translator, Edirisuriya.

Immediately upon boarding I noted, from the previous boarding of this vessel on the 27<sup>th</sup> October 2010, that a drift net was missing; one bin of longline with attachments, including steel hooks and trace, was empty; and six marker poles/flags were absent; there was no sign of marine animal catch on the deck. The Captain of the 'Dory II' was identified as Mr. G. A. Tissa Kumara and was taken, after the four remaining crew were escorted to the bow of the vessel, to the wheelhouse for questioning by myself and FPO Edirisuriya. The Captain was asked why, after being advised to leave BIOT waters and being informed of the seriousness of illegal fishing in the said waters on the 27<sup>th</sup> October, he was in his present position, he replied that he 'was poor and needed to fish'; asked whether he was presently engaged in fishing he replied 'Yes'; asked if he had a licence to fish in BIOT waters he replied 'No'. The Captain was then informed at 06:20 hrs, under caution, that he, his crew and his vessel, were under 'arrest and escort' for the offence of 'vessel actively engaged in fishing' within BIOT waters without a licence, contrary to Section 7 (1) Ordinance 5, 2007 (BIOT Fisheries Law); asked if he understood he replied 'Yes'. At 06:33 hrs the Captain was requested to fill in a 'Sri Lankan Vessel Information' form; during this time I checked the vessel's GPS for waypoints and found none; a search of the vessel's hold revealed approximately the same amount of catch as when the vessel was inspected on the 27<sup>th</sup> October (~35 kg shark sp., and 50 kg of Kawakawa/Mackerel sp.), however, as mentioned previously, the majority of the vessel's fishing gear was absent. At 06:42 hrs the 'BIOT Inspection Report' (not BIOT licenced) was completed, as was the 'Notice of Collection of Evidence' form at 06:57 hrs; both were duly signed by the Captain and myself and witnessed by FPO Edirisuriya. The following items were seized:

- 6 x ID Cards

- 1 x Marine Chart
- 1 x Radio Mike (with lead)
- 1 x Garmin GPSMap 182

Afterwards, I asked the Captain how long he had been in the vicinity of his present position (07° 31'.082 S / 071° 30'.565 E), he replied 'two days' and that he had 'set' a drift net (1.5 km in length), coupled with a longline (3 km in length with 180 hooks and steel trace attached), at 20:00 hrs on 28<sup>th</sup> October at position 07° 29'.0 S / 071° 33'.0 E, and that he had intended to retrieve it at 17:00 hrs on 29<sup>th</sup> October.

At 07:08 hrs the Captain was instructed to steam to his drift net and longline and begin hauling it in. Due to currents and sea state the fishing gear had drifted and wasn't located until 08:20 hrs at position 07° 26'.563 S / 071° 34'.403 E. At 08:34, whilst the drift net was being hauled in, the Captain stated that the drift net did not belong to him as his net was much older. I then assumed that this drift net and longline belonged to the unidentified target vessel No.2 that had been observed earlier on. Nonetheless, I instructed the Captain to carry on hauling and then informed the BPV Pacific Marlin of the situation, however, the BPV had already spotted the 'Dory II' longline and, upon my request, proceeded to haul it in. The hauling operation on board the 'Dory II' was completed at 12:32 hrs (unidentified target No.2 fishing gear) and the hauling operation on the BPV ceased at 13:12 hrs ('Dory II' fishing gear). During each of the hauling operations a number of shark sp., manta ray, mackerel sp., kawakawa and marlin sp. were brought on deck; those marine species that were still alive were released to the sea, the others held on deck ('Dory II') or disposed of to the sea (Pacific Marlin). The drift net belonging to the 'Dory II' had separated from the longline that the BPV had hauled in so I instructed the Captain of the 'Dory II' to search for this gear. Nothing was found.

Prior to leaving the 'Dory II' at 17:55 hrs I informed the Captain that I would be transferring two of his crew to the BPV; asked if he understood the aforementioned he replied 'Yes'. I then instructed him to stand-by the BPV overnight until our departure to Diego Garcia at 07:00 hrs on 30<sup>th</sup> October where the matter would be investigated further: he agreed. Myself, the FPO, and two crew members then departed the 'Dory II' and arrived on board the BPV at 18:13 hrs. The BPV, at my request, remained in the area overnight in case the unidentified vessel (Target 2) should return to haul in its 'non-existent' gear. At day break (30<sup>th</sup> October), with no sign of 'Target 2', the BPV steamed, with the 'Dory II' shadowing, to Diego Garcia and arrived alongside 'finger piers' 2 and 3, respectively at 15:36 hrs. At 16:10 on the 30<sup>th</sup> October 2010 I handed over the seized items ('Collection of Evidence' – see above) to ROPO 2, Ms. Elizabeth Grant. For the rest of the afternoon, after the Captain and crew had been removed from the 'Dory II', the vessel was searched by BIOT Customs and Police. After the search the crew were instructed to off load the catch.

### 3. Catch

- Shark sp.(whole) x 3. Estimated weight at 35 kg
- Mackerel sp.(whole). Estimated weight at 5 kg
- Kawakawa (whole) x 16. Estimated weight at 35 kg
- Rainbow Runner (whole) x 3. Estimated weight at 2 kg
- Assorted Dried Fish (pieces). Estimated weight at 150 kg

Landed Total Catch Estimated @ 227 kg

**NB** The above does not include the catch that was attributed to the unidentified vessel – Target No.2, *i.e.* the catch 'Dory II' hauled in, nor does it include the catch from the 'Dory II' longline that the BPV hauled in but disposed of to the sea.

**John McDonagh, MSc. BSc. (Hons.)**

BIOT Senior Fisheries Protection Officer  
**30<sup>th</sup> October, 2010**





0030

# BRITISH INDIAN OCEAN TERRITORY INSPECTION REPORT - NOT BIOT LICENSED

Inspection Vessel: PACIFIC MARLIN

## 1. VESSEL DETAILS

Vessel Name	DORY II
Call Sign	IMUL A-0006-KLT
Vessel Type	LL / Drift Net
BIOT ID No.	NONE
Licence No.	NONE
IMO Number	NONE
Flag State	Sri Lanka
GRT	NOT KNOWN
No. of Crew	5
Masters Name	G.A. Tissa Kumara
Fishing Masters Name	
Vessel Owner Details	Dulip Samantha TEL: 0777600822
Vessel Agent Details	

## 2. FISHERY PROTECTION OFFICERS

SFPO:	John McDonagh
FPO:	[Signature]
FPO:	[Signature]
FPO:	

## 3. VESSEL ACTIVITY

When Sighted	00:15 hrs (Stationary)
When Boarded	06:12 hrs (Running)

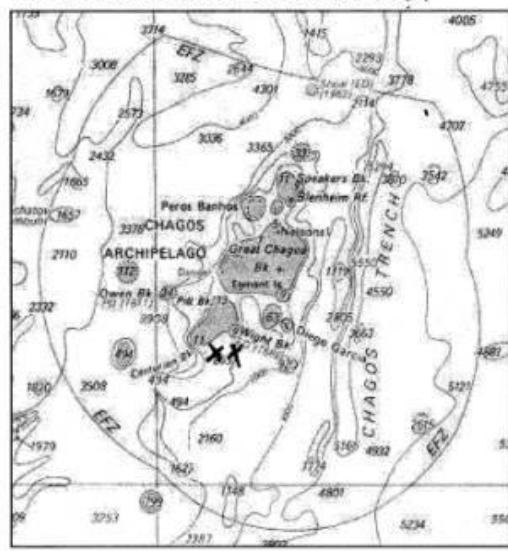
## 4. CATCH (t) 150 Kilob Dried Fish (Sp 4/2)

YFT	BET	SKJ	OTH	SHK	
20 kg			50 kg	35 kg	ONBOARD
			22 kg	280 kg	ON L.L. SPK Released
Total Catch BIOT:					105 kg
Total Fish Onboard:					105 kg

## 5. INSPECTION DETAILS

Date:	29/10/10	Time:	06:42
Vessel	DORY II		
Position	07 31.082 S	073 08.815 E	
Equipment	GARMIN GPS MAP 182		
Signatures:			
SFPO:	[Signature]		
MASTER:	[Signature]		
WITNESS:	[Signature]		

## CHART OF BIOT FCMZ: VESSEL POSITION MARKED BY CROSS(X)



COLLECTION OF EVIDENCE ISSUED?

COMMENTS: Arrested for 'actively engaged in fishing in BIOT waters, contrary to Section 7(1), Ord. S, 2007 (BIOT Fisheries Law)



**NOTICE OF COLLECTION OF EVIDENCE**

To:

The Master of the Fishing Vessel: G.A. TISSA KUMARA  
 BIOT Fishing Vessel Notification Number: NONE  
 License Number: NONE  
 International Call Sign: (Imut) A-0006-KLT.

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

Arrested for actively engaging in fishing in BIOT waters without a licence.  
 ① 6 x ID Cards; ① 1 x Marine Chart; ① 1 x Radio Mike;  
 ① 1 x Garmin GPS Map 182; ① 1 x BIOT INSPECTION REPORT (NOT BIOT LICENCE); ① 1 x Notice of Collection of Evidence form.

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	JOHN McDONAGH
Time/Date	06:57 on 29/10/10
Position of BIOT Patrol Vessel	07 22.12 S / 071 33.8 E.
Position of Fishing Vessel	07 31.082 S / 071 30.565 E

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	TISSA KUMARA.
Date (dd/mm/yyyy)	24-10-10

Dory II - Arrest m 29/10/10



**SRI LANKAN FISHING VESSEL INFORMATION FORM  
BRITISH INDIAN OCEAN TERRITORY (BIOT - CHAGOS)**

INFORMATION REQUIRED		SINGHALESE	ENGLISH
1	OWNERS NAME AND ADDRESS	අයිතිකරුවන්ගේ නම සහ ලිපිනය	Te. 0777600822 DULIP SAMANTHA
2	SKIPPER NAME AND DoB	කැප්ටන්ගේ නම සහ දිනය	G.A. THISSA KUMARA - 27-12-1979
3	REGISTRATION NUMBER	ලේඛන අංකය	IMUL -
4	VESSEL NAME	වල නම	DORI 02
5	LANDING PORT	තබාගැනීමේ වරාය	PORT OF BERUWALA
6	PORT OF REGISTRY	ලේඛන වරාය	PORT OF BERUWALA
7	OVERALL LENGTH	මුළු දිග	36 <sup>ft</sup>
8	ENGINE TYPE / HP	දැමුමේ වර්ගය සහ බලය	444 JANMAR
9	GROSS TONNAGE OF VESSEL	මුළු බරපත	-
10	NUMBER OF CREW	කැප්ටන් සහ කුඩු	05 CREW
11	QUANTITY FISH ONBOARD	මුළු මසාලයේ මසාල	150kg (Captains Estimate)
12	OTHER: LK LICENCE CoR DOCUMENTS QUALIFICATIONS NID CARDS	ලංකා ලිසන්ස්, CoR ලේඛන, සුදුසුකම්, NID කාඩ්	Captains NIC No - 793624239 v



Figure 1 Dory II



Figure 2 Dory II Catch





REPÚBLICA DE MOÇAMBIQUE  
MINISTÉRIO DAS PESCAS  
DIRECÇÃO NACIONAL DE ADMINISTRAÇÃO PESQUEIRA

To  
Alejandro Anganuzzi - IOTC Executive Secretary  
P.O. Box 1011, Victoria, Seychelles

N/REF.: 793/301/MP-DNAP/10

14<sup>th</sup> May, 2010

**Subject: Reporting IUU activity by the Iranian flagged vessel Payam in Mozambican waters – IOTC Number 4/3689**

Dear Sir,

It is in the remit of our willingness to cooperate with the IOTC and to implement the 1993 Compliance Agreement and the 1995 UN Fish stocks agreement that we are sharing with the IOTC the attached report regarding the arrest of the Iranian flagged fishing vessel named Payam, gillnetter, for illegal unreported and unregulated fishing in Mozambican waters. The vessel is in active standing on the IOTC list of authorised vessels under the number 4/3689 since the 02.07.2007.

The fishing vessel Payam has infringed the Mozambican fisheries law and regulations on four counts; by 1) fishing in Mozambican waters without a valid fishing licence issued by the Ministry of Fisheries (Fisheries law 3/90 article 52.2), 2) entering in Mozambican waters without authorization (Fisheries law 3/90 article 52.2), 3) failing to comply with catch reporting rules, no logbook was present onboard (Fisheries law 3/90), and 4) using illegal fishing gear (Gill net) in Mozambican waters (Fisheries regulation 43/2003 article 48 and 51).

A Ministerial Decision was decreed by the Minister of Fisheries on 23<sup>rd</sup> March, 2010, establishing that the fishing vessel be fined 1.350.000 Mt (eq. USD 45 000), and the gill nets be seized and confiscated. The vessel is impounded until payment of the fine by the owner of the vessel has been received.

You will find attached to the above mentioned report the following supporting documents

- Ministerial decision – definition of fine and accessory sanctions
- Photograph of the fishing vessel, master and crew members
- Copy of the ID card of the master and owners + 2 Iranian certificates + crew member list
- Press Release

We take the opportunity to reiterate our commitment to cooperate with the IOTC and its members and will provide additional information regarding the subject as it arises.

Your sincerely,

The National Deputy Director of Fisheries

  
Manuel Castiano  
(Téc. Superior de N1)





## 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 Mozambican Waters

### 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)	Payam
b	Current Flag (previous flag/s, if any)	Iran
c	Date first included on IOTC IUU Vessel List (if applicable)	
d	Lloyds IMO Number, if available	Not found in vessel documentation
e	Photo	See annex
f	Call Sign (previous call sign, if any)	889500
g	Owner / Beneficial Owner/s (previous owner/s, if any)	Banini
h	Master/Fishing Master	Nacer Aly
i	Date of alleged IUU fishing Activities	26/02/2010
j	Position of alleged IUU fishing Activities	23° 46' S – 35° 29' E
k	Summary of alleged IUU Activities (see section B for more detail)	Infringement of Mozambican legislation - Fishing in Mozambican waters without a valid fishing licence (Fisheries law 3/90 article 52.2) - Fishing vessel entered Mozambican waters without authorization (Fisheries law 3/90 article 52.2) - Failed to comply with catch reporting rules, no logbook present onboard (Fisheries law 3/90) - Use of illegal fishing gear (Fisheries regulation 43/2003 article 48 and 51)
l	Summary of any Actions known to have been taken in respect of the alleged IUU fishing activities	A letter has been sent to the Iranian authority through the Ministry of Foreign affairs. The request for cooperation to the flag state is still without response. Owner was fined 1.350.000 Mt. Fishing gear - drift net 9 km long was confiscated. Fishing vessel impounded in Inhambane port. Fishing vessel to be confiscated if fine not paid.
m	Outcome of Actions Taken	

## Additional information

### Crew

The 13 crew members of FV Payam (see annex) had no identification documents with them. They declared being of Turkish nationality. The list of crew members found onboard is composed of 20 persons and does not match the crew members names present onboard.

### Master

The identification of the master found onboard (cf annex) does not correspond to the identification of the fishing master present onboard. The fishing master present onboard (see annex) had no documentation with regard to his ability and navigation qualification.

### Activity log

No fishing logbook, no engine log and no freezer log were found onboard the FV Payam. Inspection of electronic navigation equipments – all navigation information were deleted off the GPS.

### Catch

The fishing master declared 8 tons of fish were thrown over board due to a breakdown of the freezer system. He declared most of the catches were tuna species without being able to indicate which species of tuna.

### Fishing trip

The fishing master declared the vessel had been authorized to fish in Iranian waters but no Iranian fishing licence issued by the Iranian authority was found onboard.

The fishing master declared they left an Iranian port more than 1 month ago and their fishing trip was to last for 3 months (with 30.000 l of fuel).

The fishing master declared that he generally undertakes fishing operations in Iranian waters and Somali waters, but was unable to present the fishing licences to fish in both waters.

### Other information

Vessel registration number	4/3689
Vessel port of registry	Chilat Shabahar – Iran
Last port of call	Chilat Shabahar – Iran / February 2010 (14/11/1388 Arabic calendar)
Owner address	Shabahar – kunarak – Iran
Fishing gear onboard	1 drift / gill net 9.000 meters – 60 panels
Name of the engine master	Mohamd Ahdla (no identification document)

## 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	
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	X
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	

### Fishing gear

The Payman had a 9 km drift net onboard that contravenes the IOTC resolution 09/05, since the vessel was outside the EEZ of its flag State. It is also noticed that the Iranian flag vessel contravenes the UN resolution 44/225 adopted at General Assembly of the United Nations the 22 December 1989 and resolution 46/215 asking States “(a) Beginning on 1 January 1992, reduce fishing effort in existing large-scale pelagic high seas drift-net fisheries by, inter alia, reducing the number of vessels involved, the length of the nets and the area of operation, so as to achieve, by 30 June 1992, a 50 per cent reduction in fishing effort”.

### VMS

The inspection of the vessel has also concluded that no VMS system was installed onboard the Payam which, in the case of a vessel operating outside of its EEZ contravenes IOTC resolution 06/03 which ask for CPC’s to adopt a satellite-based VMS for all vessels greater than 15 meters LOA registered on the IOTC Record of Vessels which operate in the IOTC Area and which fish on the high seas (outside the fisheries jurisdiction of any coastal state) for species covered by the IOTC Agreement by 1 July 2007.

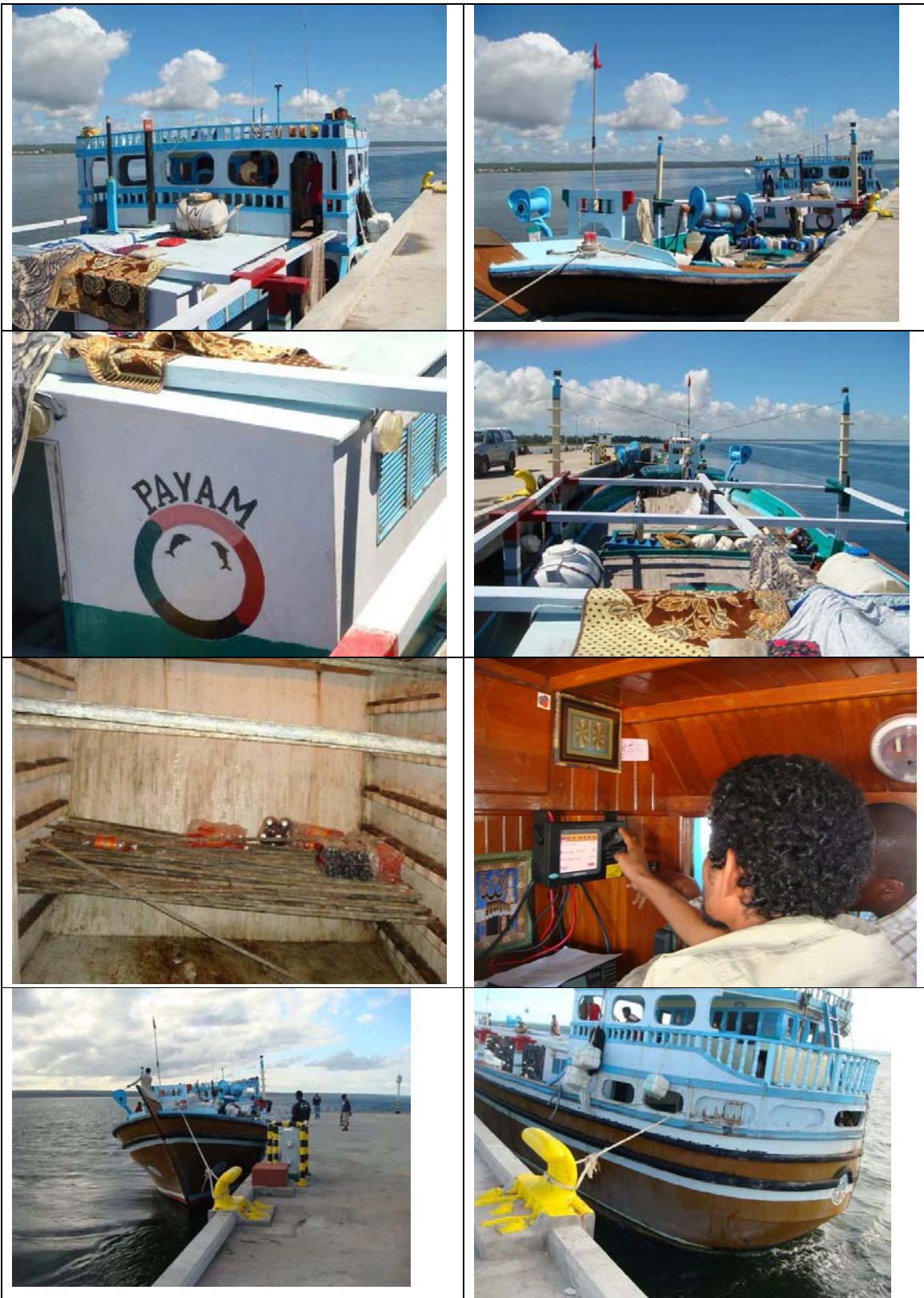
**C. Associated Documents**

- Ministerial decision – definition of fine and accessory sanctions
- Photography of the fishing vessel, master and crew members
- Copy of the ID card of fishing master and owners + 2 Iranian certificates + crew members list
- Press Release

**D. Recommended Actions**

<b>Recommended Actions</b>		<b>Indicate</b>
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

**Photography of the fishing vessel**





**Photography of the crew**



**Photography of fishing master**



Fishing master is the front person with white barb

**Photography of the fishing gear**







Republica de Moçambique  
Ministério das Pescas  
Direcção Nacional de Administração Pesqueira

## **PRESS RELEASE**

**Date: 27 April 2010**

### Mozambique arrests an Iranian-flagged fishing vessel for IUU fishing

**Mozambique / Maputo – Within the implementation of its port state control measures and the SADC IUU Statement of Commitment, the Mozambican Fisheries Authority has arrested an Iranian flagged fishing vessel for illegally fishing in Mozambique’s waters.**

The Mozambican Fisheries Authority has intercepted one Iranian flagged fishing vessel, namely PAYAM, radio call sign 8895500, port of registry in Shilat Chabahar (Iran) after having called to Mozambican port. The vessel has entered inside Mozambican waters without authorization and called Inhambane port the 10 March 2010, where it has been arrested by the fisheries inspectors of the Inhambane Fisheries Provincial Directorate.

During the investigation, the captain has declared, the vessel entered into Mozambican waters from an unknown position after having steamed southward in Malagasy waters before calling to Inhambane port. The captain also declared he was following instructions of the owner of the vessel and from a Nigerian citizen based in Maputo. The captain declared he threw overboard 8 tons of fish and he didn’t know where the fish were caught. The fishing vessel had no logbook onboard and the crew members had no identification documents. A drift net of 9 km long was found onboard and seized by the inspectors.

The owner and the captain of the Payam were fined 45.000 USD for fishing without fishing licence into Mozambican waters, for having no logbook onboard and for having failed to comply with entry/exit EEZ reporting into the Mozambican waters. The 9 kilometres driftnet has been seized and destroyed.

The Mozambican Fisheries Authority is patrolling regularly its waters with the maritime patrol vessel Kuswag under the command of the newly established MCS unit in Beira and participate actively to regional fisheries patrols organized in the framework of the SADC fisheries protocol and the EU funded Regional Fishery Surveillance project managed by the Indian Ocean Commission.

The apprehension of the vessel Payam comes after the Mozambican Authority seized the Namibian-flagged longliner, Antillas Reefer in 2008 for fishing illegally in the Mozambican waters. This apprehension demonstrates the commitment and the determination of the Mozambican government to eradicate IUU fishing in the Southern part of the Indian Ocean. To increase its control and surveillance effort, the Ministry of Fisheries is considering to renovate the Antillas Reefer into a modern long range patrol vessel in order to patrol its EEZ more efficiently with the objective to contribute actively to the eradication of IUU fishing activities in its waters and the Region.

Note to editors:

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The Iranian fishing vessel berthed in the port of Inhambane



The 9 km seized drift net