
COMPLEMENTARY ELEMENTS FOR DISCUSSION UNDER ITEM 4 OF THE AGENDA FOR THE COMPLIANCE COMMITTEE

Prepared by IOTC Secretariat, 05 SEPTEMBER, 2020

PURPOSE

To bring to the attention of the Compliance Committee the actions undertaken by CPCs during the last intersessional period to address fishing practices that undermines the effectiveness of conservation and management measures of the Indian Ocean Tuna Commission.

INFORMATION REPORTED TO THE IOTC SECRETARIAT

1. Information with regards to three Sri Lankan flagged vessels:
 - Attachment 1 – Information on the vessel, IMUL-A-0204-MTR (DINESH 03), submitted by the UK (“BIOT”) in March 2020.
 - Attachment 2 – Information on the vessel, IMUL-A-0868-CHW (CHAMARA PUTHA), submitted by the UK (“BIOT”) in July 2020.
 - Attachment 3 – Information on the vessel, IMUL-A-0063-KMN, submitted by the UK (“BIOT”) in July 2020.
2. Information with regards to a vessel flagged to Taiwan, Province of China:
 - Attachment 4 – Information on the vessel, YONG QING FA No. 666, submitted by South Africa in August 2020.

RECOMMENDATION/S

That the CoC17:

- 1) **NOTE** paper IOTC–2020–CoC17–07a, which describes four incidences of illegal fishing activities that took place in the waters of the two CPCs, within the IOTC Area.
- 2) **NOTE** the actions that Sri Lanka and Taiwan, Province of China, have taken against the vessels involved in these incidences.
- 3) **NOTE** the effectiveness of the bilateral relationship established between Sri Lanka and the UK (“BIOT”) with the objective of combatting IUU fishing activities.
- 4) **RECOMMEND** that South Africa keep CPCs informed on the progress and outcome of the criminal proceedings against the owner and/or master of the vessel.
- 5) **RECOMMEND** that Taiwan, Province of China, cooperate with the authorities of South Africa by providing information that will assist the latter in this criminal investigation.
- 6) **RECOMMEND** that Taiwan, Province of China, provide information to the Compliance Committee on the timeframe and nature of the violation that was committed under its legal framework.
- 7) **RECOMMEND** that CPCs continue to provide the Compliance Committee with information of actions they undertake to combat fishing practices that undermines the effectiveness of conservation and management measures adopted by the Indian Ocean Tuna Commission.



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

20 March 2020

cc. Ms Anne-France Mattlet, Chair of the Compliance Committee;
Mr Kumara; Ms K Hewapathinara; Ms G. Chandrasiri. DFAR, Sri Lanka

Dear Dr O'Brien,

Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged vessel IMULA 0204 MTR (Dinesh 3)

As required in paragraphs 5 and 6 of Resolution 18/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying correspondence with Sri Lanka for the Sri Lankan flagged vessel IMULA 0204 MTR (Dinesh 3). Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities who have taken action against the owner under the provisions of national fisheries legislation (FARA 1996/2016).

We are satisfied that sanctions of adequate severity have been taken by the flag State in respect of the owner of this vessel. We note that the vessel has been released on the condition that it undertakes no high seas fishing and that it is prioritised for installation of VMS. We request that the Sri Lankan Authorities report to the Compliance Committee when installation of the VMS occurs.

We consider the actions taken in respect of the skipper to be inadequate but note that such administrative powers that are currently available to deal with the skippers of IUU vessels have been applied. We note the intention of Sri Lanka to update its Fisheries Act in respect of the sanctions available to it against vessel operators (skippers).

Noting the effective bilateral relationship established with Sri Lanka, and their firm and demonstrated commitment to combat IUU perpetrated by vessels flagged to Sri Lanka we recommend '(b) Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State'.

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

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees', is written over a light blue circular stamp.

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

Enclosed: IOTC Reporting form for Illegal Activity, IMULA 0204 MTR (Dinesh 3)



IOTC Reporting form for Illegal Activity

Recalling IOTC Resolution 18/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by UK(OT) in British Indian Ocean Territory.

A. Details of Vessel

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	DINESH 3
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	N/A
e	Photo	Yes
f	Call Sign (previous call sign, if any)	4SF4158
g	Owner (previous owner/s, if any)	A W P Gamini Mahinda
h	Operator (previous operator/s, if any) and Master/Fishing Master	J A S Kumara
i	Date of alleged IUU fishing activities	15/06/2019 12:00
j	Position of alleged IUU fishing activities	03 54' S 68 49' E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing without a licence in BIOT water. The vessel also only had a fishing licence for operating within the local EEZ. No VMS present. Using prohibited long line and bait on deck including tools. Gill nets also stowed.
l	Summary of any Actions known to have been Taken in respect of the alleged IUU fishing activities	The vessel was approached, photographed and boarded. Details checked, boarded a second time.
m	Outcome of Actions taken	Following approach and boarding the vessel was detained and escorted to Diego Garcia.

B. Details of IOTC Resolution Elements Contravened

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

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

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

C. Associated Documents

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

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

D. Recommended Actions

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

Appendix I – Photographs.



INSPECTION REPORT – YB/04/2019

1 Summary

Date of boarding	15/06/2019
Patrol type and number	FIPA 69
Vessel name	DINESH 3
Vessel type	MULTIPURPOSE
Vessel flag and port of reg.	SRI LANKA, DEWINUWARA
Vessel Registration No.	IMULA 0207MTR, CALL SIGN
IOTC# (if registered)	NO
Vessel Captain's name	J A S KUMARA
SFPO	Yolanda Barnes
BPV crew assisting	James Ward
<u>Action Taken:</u> Vessel issued with detention notice and taken to DG	

2 Initial sighting details (from Initial Target Sighting Form)

Date and time of first sighting	15/06/2019 12:00 (DD/MM/YY HH:MM)				
Sighted by	James Ward	Radar	Y	Visual	Y
Position of target 1	03 54' S 68 49' E				
Course	None clear				
Speed	2.0 kts				
Range	6.1 nm				
Bearing	336 degrees				
Comments: FV initially travelling about 2kts and no exact heading, once BPV sighted, heading became apparent to head west, speed increased to 7kts and smoke visible from vessel as speed increased.					
Fisheries Pennant and Sierra Quebec 3 Raised	15/06/2019 12:16 (DD/MM/YY HH:MM)				
Vessel called on VHF CH16 and/or MF 2182.0	15/06/2019 12:45 (DD/MM/YY HH:MM)				
Target requested to stop and prepare for boarding	15/06/2019 Hailed from DC and BPV via VHF 12:50				
Response to request for boarding	None, no radio on board				

3 Launching of RHIB

Time RHIB launched	15/06/2019 12:32 (DD/MM/YY HH:MM)	
RHIB crew	Donald, William, James Ward, Yolanda Barnes	
Comments on the approach to the FV: Vessel ceased transit and reduced speed, crew came to deck, DC circled vessel twice to take photos and assess clear boarding area. Crew/captain agreed to allow boarding from SB side via verbal communications. BPV boarded vessel with no issues or hostility.		
Photographic Evidence Collected (See Annex 1).	Port	Y
	Starboard	Y
	Stern	Y
	Fishing gear	Y
	Other	Hold, deck, fish in hold, fresh fish, nav equipment, vessel documents

4 Boarding details

Date and time vessel boarded	15/05/2019 13:00 (DD/MM/YY HH:MM)		
Position vessel boarded	3 54.121'S 68 41.843'E		
Boarding party team	James Ward		
Language spoken	English, Sinhalese (good English)		
Language Cards used Y/N	N	Numbers used	N/A

4.1 Crew details

Vessel Master name	J A S Kumara	
Vessel Master nationality	Sri Lankan	
Vessel Master address	Kupugama West, Devinuwara	
Vessel Master D.o.B	13/06/1990	(DD/MM/YY)
Number of crew (including captain)	5	
Vessel crew nationality	Sri Lankan	
Are any crew under 18 (Y/N), if 'Y' provide details below.		N/A
Do any crew have health issues (Y/N), if 'Y' provide details below.		N/A
Observations: None stated. One crew member missing large toe, but was healed and walked with no issues. All appeared healthy and with no visible disabilities.		
Photographic Evidence Collected (See Annex 1).	Captain ID	Y
	Other crew id	Y
	Other	Documents detained by SFPO

4.2 Vessel registration and paperwork

Fishing licence present (y/n) and number if relevant	Y: IMULA 0204 MTR Valid for Sri Lankan waters only.
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Fishing licence date of issue, expiry and issuing authority	01/12/2018 – (DD/MM/YY) 28/12/2019 Department of Fisheries and Aquatic Resources, Sri Lanka	
FV owner name (as per licence)	A W P Gamini Mahinda	
FV owner details (as per licence)	Gunapala MW, Devinuwara	
Fishing logbook present (y/n) and number if relevant	Y LB_17 4175	
Issuing authority	Department of Fisheries and Aquatic Resources, Sri Lanka	
Date of last entry	April 2019	
Position of last entry	10 50'S 83 10'E	
Other paperwork: <i>Telecommunications regulatory commission of Sri Lanka</i>		
Photographic Evidence Collected (See Annex 1).	Licence	Y
	Logbook	Y
	Other	Y

4.3 Information from Captain

Time of discussion with captain	13:01 (HH:MM)
Captain's rights read and understood?	N/A
FV Port of departure	Dewinuwara
Date of departure	23/05/2019 (DD/MM/YY)
Travelling to or from fishing grounds?	Unknown
Amount of fish onboard (t)	Unknown
If fish onboard where caught?	Unknown
If fish onboard when caught?	Unknown, captain stated previous day for the fresh tuna
If fish onboard how caught?	Longline
Destination	Dewinuwara/Sri Lanka
Port of return	Dewinuwara/Sri Lanka
Anticipated date of return	25/06/2019 (DD/MM/YY)
Skipper stated it was his first time on board as skipper, admitted to not filling in fish log, they were to return to Sri Lanka in 10 days time prior to leaving on 23/05/2019. He commented that fishing had only began yesterday despite having a full hold (I believe he did not really understand the question).	

4.4 Vessel inspection

Fishing gear type		Longline and gill nets	
Comments: Long line and gill nets. However, skipper said he did not have gill nets, again I do not believe he understood the reference. Long lines were situated on for deck next to shooting reel, bait barrels on deck and tools. All hooks set up and ready to be shot. Gill nets were stowed in front of wheel house wrapped in black canvas bags/sheets			
Catch onboard (estimated t)		Unknown, no fish log	
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	Unknown

Full middle hold, tuna species shown after ice broken.		
5 fresh YFT in hold forward of this wrapped in hessian, one smaller tuna, species unknown.		
Comments: 5 large YFT tuna stowed in 'cold store' in front of iced hold. 2 wrapped in hessian and 3 hidden under food stores along with a smaller tuna species (no ID). YFT was lifted onto deck by crew and examined by SFPO and James, due to looking very fresh. Blood poured from the fish when brought to deck. Gills were bright red, blood bright red, pec fins cut and tail fins, both red with fresh blood. Eyes were transparent, black pupil and soft but firm to touch, pigment of skin was bright and no change from original colour. Hole from hook in the mouth visible. Fish was clearly caught within the last few hours.		
Photographic Evidence Collected (See Annex 1).	Gear	Y
	Catch	Y
	Hold	Y
	Other	Bait in barrels and bait fish in forward/aft holds.

5 List of violations ("X" marks non-compliance otherwise leave blank)

5.1 BIOT ordinance violations

Fishing without a licence	x
Fishing with prohibited fishing gear	x
Possession of prohibited fishing gear	x
Obstruction of a fisheries patrol officer	
Possession of sea cucumbers or molluscs	
Traversing or landing on an SNR	
Comments: Marlin head showed red gills and convex eye (freshness score 2/3) indicating recently caught.	

5.2 IOTC CMM violations

Vessel not marked with name or callsign	
Fishing gear not marked with name or callsign	X
No VMS	X
VMS not tamperproof	N/A
No state issued logbook	X (present, not maintained)
No state issued licence	X (Local EEZ only)
Possession of drift net over 2.5km.	
Not on the IOTC authorised list	X
Not on the IOTC Record Active Tuna / Swordfish	X
No turtle de hooker on board	X

Comments:
Large hook used to lift tuna from hold, but none other seen.
Tools on green padding of 2 nd hold cover as soon as vessel was boarded. Next to hooks and line on deck. Hook/line barrels next to shooting reel on SB side.
Line/hooks were not wet however, very possible for any gear to be cut immediately without evidence.

6 SFPO actions

Vessel and Master detained and escorted to DG	Y
FPN issued and catch and gear seized	N
IOTC Reporting Form to be completed (Res: 11/03)	Y
Master given verbal warning and released	N
No further action, vessel released	N/A
Comments: During inspection of the vessel, crew on BPV noted 2 white floats in the water (no images) in a very close location to where the vessel was first sighted. A position was logged by 2/o on bridge of BPV. The floats were 200-250m apart, floats passed close to portside of BPV, no other descriptions were noted. SFPO and boat crew returned to BPV, IOTC register checked and information exchanged. Fishing vessel was then boarded for a second time. Skipper had previously admitted gear was in the water but was '71 miles away' to the west. On second boarding skipper was asked about gear that was found by BPV and SFPO asked for the position to be put into his plotter. He denied this was his gear after being asked several times, told the gear was in almost the same position as his prior to changing heading and increasing his vessel speed. SFPO asked skipper to take the vessel to the floats and to recover them, but he continued to deny they were his. Before departed skipper was given one last chance to recover gear stating that SFPO needed to recover the gear and if he did not and it was his he would not get it back. He still denied ownership.	

7 Disembarkation and recovery

Time FV disembarked	15:11	(HH:MM)
Time Workboat recovered to the BPV	15:15	(HH:MM)
Comments: FV given boarding receipt, instruction to follow the vessel in transit to Diego Garcia. No resistance and vessel was seen to start engine as DC was returning to BPV. Vessel then followed ft of BPV.		

8 Vessel records and history

Vessel on IOTC register (Y/N)	N	IOTC number	N/A
Vessel on IOTC Record Active Tuna / Swordfish (Y/N)			N
Version of IOTC database referenced:			IOTC_positive_list_2018-06-04
Vessel previously boarded (Y/N)	N	Inspection report ID	N/A
Master previously boarded (Y/N)	N	Inspection report ID	N/A
Owner previously boarded (Y/N)	N	Inspection report ID	N/A
Crew previously boarded (Y/N)	N	Inspection report ID	N/A
Comments: Unknown if vessel was previously boarded, not seen in recent history.			

**Yolanda Barnes
BIOT Senior Fisheries
Protection Officer
15/06/2019**

Appendix III – Notification of Investigation and Request for Cooperation



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Geethamali Chandrasiri
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17 June 2019

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

Cc: Director General dgd@dfar.gov.lk;
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Nuwan Gunawardana nuwan54@gmail.com;
Kalyani Hewapathirana hewakal2012@gmail.com

Dear Dr Chandrasiri,

Request for Confirmation of Ownership of the Sri Lankan vessel IMUL-A-0207-MTR (note, on some paperwork the number is IMUL-A-0204-MTR).

The Sri Lankan flagged vessel **DINESH 3 IMUL-A-0207-MTR**, (IOTC0011402 (current authorisation expired 11/08/2015)) is currently the subject of a criminal investigation into suspected fishing activities. In order to complete the investigation, the BIOT Administration needs to be clear as to the accurate details of the registered owner before a final decision on any course of action can be taken. At this stage our investigations into the possible activities of this vessel are preliminary, no finding has been made by the Administration of any such activity.

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

Source	Owner Name / Address
IOTC Record of Active Vessels for IMUL-A-0207-MTR	TH NISHSHANKA SURATHA, PALUWATTA, GANDARA

Please can you confirm the ownership details for the vessel? We would be grateful for a formal signed response with a DFAR letterhead, which can be scanned and sent by email as soon as possible.

There was no VMS unit visible onboard, the captain also stated the vessel did not possess one. However, in case this is not the case, please could you supply any VMS records for the recent trip that could provide information in relation to the vessel's movements. It is predicted that the vessel will arrive in Diego Garcia 19/06/2019.

This vessel may be operating as part of a group who are involved in IUU fishing activity. It may be that it is already known to you and is a subject of interest either alone or as a result of it operating with others. We would be grateful for an early indication of whether you plan to request that Sri Lankan authorities deal with the vessel if it is confirmed that it is in violation of the fisheries regulations of Sri Lanka.

Thank you for your cooperation.

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Yours sincerely

A handwritten signature in blue ink that reads 'Linsey Billing'.

Linsey Billing
BIOT Director of Fisheries

A handwritten signature in blue ink that reads 'C.C. Mees'.

Dr Christopher Mees
Head of UK Delegation to IOTC

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My No.

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உமது இல. }
Your No.

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

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BIOT Director of Fisheries

Dr Christopher Mees

Head of UK Delegation to IOTC

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දිනය
திகதி } 18/06/2019
Date

Confirmation of Ownership of the Sri Lankan vessel IMUL-A-0207-MTR (note, on some paperwork the number is IMUL-A-0204-MTR).

This is reference to your letter dated 17/06/2019 requesting confirmation of the ownership details of the Sri Lankan flagged vessel which is currently under criminal investigation into suspected fishing activities in the BIOT/UKOT waters.

I would like to confirm that the exact registration number you are referring is IMUL-A-0204-MTR and the details of the owner is as follows. Further I would like to ensure that IMUL-A-0207- MTR is currently anchored in the fishery harbor Devinuwara in Sri Lanka.

Owner of the vessel	Source of information
A.W.P.GAMINI MAHINDA, "DINESH", GUNAPALA MAWATHA, DEVINUWARA	DFAR Vessel registry, DEAR operation license registry – Copy of the documents attached

The owner has been permitted to operate only within the EEZ of Sri Lanka. But however it is obvious that he has violated the law. Sri Lanka has legal provisions to take legal actions for such violations under the FARA No. 02 of 1996 and the amendments. With regard to the VMS information, as this vessel has been permitted to operate only within the EEZ of Sri Lanka, the VMS is not mandatory equipment at the point of departure of such vessel.

Therefore we much appreciate if you could send the vessel and the crew on board to Sri Lanka with your investigation reports and proven documents enabling this Department to proceed ahead on this matter.

Your continuous support of providing information on the vessels of Sri Lanka those engage in illegal fishing activities in BIOT/UKOT waters is encouraged.

Thank you
Yours Sincerely

Ginige Prasanna Janaka Kumara
Director General

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



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2. මසුන් අල්ලනු ලබන කාල සීමාව : වසර පුරා

මුහුදු ක්ෂීරපායීන්, කැස්බෑවුන්, කස මෝරුන්, මුහුදු පක්ෂීන් විශේෂ ඇල්ලීම් සත්ත්‍යයන් තබා ගැනීම, ප්‍රවාහනය හා ප්‍රති නැව්ත කිරීම සම්පූර්ණයෙන්ම තහනම් වේ. මහ මුහුදේ ස්ථාපනය කොට ඇති දත්ත බෝයාවල (data buoys) සිට අරය කි.මී. එකක් (01) ඇතුළත ප්‍රදේශයේ ධීවර මෙහෙයුම් සිදු නොකළ යුතුය. AIS උපකරණ භාවිතා කරන්නේ නම් අධ්‍යක්ෂ ජනරාල්ගේ පූර්ව අනුමැතිය ලබා ගත යුතුය.

දිනය : 2018.12.26

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ගා.ප.ට.

Vessel Registration Certificate

107

Boat Registration No **IMUL-A-0204MTR**

Certificate Serial No **40757**

Date of First Registration **17-Sep-03**

Vessel Material **FRP**

Year of Manufacture **2002**

Length **40.5** Feet

Engine No **121781** Engine Type **Ashok Leyland**

Horse Power **52**

Boat Yard **SEELANI BOAT YARD** Boat Yard No. **SLB-120**

Owner Details

Name	Address	National ID	Effective Date
MAHINDA AWP	DINESH, GUNAPALA MAWATHA, -, DEVINUWARA	703123422V	14-Nov-12

Insurance No **PRO/MAT/2/00448**

Insurance Date **30-Nov-10**

1. Port Name **Puranawella**
2. Port Name **Not available**

Date

2019/06/18

For Director General
Department of Fisheries and Aquatic Resources

U. A. Hettiarachchi
Fisheries Inspector
Dept of Fisheries & Aquatic Resources

Registration Certificate recieved

Signature of Applicant

Management Division - Vessel Registry Unit
Tuesday, June 18, 2019



18 Queen Street
London
W1J 5PN
United Kingdom

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

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

03 July 2019

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

Dear Mr. Ginige Prasanna Janaka Kumara,

Release of the Sri Lankan Fishing Vessel Dinesh 3 (IMUL-A-0204-MTR).

Thank you for your letter dated 18th June 2019 confirming the ownership and licensing details of the above referenced vessel.

The vessel had not filed a transit report to the British Indian Ocean Territory (BIOT) Administration.

The vessel was seen within the BIOT Marine Protected Area (MPA) which prohibits any commercial fishing. The speed and movement of the vessel was considered suspicious and so the vessel boarded and inspected on 15 June 2019 by the BIOT Senior Fisheries Protection Officer (SFPO).

During inspection, the vessel was found to have tuna products on board, the SFPO found five yellowfin tuna that appeared to have been freshly caught as, amongst other things, they were still bleeding and the gills were bright blood red. No record of the vessel could be found on the IOTC Record of Authorised Vessels, nor did it have VMS on board. There was unmarked fishing gear onboard, some of which was not properly stowed. The vessel did have a logbook onboard but there were no entries recorded in it since 23rd March 2019. The vessel did not have a flag state license for operating in the high seas.

The vessel was required to go to Diego Garcia to enable the authorities to carry out a full investigation into its activities. It arrived in Diego on the 19th June and was subjected to a police investigation. At the end of the investigation the Master and vessel were released. The Master was advised that, whilst no criminal proceedings would be brought against him in BIOT, the above information would be passed to DFAR and they would be likely to take such action as you would consider appropriate in the circumstances.

The vessel was escorted from Diego Garcia on 20 June 2019 at 12:58 and the Master estimated that it would take 11-12 days to return to Sri Lanka

We would like to request that, DFAR take such action as they can against the owner / Master/ of this vessel so as to encourage him and others to act in compliance with both IOTC CMMs and obligations under flag state laws.

MRAG Ltd
Registered Company no. 291 2982
VAT Registration No 877 7013 92

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



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

Yours Sincerely

A handwritten signature in black ink that reads 'C.C. Mees'.

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

A handwritten signature in black ink that reads 'Linsey Billing'.

Linsey Billing
BIOT Director of Fisheries

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

27 September 2019

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

Dear Mr. Ginige Prasanna Janaka Kumara,

Confirmation of actions taken in respect of Lakna Dhee (IMUL-A-0641-KLT) and Dinesh 3 (IMUL-A-2024-MTR)

The BIOT Administration would kindly request details of actions taken by DFAR in respect of the two Sri Lankan flagged vessels Lakna Dhee (IMUL-A-0641-KLT) and Dinesh 3 (IMUL-A-2024-MTR) previously notified to you.

In our letters of 12 April 2019 and 3 July 2019, we requested that, DFAR take such action as they can against the Owners / Masters of these vessel so as to discourage them and others from entering BIOT waters and engaging in illegal fishing activity. Please could you provide an update on actions taken with respect to these two vessels and provide any relevant supporting evidence.

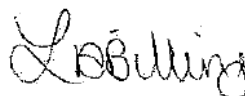
We would like to thank Sri Lanka as flag State for the continued bilateral assistance in combatting the threat of IUU fishing in the Indian Ocean.

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

Yours Sincerely



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



Linsey Billing
BIOT Administration, Director of Fisheries

තැ. පෙ.
த. பெட்டி
P. O. Box

531

දුරකථන
தொலைபேசி
Telephone

446183
(3 lines)

අධ්‍යක්ෂ ජනරාල් කාර්යාලය
பணிப்பாளர் நாயகத்தின் அலுவலகம்
Office of Director General

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தொலை நகல்
Fax No.

449170

මගේ අංකය
எனது இல.
My No.

DFAR/DFO/BIOT-2019

ඔබේ අංකය
உமது இல.
Your No.

ධිවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව

கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

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

දිනය
திகதி
Date

24/10/2019

Linsey Billing – BIOT Administrator
Dr C.C. Mees - Head of UK(OT) Delegation to IOTC
18 Queen Street
London, W1J 5PN
United Kingdom

Dear Madam,

**Confirmation of actions taken in respect of “Lak Nadhee” (IMUL-A-0641 KLT),
“Chathuranga 2” (IMUL-A-0541 KLT), “Dinesh 03” (IMUL-A-0204 MTR)**

This is in reference to your letters dated on 27th September 2019 requesting confirmation of the actions taken in respect to the vessels reported in BIOT waters.

Please find the relevant information in the table provide in Annex I.

Your continuous support of providing information of the Sri Lanka vessels those engage in irresponsible fishing activities in BIOT waters is highly appreciated.

Thank you
Yours sincerely

Ginige Prasanna Janaka Kumara
Director General

Annex I

S/N	Vessel Name	Reg. Number & IOTC Number at the time of arrest	Date of reported from BIOT	Arrived date to SL	Initial Actions taken	Legal Actions taken	Case Number	Status at the end of the Month
1	LAK NADHEE	IMUL A 0641 KLT IOTC14850	27.03.2019	12.04.2019	1. Detained the vessels immediately after 2. Summon the skipper and the crew to the Head office DFAR and conduct an inquiry with the presence of the vessel owner. 3. Suspend the fishing operation license, Skipper license and seize the registration book and the log book issued to the vessel.	i. Initiate court case in MC Colombo under 14 a sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013 ii. Hon. Magistrate summoned to retain the vessel under the Dept. of Coast Guard iii. Accused accept the guilty and request for settlement under 52 sentence of FARA No. 2 of 1996	10087/5/19	Pending for administrative penalty
2	CHATHURANGA 2	IMUL A 0541 KLT IOTC14383	28.08.2019	08.09.2019	1. Detained the vessels immediately after 2. Summon the skipper and the crew to the Head office DFAR and conduct an inquiry with the presence of the vessel owner. 3. Suspend the fishing operation license, Skipper license and seize the registration book and the log book issued to the vessel.	i. Not taken action against the boat owner due to certificate of conviction issued by MC in Diego Garcia. ii. The owner of the vessel has informed to settle the penalty imposed by MC Diego Garcia	N/A	N/A
3	DINESH 03	IMUL A 0204 MTR	07.06.2019	06.07.2019	1. Detained the vessels immediately after arrival to the port and keep under the supervision of Coast Guard Department. 2. Summon the skipper and the crew to the Head office DFAR and conduct an inquiry with the presence of the vessel owner. 3. Suspend the fishing operation license, Skipper license and seize the registration book and the log book issued to the vessel.	i. Initiate court case in MC Colombo under 14 a & 14 f sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013 ii. Hon. Magistrate summoned to retain the vessel under the Dept. of Coast Guard iii. Accused accept the guilty and request for settlement under 52 sentence of FARA No. 2 of 1996	12553/5/19	Pending for administrative penalty



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

24 February 2020

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

Dear Mr. Ginige Prasanna Janaka Kumara,

Request for updated status of the cases relating to: IMULA 0641 KLT (Lak Nadhee); IMULA 0204 MTR (Dinesh 3); IMULA 0541 KLT (Chathuranga 2); IMULA 0096 KLT.

Thank you for your letter of 26 December 2019 providing updated details of actions taken by DFAR in respect of the three Sri Lankan flagged vessels IMULA 0641 KLT (Lak Nadhee); IMULA 0204 MTR (Dinesh 3); IMULA 0541 KLT (Chathuranga 2).

The 70-day deadline for submission of vessels to the IOTC draft IUU vessels list is 22 March (effectively Friday 20 March). We are writing to ask if you can provide us with further details in advance of that deadline **by 13 March 2020** as follows:

IMULA 0641 KLT (Lak Nadhee)

1. We assume that it was the Owner that was prosecuted - Please confirm?
2. Has the administrative penalty of SLR150,000 now been paid?
3. Is this vessel still detained at the port and the subject of impounding by the Sri Lankan Authorities? If it has been released, under what conditions?
4. Does the Master/ Skipper's fishing operation licence remain suspended? Under what circumstances and when will you cease these actions?

IMULA 0204 MTR (Dinesh 3)

1. We assume that it was the Owner that was prosecuted - Please confirm?
2. Has the administrative penalty of SLR400,000 now been paid?
3. Is this vessel still detained at the port and the subject of impounding by the Sri Lankan Authorities? If it has been released, under what conditions?
4. Does the Master/ Skipper's fishing operation licence remain suspended? Under what circumstances and when will you cease these actions?

IMULA 0541 KLT (Chathuranga 2)

1. Please provide details of the outcome of the trial of the owner held on 17 February 2020.
2. Your letter dated 26 December 2019 indicates '*Boat was released on SLR 3million bond*' and '*The vessel is detained with the Coast Guard at Beruwala Harbour since the date of arrived to Sri Lanka*'. Please confirm which is correct?
3. Please clarify if the skipper is also being prosecuted or if any such prosecution would be for a future offence (refer to your note at the bottom of the table on page 1 of your letter of 26 December 2019). If the skipper is being prosecuted.
4. Does the Master/ Skipper's fishing operation licence remain suspended? Under what circumstances and when will you cease these actions?

IMULA 0096 KLT

1. We refer to our letter dated 28 January 2020.

We would be grateful for you to provide us with a full update of all of the actions that you have taken, are in the process of taking or intend to take in these cases. This will allow us to consider the submissions that we shall make to the IOTC Compliance Committee as to whether your actions constitute measures of adequate severity which will allow us to conclude that it would not be necessary for us to ask for the vessel to be placed on the IUU list.

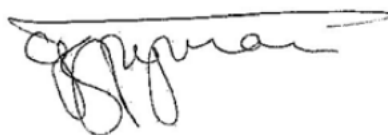
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If you have any questions or require assistance please do not hesitate to contact myself (c.mees@mrags.co.uk) or James Moir Clark (j.clark@mrags.co.uk). We look forward to your continued cooperation.

Yours Sincerely



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



Christopher (Kit) Pyman
BIOT Administration, Director of Fisheries

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த. பெட்டி
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தொலைபேசி (3 lines)
Telephone

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பணிப்பாளர் நாயகத்தின் அலுவலகம் 472187
Office of Director General



ෆැක්ස් අංකය 449170
தொலை நகல் 449170
Fax No.

මගේ අංකය
எனது இல. DFAR/DFO/BIOT-2019
My No.

ඔබේ අංකය
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Your No.

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கடற்றொழில், நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

E-mail : depfish@diamond.lanka.net

Web : www.fisheriesdept.org

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

දිනය
திகதி 12/03/2020
Date

Dr C.C. Mees - Head of UK(OT) Delegation to IOTC
18 Queen Street
London, W1J 5PN
United Kingdom

Dear Sir,

Updated status of the cases relating to: IMULA 0641 KLT (Lak Nadhee); IMUL 0204 MTR (Dinesh 03); IMULA 0541 KLT (Chathuranga 2) and IMULA 0096 KLT.

This is in reference to your letters dated 24th February 2020 on the above.

The current status of the above four Sri Lanka fishing vessels reported in BIOT water in year 2019 and 2020 are given in the Table 01 annexed hereto.

Thank you
Yours sincerely

Ginige Prasanna Janaka Kumara
Director General

Copy : Linsey Billing – BIOT Administrator

Page 24 of 25

Table 01 : Updated status of the cases relating to: IMULA 0641 KLT (Lak Nadhee); IMUL 0204 MTR (Dinesh 03); IMULA 0541 KLT (Chathuranga 2) and IMULA 0096 KLT.

S/N	Vessel Name,	Registration & IOTC No at the time of arrest	Date of reported from BIOT	Arrived date to Sri Lanka	Response for the Query
01	LAK NADHEE IOTC14383	IMUL-A-0641 KLT	27.03.2019	12.04.2019	<p>01. We confirmed that the owner is proceeded.</p> <p>02. The Administrative Penalty (AP) is not paid. Although the vessel released under SLR 3million bond. The Owner has not depart for fishing due to the fishing gears have taken to custody by BIOT authorities.</p> <p>03. The Vessel still detained at fishery harbor under the supervision of Department of Coast Guard.</p> <p>04. The owner himself has operated the vessel and therefore the owner and the skipper are same person with regard to this vessel.</p> <p>Note: The Investigation Division of DFAR informed the vessel owner to pay AP imposed.</p>
02	DINESH 03	IMUL-A-0204 MTR	07.06.2019	06.07.2019	<p>01. We confirmed that the owner is proceeded.</p> <p>02. Administrative penalty has paid.</p> <p>03. Since the administrative penalty is paid. The Vessel is released.</p> <p>Conditions:</p> <p>a. The owner is strictly advised not to use the vessel for high seas fishing.</p> <p>b. The vessel is included to priority list of next VMS installation.</p> <p>04. As per the FARA 1996, legal actions can only be taken against the vessel owner. Therefore the suspension of Skipper license is removed.</p> <p>Note: The draft amended act to include the provision to prosecute the skipper is currently processing at the Legal Draftsman Department. Once the said Act, enacted DFAR would be able to prosecute the skippers.</p>



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

21 July 2020

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

Dear Dr O'Brien,

Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged Vessel IMUL-A-0868-CHW

As required in paragraphs 5 and 6 of Resolution 18/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting IUU fishing activity for the Sri Lankan flagged vessel IMUL-A-0868-CHW. Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities who have taken action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2013).

The attached evidence shows that:

- The vessel was on not on the current IOTC Record of Authorised Vessels and was not licenced to fish on the high seas
- The vessel was transiting BIOT waters.
- Sri Lanka has detained the vessel in port under, suspended the fishing operation licence, skipper licence and seized the registration and log books.
- A trial date has been set for 15 July 2020.

We submit this vessel to IOTC Compliance Committee with recommendation b) '*Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.*'. We recommend that Sri Lanka informs the Compliance Committee of the outcome of sanctions against this vessel owner and skipper.

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

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees', is written over a light blue circular stamp.

Dr C.C. Mees
Head of UK(OT) Delegation to IOTC
Enclosed: IOTC Reporting form for Illegal Activity, IMUL-A-0868-CHW

ANNEX I

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by [name of CPC, third party] in [area in which the activity took place]

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)	Chamara Putha IMUL-A-0868-CHW
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	Unknown
e	Photo	Yes, See Appendix I
f	Call Sign (previous call sign, if any)	Unknown
g	Owner (previous Owner/s, if any)	PSP Fernando
h	Operator (previous Operator/s, if any) and Master/Fishing Master	Unknown
i	Date of alleged IUU fishing activities	22/04/2020
j	Position of alleged IUU fishing activities	Lat: 03.15.8 (S) Long: 073.57.4 (E)
k	Summary of alleged IUU activities (see section B for more detail)	No transit reports had been received for this vessel. The vessel is on the IOTC Active vessel database however, the authorisation date expired on 31/12/2019. It was clear from the photographs that the vessels gear was not marked.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Vessel approached and photographed from BPV bow.
m	Outcome of actions taken	No action taken

B. Details of IOTC Resolution Elements Contravened

(Indicate with a “X” the individual elements of IOTC Resolution 18/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

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

Item	Definition	Indicate
a.	engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04 [superseded by Resolution 19/04], nor recorded in the Active list of vessels; or	X
b.	engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	
c.	failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	
d.	taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	
e.	engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	
f.	used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	
g.	transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	
h.	engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	
i.	engaged in fishing or fishing related activities whilst being without nationality; or	
j.	engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	X (gear markings)
k.	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	



C. Associated Documents

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

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

Appendix IV – Request for Clarification and Response from DFAR

D. Recommended Actions

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

Appendix I – Photographs.



Figure 1: Vessel photo, starboard side



Figure 2: Vessel name/registration number



Figure 3: Vessel bridge roof, unmarked gear



Appendix II – Inspection Report

BIOT INSPECTION REPORT – JGC-004-02-2020

1. SUMMARY

Date of boarding	22/04/2020
Patrol type and number	FIPA 87
Vessel name	Chamara Putha
Vessel type	MU
Vessel flag and port of reg.	LKA
Vessel Registration No.	IMUL-A-0868-CHW
IOTC# (if registered)	17212 (31/12/2019)
Vessel Captain's name	Unknown
SFPO	John Caddle
BPV crew assisting	David Laing
Action Taken:	

2. INITIAL SIGHTING DETAILS (from Initial Target Sighting Form)

Date and time of first sighting	22/04/2020 1135 (DD/MM/YY HH:MM)			
Sighted by: (insert name)	Killian Hickey	Radar	X	Visual
Position of target	Lat: 03.15.8 Long (S) 074.57.4 (E)			
Course	084			
Speed	7.6			
Range	6.8			
Bearing	309			
<u>Comments:</u> Vessel was transiting within the BIOT EEZ. No transit report had been received so the vessel was approached and photographed from the deck of the BIOT Patrol Vessel.				
Fisheries Pennant and Sierra Quebec 3 Raised	22/04/2020 1210 (DD/MM/YY HH:MM)			
Vessel called on VHF CH16 and/or MF 2182.0	22/04/2020 1200 (DD/MM/YY HH:MM)			
Target requested to stop and prepare for boarding	Not boarded (DD/MM/YY HH:MM)			
Response to request for boarding	N/A			

3. LAUNCHING OF RHIB

Time RHIB launched	N/A (DD/MM/YY HH:MM)	
RHIB Crew (names)	N/A	
<u>Comments on the approach to the FV:</u>		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	Yes
	Other	Yes

4. BOARDING DETAILS

Date and time vessel boarded	N/A (DD/MM/YY HH:MM)	
Position vessel boarded	N/A	
BPV crew assisting	N/A	
Language spoken	N/A	
Language Cards used Y/N	N/A	Numbers used

5. CREW DETAILS

Captain's name	N/A	
Captain's nationality	N/A	
Captain's address	N/A	
Captain's D.o.B	N/A (DD/MM/YY)	
Number of crew (inc. Captain)	6	
Nationality of Crew	LKA	
Are any crew under 18 (Y/N), if 'Y' provide details below	N/A	
Do any crew have health issues (Y/N), if 'Y' provide details below.	N/A	
<u>Health issue details:</u>		
Photographic Evidence Collected (See Annex 1).	Captain ID	N/A
	Other crew ID	N/A
	Other	N/A



6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	Chamara Putha		
International Callsign	Unknown		
Flag State	LKA		
Authorisation to Fish/Fishing Licence No.	NA		
Valid from / to (dd/mm/yyyy)	N/A		
Port of Registration	N/A		
Registration Number	IMUL-A-0868-CHW		
FV owner name and details (as per licence)	PSP Fernando (IOTC online Database)		
Fishing logbook No.	N/A		
Issuing Authority	N/A		
Date of last entry (dd/mm/yyyy)	N/A		
Position of last entry	N/A		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	N/A		
Insurance documentation (Y/N)	N/A		
Names and addresses of owners	PSP Fernando 31a, Pahala, Thduwawa (IOTC online database)		
Overall length (ft/m)	15.26m	Engine Power (KW/hp)	
Other paperwork:			
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	Yes	



7. INTERVIEW WITH CAPTAIN

Time of interview	N/A	(HH:MM)
Travelling to or from fishing grounds?	N/A	
Port and date of departure	N/A	
Total amount of fish onboard (t)	N/A	
If fish onboard where caught?	N/A	
If fish onboard when caught?	N/A	
If fish onboard how caught?	N/A	
Destination	N/A	
Next port of call	N/A	
ETA	Unknown	(DD/MM/YY)
<u>Comments:</u>		

8. VESSEL INSPECTION

Fishing gear type			
<u>Comments</u>			
N/A			
Catch onboard (estimated/reported t)	Unknown		
IOTC species onboard (Y/N)		Endangered species onboard (Y/N)	
Description of catch			
<u>Comments</u>			
Vessel not boarded			
Photographic Evidence Collected (See Annex 1).	Gear	Yes	
	Catch	No	
	Hold	No	
	Other	Yes	



9. BIOT ORDINANCE NON-COMPLIANCE

Section 5 (1(c)): Possession of sea cucumbers or molluscs	No
Section 6 (1(a)): Fishing using prohibited fishing gear	No
Section 6 (2): Possession of prohibited fishing gear	No
Section 7 (1): Fishing without a license	No
Section 9 (1): Fishing gear not stowed and readily available for fishing	No
Section 16: Obstruction of a Fisheries Protection Officer	No
Other:	No
<u>Comments</u>	

10. IOTC CMM NON-COMPLIANCE

15/04 Para 14: Vessel not marked with name or callsign	
15/04 Para. 15: Fishing gear not marked with name or callsign	X
15/03 Para. 1: No VMS present	
15/03 Para 8: VMS not tamper resistant	
15/03 para 9: VMS present but not working	
15/04 para. 13: No state issued logbook	
15/04 para. 13: No state issued licence	
17/07 Para 4: Possession of drift net over 2.5km.	
15/04 Para 1: Not authorised to fish in IOTC area	
12/04 para. 6,7,8 No turtle de hooker on board	
<u>Comments</u>	



11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed	
Master given verbal warning and released	
No further action, vessel released	X
<u>Comments:</u> Vessel was not boarded the inspection took place from the deck of the BPV	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	N/A	(HH:MM)
Time RHIB recovered to the BPV	N/A	(HH:MM)
Comments:		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Y	IOTC number	17212
Date authorised from	05/04/2019	Date authorised to	31/12/2019
Vessel currently authorised to fish in IOTC area of competence (Y/N)			Unknown
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	N	Inspection report ID	
Owner previously boarded (Y/N)	N	Inspection report ID	
Crew previously boarded (Y/N)	N	Inspection report ID	
Comments:			

John Caddle

22/04/2020

BIOT Senior Fisheries Protection Officer



Appendix III – Notification of Investigation and Request for Cooperation



18 Queen Street
London
W1J 5PN
United Kingdom

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

Mr P.J.K. Ginige
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

30 April 2020

E-Mail: dgdgar@gmail.com;

cc. Kalyani Hewapathirana, Director Operations hewakal2012@gmail.com

Dear Mr Ginige,

Notification of vessel inspections on three Sri Lankan Flagged vessel in BIOT waters: IMUL-A-0732-CHW; IMUL-A-0804-CHW; and IMUL-A-0868-CHW

You have previously requested that BIOT-A report Sri Lankan vessels sighted and/or inspected at sea that either do not appear on the IOTC list of Authorised Vessels, have no VMS on board, have not provided an In-Transit report, or exhibit any other non-compliance with IOTC CMMs.

On 22 April 2020 the Senior Fisheries Protection Officer inspected the vessels IMUL-A-0804-CHW and IMUL-A-0868-CHW. The vessel IMUL-A-0732-CHW was inspected on 23 April 2020.

The IOTC Secretariat confirm that requests to update the authorisation period for a number of Sri Lankan vessels have been received, and whilst the database continues to be updated, and at the time of boarding showed the expiry dates indicated in attached Inspection Reports, they have provided the updated expiry dates as follows:

Vessel ID	Inspected in BIOT on	IOTC AFV expiry date	Valid to fish at date of inspection	Notes (IOTC Secretariat)
IMUL-A-0732-CHW	23/04/2020	31/03/2020	No	
IMUL-A-0804-CHW	22/04/2020	31/03/2020	No	
IMUL-A-0868-CHW	22/04/2020	31/12/2019	No	No new request to update the authorization period was received

IMUL-A-0732-CHW

The IOTC authorisation to fish for this vessel expired on 31 March 2020. It had not submitted a Transit Report but gear was stowed and there was no evidence of IUU in BIOT waters. It is not clear if the vessel may have fished in the period 1-23 April after its high seas fishing licence expired, which requires investigation.

IMUL-A-0804-CHW

The IOTC authorisation to fish for this vessel expired on 31 March 2020. It had not submitted a Transit Report but gear was stowed and there was no evidence of IUU in BIOT waters. It is not clear if the vessel may have fished in the period 1-22 April after its high seas fishing licence expired, which requires investigation. However we note the email correspondence dated 29 April 2020 indicating 'Since the vessel 0804 KLT has applied for the IRCS and the number is pending at IRC (Telecommunication Regulatory Commission) it has been given a one time departure for fishing which the operation licence is valid for 3 months.'

Can you please clarify the dates of the one time licence valid for three months and confirm if fishing occurred wholly within the period of license. Also, whether this three-month extension was notified to IOTC?

MRAG Ltd
Registered Company no. 291 2982
VAT Registration No 877 7013 92



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W1J 5PN
United Kingdom

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

IMUL-A-0868-CHW

The IOTC authorisation to fish for this vessel expired on 31 December 2019 and no request to update the authorisation has been received by the Secretariat. We assume the vessel has no high seas fishing licence. It had not submitted a Transit Report but gear was stowed and there was no evidence of IUU in BIOT waters.

An inspection report for each vessel is attached. For your information we also attach details of non-compliance with IOTC Conservation Management Measures that were observed for each vessel.

We would be grateful if you could investigate the activities of these three vessels, including their vessel monitoring system (VMS) data to confirm the dates of fishing activities. Following your investigation, we would also be grateful for an early indication of whether you plan to request that Sri Lankan authorities deal with these vessels if it is confirmed that they are in violation of the fisheries regulations of Sri Lanka.

As recommended by the Compliance Committee (Para 75 of IOTC-2018-CoC15-RE) details of these vessel inspections will be included within a report (for information only) submitted to the 17th Compliance Committee.

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

Yours Sincerely

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

Christopher (Kit) Pyman
BIOT Administrator

Attachment: Inspection Reports for vessels: IMUL-A-0732-CHW; IMUL-A-0804-CHW; and IMULA-0868-CHW



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கடற்றொழில் நீர்யல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

web site : <http://www.fisheriesdept.gov.lk>

E - mail : info@fisheriesdept.gov.lk

මුද්‍රිත සේවකයාගේ: මාගේ:කාණ්ඩයේ නිවෙස: 10, මුලුතලා: නව මහා දේශීය කාර්යාලය, මල්ගොඩ, කොළඹ 10, ශ්‍රී ලංකාව New Secretariat, Maligawaththa, Colombo 10

මගේ යොමු
My Ref

} DFAR/DFO/BIOT_2020/

ඔබේ යොමු
Your Ref

දිනය
Date

} 16/06/2020

Dr. C. C. Mees - Head of UK(OT) Delegation to IOTC,
18 Queen Street,
London, W1J 5PN,
United Kingdom.

Dear Sir,

Inspections on a Sri Lankan Flagged Vessel in BIOT Waters: IMUL-A-0130 CBO, IMUL-A-0732 CHW, IMUL-A-0804 CHW; IMUL-A-0868 CHW

This is reference to your letter dated on 29th May 2020 and 30th April 2020 on the Sri Lanka Vessels IMUL-A-0130 CBO (WASANA 77) and IMUL-A-0732 CHW; IMUL-A-0804 CHW; IMUL-A-0868 CHW respectively.

Vessel Name	Findings of BIOT inspections	Respond from DFAR, Sri Lanka
IMUL-A-0130 CBO (WASANA 77)	(i) Not present in RAV of IOTC	<ul style="list-style-type: none"> The vessel is registered at DFAR DFAR has issued High Seas Fishing Operation License No: 20HS 0021CBO (Annex i) Sri Lanka vessel details already send to Secretariat on 14th February to IOTC Secretariat has not updated the SL RAV.
	(ii) No VMS on board	<ul style="list-style-type: none"> The Vessels has operational VMS on board and the cruise track of the vessel is attached for your information (Annex ii)
	(iii) Enter of BIOT water without providing In-Transit report	<ul style="list-style-type: none"> The vessel owner has been informed the requirement of proceeding In-Transit report to BIOT authorities and the marking of gears (Annex iii)
IMULA0732CHW	(i) Fishing license expired on 31 March 2020 but sighted within BIOT EEZ in 23.04.2020.	<ul style="list-style-type: none"> License extend for 3 months because of covid-19 from 31.03.2020 to 30.06.2020. This three-month extension has not notified to IOTC when submit the Sri Lanka vessel list to IOTC. (mistake) Secretariat has not updated SL- RAV at the time of reporting this vessels in BIOT waters
	(ii) Not submitted a In -Transit Report.	<ul style="list-style-type: none"> The vessels owner has been informed the requirement of proceeding In-Transit report to BIOT authorities and the marking of gears (Annex iv)

IMULA0804CHW	(i) Fishing license expired on 31 March 2020 but sighted within BIOT EEZ on 22.04.2020.	<ul style="list-style-type: none"> • License extend for 3 months because of covid-19 from 31.03.2020 to 30.06.2020. • This three-month extension has not notified to IOTC when submit the Sri Lanka vessel list to IOTC. (mistake) • Secretariat has not updated SL- RAV at the time of reporting this a vessels in BIOT waters. • The vessel owner has obtained High Seas fishing licence (20HS0358CHW) on 1/6/2020 valid for one year and now appearing in the updated RAV of IOTC.
	(ii) Not submitted a In -Transit Report.	<ul style="list-style-type: none"> • The vessel owner has been informed the requirement of proceeding In-Transit report to BIOT authorities and the marking of gears. (Annex iv)
IMULA0868CHW		The Vessel authorized to fish in within EEZ only. The permit holder violated the license conditions and therefore DFASR will conduct investigation and take legal actions accordingly.

IOTC Secretariat has updated the RAV of Sri Lanka submitted in February and published on website on 12.06.2020. The DFAR has informed to RAV staff at IOTC on the extension of the valid period of fishing license to 30.06.2020 and the Secretariat will update the information accordingly.

H.P.K. Hewapathirana
Kalyani Hewapathirana

Director Fishing Operations

Sdg :- Ginige Prasanna Janaka Kumara

Director General



License No. 20 HS 0021CBO

Department of Fisheries and Aquatic Resources
Colombo, Sri Lanka.

FISHING OPERATIONS LICENSE FOR HIGH SEAS FISHING

(This license is issued in accordance with provisions of the High Seas Fishing Operations Regulation No. 1 of 2014, under the Fisheries and Aquatic Resources Act, No 2 of 1996)

1. Name of the Owner: Global Fisheries (Pvt) Ltd
2. National Identity Card No: H1115943V
3. Permanent Address: No 28, Josephs Lane colombo
4. Contact Details:
 - a. Fixed: NA
 - b. Mobile: 0112598831
 - d. Email: channaw@gssfish.com
 - c. Fax: NA
5. Details of the Vessel:
 - a. Registration No: IMUL-A-0130CBO
 - b. First Registration: 2018-11-16
 - c. Vessel Length (m): 29.7
 - d. VMS S/N No: TID501217
 - e. Vessel Name: Wasana No 77
 - f. Call Sign: 4SF5468
 - g. Maximum no. of Crew: 15
6. Ports of Operating:
 - a. Main Port: Dikovita
 - b. Optional Port: 1. NA 2. NA
7. Authorized Fishing Operations:

Authorized fishing gear	Length of fishing nets (km) & Mesh size (inch) (Maximum length should be 2.5km)	No. of books, Length of the floating line (m) & length of the branch lines (m)	Authorized species of fish	Area of fishing in high seas
Long Line (HLTL)	NA, NA	1500, 1609, 3.4, 20	Yellow fin tuna Big eye tuna Skipjack tuna Albacore Long tail tuna Sword fish	In the high seas of the Indian ocean and outside the Exclusive Economic Zone (EEZ) of another coastal state
Gill Net (GNLM)	NA, NA	NA, NA, NA	Blue marlin	
Ring Net	NA, NA	NA, NA, NA	Black marlin Sail fish	

Date of Issue: 2020-01-01 Date of Expiry: 2020-12-31

Remarks:

Director General/ Authorized Officer

H. D. ROHITHA ANSILAM

Assistant Director
Department of Fisheries &
Aquatic Resources
District Office, Dikovita.

(Please see overleaf for conditions of the license)

T.P. Fax No: +94 (11) 2449170; +94 (11) 2434073

email: vofia@gmail.com



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கடற்பொழியில் நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

web site : <http://www.fisheriesdept.gov.lk>

E - mail : info@fisheriesdept.gov.lk

புதிய செயலகம், மாலிகாவத்தை கொழும்பு 10, இலங்கை. නව මහ ලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10, ශ්‍රී ලංකාව New Secretariat, Maligawaththa, Colombo 10

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DFAR/DFO/BIOT-2020/35

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உனது இல
Your Ref



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திகதி
Date



10/06/2020

Executive Director,
Global Fisheries (Pvt) Ltd.

Transit Passage in BIOT Waters

The BIOT Authorities has reported to this Department that the vessel "Wasana 77" (IMUL-A-130CBO) has sighted in BIOT waters on the date of 29.05.2020.


The Vessels transit in BIOT waters shall provide an In-Transit report to BIOT Authorities giving the date, time and coordinates of entering and departing points with other information in the format attached here to (Annex 01). The duly filled in-Transit form shall send to the following email or fax number before entering to the BIOT waters and copy to Department of Fisheries and Aquatic Resources (DFAR).

In the same report the BIOT Authorities have mentioned that the fishing gears on board are not marked which you have to pay attention in future.

Some invalid point raised in the report such as no VMS on board will address by DFAR in our respond to BIOT Authorities.

Email : sfpo@mrag.co.uk
Fax number : +44(0)20 7499 5388

Copy:
Email : transitbiothsfu@gmail.com
Fax number : 0112322928


Kalyani Hewapathirana
Director (Fishing Operations)



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கடற்பொழியில் நீரியல் வளத்துறை திணைக்களம்

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புதிய செயலகம், மாலிகாவத்தை செழுவடி 10, இலங்கை கல் சில ரஞ்சனி காரைக்குடி, இலங்கை, செயலகம் 10, சூ. குமாரி New Secretariat, Malignawaththa, Colombo 10

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DFAR/DFO/BIOT-2020/35

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திகதி
Date

}

16/06/2020

M.C.N.Fernando

129/A,
Mattakotuwa,
Mahawewa.

T.S.N.Fernando

27/C,
Iranwila / East
Ambakandawila.

Transit Passage in BIOT Waters

The BIOT Authorities has reported to this Department that the vessel "IMUL-A-0732-CHW" , "IMUL-A-0804-CHW" has sighted in BIOT waters on the date of 29.05.2020.

The Vessels transit in BIOT waters shall provide an In-Transit report to BIOT Authorities giving the date, time and coordinates of entering and departing points with other information in the format attached here to (Annex 01). The duly filled in-Transit form shall send to the following email or fax number before entering to the BIOT waters and copy to Department of Fisheries and Aquatic Resources (DFAR).

Some invalid point raised in the report such as no VMS on board will address by DFAR in our respond to BIOT Authorities.

Email : sfpo@mrage.co.uk
Fax number : +44(0)20 7499 5388

Copy:
Email : transitbiothsfu@gmail.com
Fax number : 0112322928

Kalyani Hewapathirana
Director (Fishing Operations)



Appendix IV – Request for Clarification and Response from DFAR



18 Queen Street
London
W1J 5PN
United Kingdom

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

Mr P.J.K. Ginige
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

3 July 2020

E-Mail: dgdgar@gmail.com;

cc. Kalyani Hewapathirana, Director Operations hewakal2012@gmail.com

Dear Mr Ginige,

IOTC draft IUU Vessels List 2020 - Request for updated details on the following vessels flagged to Sri Lanka: IMULA 0641 KLT (Lakna Dee); IMULA 0541 KLT (Chathuranga 2); IMULA 0096 KLT; IMULA 0204 MTR (Dinesh 3); IMUL-A-0811-GLE; IMUL-A-0868-CHW; IMUL-A-0063-KMN.

IOTC Circular 2020-19 provided revised dates for the upcoming Compliance Committee meeting with the new 70-day deadline for reporting vessels to IOTC for inclusion on the draft IUU vessels list being 23 July 2020. In light of that UK(BIOT) requests updated information on those vessels already submitted to IOTC on 20 March 2020 in order to determine if sanctions of adequate severity have now been applied. We also require updated information for those new vessels, already communicated to you, that will be submitted this year in order to determine our recommendation with respect to the draft IUU vessels list. A summary of the vessels for which updated details of actions taken by Sri Lanka in respect of both the owner and master (skipper) is required follows:

Presented for IUU inclusion on the draft IUU Vessel list on 20 March 2020.

Vessel	DFAR Actions/ Response letter dated 12/3/2020	BIOTA submission to IOTC cc DFAR on 20/3/20; Updates required
IMULA 0641 KLT (Lakna Dee)	Owner prosecuted; Administrative penalty NOT paid Vessel released under SLR 3m bond (not utilised by owner yet) Vessel detained under supervision of Coast Guard Owner/Skipper same person	Recommend IUU listing pending: 'BIOTA require clarification that the vessel will remain detained until the administrative penalty is paid by the owner. With such an assurance we would consider that sanctions of adequate severity have been applied.' <u>Please confirm the vessel status.</u>
IMULA 0541 KLT (Chathuranga 2)	Owner trial postponed to 17/3/2020 Vessel released under SLR 3m bond (not utilised by owner yet) Therefore: Vessel detained under supervision of Coast Guard (but presumably would be released if Bond paid?) Skippers suspension now removed (if this is interpreted correctly?) but released on SLR 500000 bond due to violating agreement with owner.	Recommend IUU listing pending: 'Given the failure of the owner to pay the fine to BIOT, and that court proceedings undertaken by the Sri Lankan Authorities have yet to conclude, we consider that Sri Lanka has not provided sufficient information to enable the conclusion that sanctions of adequate severity have been taken in respect of the owner of this vessel.' <u>Please provide an update on court proceedings. Please confirm whether the vessel is still detained by the Coast Guard. Please confirm the status of the skipper.</u>



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E-Mail: enquiry@mrags.co.uk
Internet: www.mrag.co.uk

IMULA 0096 KLT	Vessel, logbook and and skipper licence taken into DFAR custody Vessel registration and fishing operation licence suspended BIOT fine NOT paid, so DFAR prosecuting, next date 11/5/2020 Owner informed of consequences of IUU listing; Skipper on 2 day awareness course.	Recommend IUU listing pending: 'Given the failure of the owner to pay the fine to BIOT, and that court proceedings undertaken by the Sri Lankan Authorities have yet to conclude, we consider that Sri Lanka has not provided sufficient information to enable the conclusion that sanctions of adequate severity have been taken in respect of the owner of this vessel.' <u>Please provide an update on court proceedings.</u> <u>Please confirm whether the vessel is still detained by the Coast Guard</u>
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Presented to IOTC for information only on 20/3/20

IMULA 0204 MTR (Dinesh 3)	Owner prosecuted; Administrative penalty PAID Vessel released, conditions= no high seas fishing, priority for VMS Skippers suspension now removed (if this is interpreted correctly?)	We note that the vessel has been released on the condition that it undertakes no high seas fishing and that it is prioritised for installation of VMS. <u>We request that the Sri Lankan Authorities report to the Compliance Committee when installation of the VMS occurs. Please provide an update.</u>
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New Vessels to be presented to IOTC by 23 July 2020

Vessel	BIOT Action / Outcome	DFAR Actions/ Response on date. Update required
IMUL-A-0811- GLE	21/4/20 The vessel was inspected on 19/04/20 and presumed IUU in BIOT waters (fishing gear not stowed and readily available for fishing; vessel initially evaded the BPV) although there was insufficient evidence to detain the vessel which was escorted from BIOT waters.	28/04/20 Only authorised to fish in EEZ - DFAR will take legal action. <u>Please provide an update on actions taken in respect of the owner and master and outcomes, and the status of the vessel.</u>
IMUL-A-0868- CHW	Inspected in BIOT on 22/04/20 - no IOTC AFV reported to SL 30/4/20	16/06/20 Only authorised to fish in EEZ - DFAR will take legal action. <u>Please provide an update on actions taken in respect of the owner and master and outcomes, and the status of the vessel.</u>
IMUL-A-0063- KMN	Inspected - IUU in BIOT waters, gear in water 17/6/20 reported to DFAR 22/6/20	27/06/2020 By email with attachments. Requested Investigation Division take legal action - case pending. <u>New case but please provide an update on actions taken and outcomes in respect of owner and mater, and the status of the vessel a) before 23 July deadline and b) before 1 October CoC Meeting.</u>

We will make our submission to IOTC no later than 23 July but require time to consider our recommendation based on the actions taken by Sri Lanka. We therefore request that you provide the updated status on the actions and outcomes in respect of owners and masters, and on the status of the vessels **no later than 19 July 2020**. Please continue to provide updates leading up to the Compliance Committee Meeting on 1 October 2020.



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Internet: www.mrag.co.uk

We also note that since 2019 Sri Lanka has been working to update its fisheries legislation in respect of the actions that may taken against skippers of relevant vessels. We would be grateful for an update on progress in this respect.

Finally, thank you also for providing details of a number of vessels for which administrative discrepancies had occurred with respect to addition to the IOTC Authorised Fishing Vessel list (IMUL-A-0732-CHW; IMUL-A-0804-CHW; IMUL-A-0130-CBO). These vessels will not be reported to IOTC on 23 July but will be noted in the vessels in-transit report that is submitted annually.

If you have any questions or require assistance please do not hesitate to contact us. We look forward to your continued cooperation.

Yours Sincerely

Dr C.C. Mees (c.mees@mrage.co.uk)
Head of UK(OT) Delegation to IOTC

Christopher (Kit) Pyman (Kit.Pyman@fco.gov.uk)
BIOT Administrator



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கடற்றொழில் நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

web site : <http://www.fisheriesdept.gov.lk>

E - mail : info@fisheriesdept.gov.lk

புதிய செயலகம், மாலிகாவத்தை கொழும்பு 10, இலங்கை கபி சில ரஞ்சனி கார்ட்டவு, இலங்கை, மலேகி 10, ශ්‍රී ලංකාව New Secretariat, Maligawaththa, Colombo 10

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} DFAR/DFO/BIOT/2020

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Your Ref

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திகதி
Date

}

12.07.2020

Dr C.C. Mees - Head of UK(OT) Delegation to IOTC,
18 Queen Street,
London, W1J 5PN,
United Kingdom.

Dear Sir,

IOTC Draft IUU Vessel List 2020 – Request dor updated details on the following vessels flagged to Sri Lanka: IMULA 0641 KLT (Lak Nadhee); IMULA 0541 KLT (Chathuranga 2) and IMULA 0096 KLT; IMUL 0204 MTR (Dinesh 03); IMULA 0811 GLE; IMULA 0868 CHW; IMULA 0063 KMN.

This is in reference to your letters dated 3rd July 2020 on the above.

The current status of the above four Sri Lanka fishing vessels reported in BIOT water in year 2019 and 2020 are given in the Table 01 annexed hereto.

Thank you
Yours sincerely

Ginige Prasanna Janaka Kumara
Director General

Copy : Linsey Billing – BIOT Administrator

**IOTC Draft IUU Vessel List 2020 -18/03 Resolution
New Vessels to be presented to IOTC by 23 July 2020**

Reg. Number / Vessel Name	Date of arrested /inspected	Arrived date to SL	Initial Action taken by DFAR	Legal Actions taken	Case Number	Status at the end of the Month
1 IMULA 0063 KMN JK	17/06/2020	08/07/2020	(i) Detained the vessel after arrival to the port of Sri Lanka and keep under the supervision of Department of Coast Guard (DCG). (ii) Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner (iii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel. (iv) The owner informed the repercussions of being listed IUU vessels list as per the IOTC resolution 18/03 on the date of 24.06.2020 (Annex i-English translation)	(i) Filed court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. (ii) Magistrate ordered to detain the vessel to owner SLR 5 million bond	36436/5/20	Next trial date 20.10.2020
2 IMULA 0868 CHW Chamara Putha	22/04/2020	09/05/2020	(i) Detained the vessel after arrival to the port of Sri Lanka and keep under the supervision of Department of Coast Guard (DCG). (ii) Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner. (iii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel (iv) The owner informed the repercussions of being listed IUU vessels list as per the IOTC resolution 18/03 on the date of 16.06.2020 (Annex ii-English translation)	(i) Filed court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013 (ii) Magistrate ordered to retain the vessel under the Dept. of Coast Guard and owner to present at the courts.	34950/5/20	1 st trial date 15.07.2020
3 IMULA 0811 GLE	19/04/2020	07/05/2020	(i) Detained the vessel after arrival to the port of Sri Lanka and keep under the supervision of Department of Coast Guard (DCG). (ii) Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner. (iii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel (iv) The owner informed the repercussions of being listed IUU vessels list as per the IOTC resolution 18/03 on the date of 23.04.2020 (Annex iii-English translation)	(i) Filed court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013 (ii) Magistrate ordered to detain the vessel under the Dept. of Coast Guard and owner to present at open court.	36037/5/20	1 st trial date 15.07.2020

Presented for IUU inclusion on the draft IUU vessels list on 20 March 2020

Reg. Number / Vessel Name	Date of arrested /inspected	Arrived date to SL	Legal Actions taken	Case Number	Status at the end of the Month
1 IMUL A 0096 KLT Nisansala 1	Between 19 th December 2019 and 20 th January 2020	05.02.2020	(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. (ii) Magistrate summoned to retain the vessel under LKR 5 million bond. (iii) Accused accept the guilty and request for settlement under 52 sentence of FARA No. 2 of 1996. (iv) The accused pleaded for one fishing trip to earn and pay the penalty and therefore one fishing trip allowed on 18/06/2020*.	28565/5/20	Penalty board to be meet to decide the amount of penalty.
2 IMUL A 0541 KLT Chathuranga 2	Between 24 th and 31 st August 2019	08.09.2019	(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. (ii) Magistrate summoned to retain the vessel on LKR 3 million bond. (iii) Owner pleaded on his economic constraints and ask for permit for fishing and therefore one fishing trip allowed with a different skipper on 17/06/2020* (iv) The Skipper is still accused in court case due to availability of an agreement between skipper and owner of the vessel.	22573/5/19	17/03/2020 trial not held due to closure of Courts due to COVID 19 pandemic issue. Next trial date 08.12.2020
3 IMUL A 0641 KLT Lak nadee	27.03.2019	According to the stamen given by the skipper, arrival date is 12.04.2019	(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. (ii) Magistrate summoned to retain the vessel under LKR 3 million bond. (iii) Accused accept the guilty and request for settlement under 52 sentence of FARA No. 2 of 1996 (iv) The accused pleaded for one fishing trip to earn and pay the penalty and therefore one fishing trip allowed on 14/07/2020*.	10087/5/19	Administrative penalty LKR 400,000 is not paid.

Presented to IOTC for information only on 2020

1 IMUL A 0204 MTR	07.06.2019	06.07.2019	(i) Initiate court case in MC Colombo under 14 a & 14 f sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013 (owner and skipper are same person) (ii) Magistrate summoned to retain the vessel under the Dept. of Coast Guard. (iii) Accused accept the guilty and request for settlement under 52 sentence of FARA No. 2 of 1996	12553/5/19	Administrative penalty SLR 1,000,000 has paid. The vessel is detained and the owner is in the pending list of VMS installation.
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- The economic situation of fisher community has become very poor due to the lock down of the country and closure of markets in the country due to covid-19 pandemic and therefore DFAR tend to take some decisions on humanitarian grounds on these vessel owners due to social issues.



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கடற்ஹொழில் நீரியல் வளத்துறை திணைக்களம்
DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

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E - mail : info@fisheriesdept.gov.lk

මුද්‍රිත සේ‍යාලය, මාගිකාවත්ත මොදුල්ල 10, කොළඹ නව ලේකම් කාර්යාලය, මිලිගාවත්ත, කොළඹ 10, ශ්‍රී ලංකාව New Secretariat, Maligawaththa, Colombo 10

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உமது இல
Your Ref

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දිනය
திகதி
Date

} 16.06.2020

P.S.P.Fernando
No.31 A, Pahala Road,
Toduwawa.

Reporting of Illegal Fishing activity of the Sri Lankan vessel IMUL-A-0868CHW in British Indian Ocean Territory (BIOT) waters

The BIOT authorities have informed to this Department that the vessel IMUL-A-0868CHW was found engage in fishing in BIOT waters on 22.04.2020. They have remotely conduct an investigation and the vessel has ordered to leave BIOT waters and directly return to Sri Lanka.

This is to inform you that entering into other state's Exclusive Economic Zone (EEZ) without valid license and fishing inside is a serious offence. According to the Indian Ocean Tuna Commission (IOTC) Resolution 18/03, once the vessel found guilty on theses offences it will be included into Illegal, Unreported and Unregulated (IUU) list.

Such vessels will subject to,

- Cancellation of vessel registration and suspension of fishing operation license
- Litigation against vessel owner and skipper
- Prohibition of exportation of fish caught by the vessel.

Further, I would like to inform you that listing of Sri Lankan fishing vessels in the IOTC IUU vessels list caused damage to the fisheries industry in Sri Lanka.

HPK

Kalyani Hewapathirana
Director(Fishing Operations)

Copy: Director (Training and Investigation)- Division of Training and Investigation -For Information pls
Assistant Director -District Fisheries Office- Chilaw - "
Assistant Director -District Fisheries Office- Negombo - "



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

21 July 2020

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

Dear Dr O'Brien,

Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence: Sri Lankan Flagged Vessel IMUL-A-0063-KMN

As required in paragraphs 5 and 6 of Resolution 18/03 please find attached a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting IUU fishing activity for the Sri Lankan flagged vessel IMUL-A-0063-KMN. Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities who have taken action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2013).

The attached evidence shows that:

- The vessel was on the current IOTC Record of Authorised Vessels
- The vessel was fishing without a licence in BIOT waters on 17 June 2020.
- The catch included tuna and tuna like species
- Due to the current situation with Coronavirus the vessel was not boarded and the BIOT Authorities were unable to conduct a full criminal investigation of the vessel's activity; Sri Lanka was requested to investigate the vessel.
- Sri Lanka has detained the vessel in port under a SLR5 millions bond, suspended the fishing operation licence, skipper licence and seized the registration and log books.
- A trial date has been set for 20 October 2020 which is after the Compliance Committee Meeting.

By copy of this letter, we request that in advance of the Compliance Committee meeting Sri Lanka confirm that this vessel remains detained in port.

We submit this vessel to IOTC Compliance Committee with recommendation b) '*Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.*'. This recommendation is made noting that the vessel is detained in port under bond and the owner will be tried in October 2020. We reserve the right to resubmit this vessel in 2021 if sanctions of adequate severity are not applied.

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

Thank you.

Yours sincerely

Dr C.C. Mees

Head of UK(OT) Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, IMUL-A-0063-KMN

ANNEX I

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by [name of CPC, third party] in [area in which the activity took place]

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)	IMUL-A-0063-KMN
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	Unknown
e	Photo	Yes, See Appendix I
f	Call Sign (previous call sign, if any)	Unknown
g	Owner (previous Owner/s, if any)	Yogendra Jeyakwthan
h	Operator (previous Operator/s, if any) and Master/Fishing Master	Unknown
i	Date of alleged IUU fishing activities	17/06/2020
j	Position of alleged IUU fishing activities	Lat: 04.39.139 S Long: 074.12.466 E
k	Summary of alleged IUU activities (see section B for more detail)	On approaching the vessel, the crew were hauling gear forward on the starboard side. Vessel gear not marked
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Vessel was not boarded the inspection took place from the deck of the BPV work boat. The Captain was told that a report would be sent to Sri Lanka and he should return there. He indicated he would.
m	Outcome of actions taken	Vessel escorted towards the eastern border by BPV.

B. Details of IOTC Resolution Elements Contravened

(Indicate with a “X” the individual elements of IOTC Resolution 18/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

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

Item	Definition	Indicate
a.	engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04 [superseded by Resolution 19/04], nor recorded in the Active list of vessels; or	X
b.	engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	
c.	failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	
d.	taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	
e.	engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	
f.	used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	
g.	transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	
h.	engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	X
i.	engaged in fishing or fishing related activities whilst being without nationality; or	
j.	engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration; or	
k.	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	



C. Associated Documents

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

Appendix I – Photographs.

Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

Appendix IV – Request for Clarification and Response from DFAR

D. Recommended Actions

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

Appendix I – Photographs.



Figure 1: Vessel photo, portside



Figure 2: Vessel registration number



Figure 3: Vessel stern with no vessel name or identification



Figure 4: Vessel photo, starboard side

Appendix II – Inspection Report

BIOT INSPECTION REPORT – JGC-010-02-2020

1. SUMMARY

Date of sighting	17/06/2020
Patrol type and number	FIPA 91
Vessel name	IMUL-A-0063-KMN
Vessel type	Longliner
Vessel flag and port of reg.	Sri Lanka
Vessel Registration No.	IMUL-A-0063-KMN
IOTC# (if registered)	17023 (Expiry date 30/06/2020)
Vessel Captain's name	Unknown
SFPO	John Caddle
BPV crew assisting	Steven Cullen (Coxswain/ Jerzy Szostek (Bowman)
<u>Action Taken:</u> Work boat launched to investigate vessel actions	

2. INITIAL SIGHTING DETAILS (from Initial Target Sighting Form)

Date and time of first sighting	17/06/2020 12:45 (DD/MM/YY HH:MM)			
Sighted by: (insert name)	Killian Hickey	Radar	x	Visual x
Position of target	Lat: 04.39.139 S Long: 074.12.466 E			
Course	171			
Speed	2.4			
Range	7.213nm			
Bearing	168			
<u>Comments:</u> BPV had received information of gear was in the water in the area being patrolled. A check was done on the gear in the AM of 17/06/2020 as no vessel was in sight or on radar. As the BPV work boat returned from checking the gear a vessel was detected on radar and visual by the Captain Killian Hickey. Initially an approach was made by the BPV however, there was a large amount of fishing gear around and we did not want the gear getting caught up in the BPV propellers. A decision was made to launch the work boat again to approach the vessel.				
Fisheries Pennant and Sierra Quebec 3 Raised	17/06/2020 13:25 (DD/MM/YY HH:MM)			
Vessel called on VHF CH16 and/or MF 2182.0	17/06/2020 13:40 (DD/MM/YY HH:MM)			
Target requested to stop and prepare for boarding	Not Boarded (DD/MM/YY HH:MM)			
Response to request for boarding	N/A			



3. LAUNCHING OF RHIB

Time RHIB launched	17/06/2020 14:24 (DD/MM/YY HH:MM)	
RHIB Crew (<i>names</i>)	Steven Cullen (Coxswain) Jerzy Szostek (Boeman)	
<u>Comments on the approach to the FV:</u> Fishing vessel was transiting at approximately 5.3 knots and as the Work Boat approached it was clear the crew were hauling line on the Starboard side forward.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	Yes
	Other	Yes

4. BOARDING DETAILS

Date and time vessel boarded	N/A (DD/MM/YY HH:MM)	
Position vessel boarded	N/A	
BPV crew assisting	N/A	
Language spoken	N/A	
Language Cards used Y/N	N/A	Numbers used

5. CREW DETAILS

Captain's name	N/A	
Captain's nationality	N/A	
Captain's address	N/A	
Captain's D.o.B	N/A	(DD/MM/YY)
Number of crew (inc. Captain)	Unknown	
Nationality of Crew	LKA	
Are any crew under 18 (Y/N), if 'Y' provide details below	N/A	
Do any crew have health issues (Y/N), if 'Y' provide details below.	N/A	
<u>Health issue details:</u>		
Photographic Evidence Collected (See Annex 1).	Captain ID	N/A
	Other crew ID	N/A
	Other	N/A

6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	IMUL-A_0063-KMN		
International Callsign	Unknown		
Flag State	LKA		
Authorisation to Fish/Fishing Licence No.	NA		
Valid from / to (dd/mm/yyyy)	N/A		
Port of Registration	N/A		
Registration Number	IMUL-A-0063-KMN		
FV owner name and details (as per licence)	(IOTC online Database) Yogendra Jeyakwthan,		
Fishing logbook No.	N/A		
Issuing Authority	N/A		
Date of last entry (dd/mm/yyyy)	N/A		
Position of last entry	N/A		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	N/A		
Insurance documentation (Y/N)	N/A		
Names and addresses of owners	(IOTC online database) Yogendra Jeyakwthan, Court Road, Thirukkivil		
Overall length (ft/m)	13.73m	Engine Power (KW/hp)	Unknown
Other paperwork:	N/A		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	Yes	



7. INTERVIEW WITH CAPTAIN

Time of interview	N/A	(HH:MM)
Travelling to or from fishing grounds?	N/A	
Port and date of departure	N/A	
Total amount of fish onboard (t)	N/A	
If fish onboard where caught?	N/A	
If fish onboard when caught?	N/A	
If fish onboard how caught?	N/A	
Destination	N/A	
Next port of call	N/A	
ETA	Unknown	(DD/MM/YY)
<u>Comments:</u>		

8. VESSEL INSPECTION

Fishing gear type			
<u>Comments</u>			
N/A			
Catch onboard (estimated/reported t)	Unknown		
IOTC species onboard (Y/N)		Endangered species onboard (Y/N)	
Description of catch			
<u>Comments</u>			
Vessel not boarded			
Photographic Evidence Collected (See Annex 1).	Gear	Yes	
	Catch	No	
	Hold	No	
	Other	Yes	



9. BIOT ORDINANCE NON-COMPLIANCE

Section 5 (1(c)): Possession of sea cucumbers or molluscs	No
Section 6 (1(a)): Fishing using prohibited fishing gear	No
Section 6 (2): Possession of prohibited fishing gear	No
Section 7 (1): Fishing without a license	Yes
Section 9 (1): Fishing gear not stowed and readily available for fishing	Yes
Section 16: Obstruction of a Fisheries Protection Officer	No
Other:	No
<u>Comments</u> On approaching the vessel, the crew were hauling gear forward on the starboard side.	

10. IOTC CMM NON-COMPLIANCE

15/04 Para 14: Vessel not marked with name or callsign	
15/04 Para. 15: Fishing gear not marked with name or callsign	x
15/03 Para. 1: No VMS present	
15/03 Para 8: VMS not tamper resistant	
15/03 para 9: VMS present but not working	
15/04 para. 13: No state issued logbook	
15/04 para. 13: No state issued licence	
17/07 Para 4: Possession of drift net over 2.5km.	
15/04 Para 1: Not authorised to fish in IOTC area	
12/04 para. 6,7,8 No turtle de hooker on board	
<u>Comments</u> Vessel gear not marked	



11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed	
Master given verbal warning and released	
No further action, vessel released	
<u>Comments:</u> Vessel was not boarded the inspection took place from the deck of the BPV work boat. The Captain was told that a report would be sent to Sri Lanka and he should return there. He indicated he would. Vessel escorted towards the eastern border by BPV.	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	N/A	(HH:MM)
Time RHIB recovered to the BPV	N/A	(HH:MM)
<u>Comments:</u>		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Y	IOTC number	
Date authorised from	01/01/2020	Date authorised to	30/06/2020
Vessel currently authorised to fish in IOTC area of competence (Y/N)			Unknown
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	N	Inspection report ID	
Owner previously boarded (Y/N)	N	Inspection report ID	
Crew previously boarded (Y/N)	N	Inspection report ID	
<u>Comments:</u>			

John Caddle

17/06/2020

BIOT Senior Fisheries Protection Officer



Appendix III – Notification of Investigation and Request for Cooperation



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W1J 5PN
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Tel: (+44) 020 7255 7755
Fax: (+44) 020 7499 5388
E-Mail: enquiry@mrags.co.uk
Internet: www.mrags.co.uk

Mr P.J.K. Ginige
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

22 June 2020

E-Mail: dgdfar@gmail.com;

cc. Kalyani Hewapathirana, Director Operations hewakal2012@gmail.com

Dear Mr Ginige,

Report on the inspection and illegal fishing activity of the Sri Lankan vessel IMUL-A-0063-KMN in British Indian Ocean Territory (BIOT) Waters

The Sri Lankan flagged vessel IMUL-A-0063-KMN was inspected on suspicion of being involved in illegal activities, namely illegal fishing in BIOT waters on 17 June 2020. The vessel was on the IOTC list of Authorised Fishing Vessels (expiry date 30 June 2020). The vessel was observed hauling fishing gear (long lines) within BIOT waters. The catch included tuna and tuna like species. The vessel was fishing illegally without a licence within BIOT waters and was ordered to release the catch, dead or alive, and was then escorted out of the Territory. The vessel inspection report is attached.

Due to the current situation with Coronavirus the vessel was not boarded and we are therefore unable to conduct a full criminal investigation of the vessel's activity. The Master was instructed to leave BIOT waters directly and to return the fishing vessel to port.

The vessel is now on its way back to Sri Lanka and should arrive in the next few days. In respect of our bilateral cooperation to combat illegal fishing we would kindly request the assistance of DFAR to recall the vessel to port immediately and notify the relevant port authorities to detain the vessel on arrival pending investigation. We would be grateful if you could conduct a regulatory investigation into the activities of this vessel, including its vessel monitoring system (VMS) data. Following your investigation, we would also be grateful for an early indication of any legal action against the owner and Master (skipper) of the vessel that you plan to implement through the Sri Lankan authorities.

The activities of this vessel and any subsequent action taken by the Sri Lankan Authorities will be submitted to the 17th Compliance Committee before the (new) 70 day deadline of 27 July.

If you have any questions or require assistance please do not hesitate to contact us. We look forward to your continued cooperation.

Yours Sincerely

Dr C.C. Mees (c.mees@mrags.co.uk)
Head of UK(OT) Delegation to IOTC

Christopher (Kit) Pyman (Kit.Pyman@fco.gov.uk)
BIOT Administrator

Attachment: Inspection Report for vessel: IMUL-A-0063-KMN



Vessel Registration Certificate

Boat Registration No	IMUL-A-0063KMN		
Certificate Serial No	27355		
Date of First Registration	13-Mar-18		
Vessel Material	FRP		
Year of Manufacture	2017		
Length	45.9	Feet	
Engine No	6665	Engine Type	Yanmar
Horse Power	188		
Boat Yard	SEELANI BOAT YARD	Boat Yard No.	NSLB 244

Owner Details

Name	Address	National ID	Effective Date
JEYAKANTHAN Y	100 , COAT ROAD, THIRUKOVIL, -	813460254V	13-Mar-18

Insurance No **Not insured**

Insurance Date

1. Port Name **KMN**

2. Port Name **Not available**

23/06/2020
Date

For Director General
Department of Fisheries and Aquatic Resources

U. A. Hettiarachchi
Fisheries Inspector
Dept of Fisheries & Aquatic Resources

Registration Certificate recieved

Signature of Applicant

Management Division - Vessel Registry Unit
Tuesday, June 23, 2020



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கடற்பெறுமூழில் நீரியல் வளத்துறை திணைக்களம்

DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

web site : <http://www.fisheriesdept.gov.lk>

E - mail : info@fisheriesdept.gov.lk

පුර්ව සෙක්‍රෙටේරියාත්, මාලිගාවත්ත, කොළඹ 10, இலங்கை இலக்கு வரலாறு, இலங்கை, மலிபவத்தா, கொழும்பு 10, ශ්‍රී ලංකාව New Secretariat, Maligawaththa, Colombo 10

මගේ අංකය
எனது இல
My Ref

} DFAR/DFO/BIOT-2020

ඔබේ අංකය
உமது இல
Your Ref

}

දිනය
திகதி
Date

} 2020 - 06- 24

Mr.Jeyakanthan Y.
No.100, Coat Road,
Thirukovil.

Report on the inspection and illegal fishing activity of the Sri Lankan vessel IMUL-A-0063 KMN in British Indian Ocean Territory (BIOT) waters

The BIOT authorities have informed to this Department that the vessel IMUL-A-0063KMN was found engage in fishing in BIOT waters on 17.06.2020. They have remotely conduct an investigation and the vessel has ordered to leave BIOT waters and directly return to Sri Lanka.

This is to inform you that entering into other state's Exclusive Economic Zone (EEZ) without valid license and fishing inside is a serious offence. According to the Indian Ocean Tuna Commission (IOTC) Resolution 18/03, once the vessel found guilty on theses offences it will be included into Illegal, Unreported and Unregulated (IUU) list.

Such vessels will subject to,

- Cancellation of vessel registration and suspension of fishing operation license
- Litigation against vessel owner and skipper
- Prohibition of exportation of fish caught by the vessel.

Further, I would like to inform you that listing of Sri Lankan fishing vessels in the IOTC IUU vessels list caused damage to the fisheries industry in Sri Lanka.

Ginige Prasanna Janaka Kumara
Director General

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

Copy: Director (Training and Investigation)- Division of Training and Investigation -For Information pls
Assistant Director -District Fisheries Office- Kalmunai - "
Assistant Director -District Fisheries Office- Negombo - "



My No: DFAR/DFO/Com with T& I/72,
Division of Fishing Operation,
Department of Fisheries & Aquatic Resources.

23.06.2020

Director (Training & Investigation),
Division of Training & Investigation,
Department of Fisheries & Aquatic Resources.

Report on the inspection and illegal fishing activity of the Sri Lankan vessel IMUL-A-0063KMN in British Indian Ocean Territory (BIOT) waters

The BIOT authorities have informed to this Department that the vessel IMUL-A-0063KMN was found engage in fishing in BIOT waters on 17.06.2020. They have remotely conduct an investigation and the vessel has ordered to leave BIOT waters and directly return to Sri Lanka (copy attached).

You are here by informed to take following actions on this vessels.

1. Order through custodian to return directly to the home port of Sri Lanka immediately.
2. Detained the vessels immediately after arrival to the port and keep under the supervision of Coast Guard Department.
3. Conduct an inquiry before releasing the skipper and the crew with the presence of the vessel owner and report to the Head office.
4. Suspend the fishing operation license, Skipper license and seize the registration book and the log book issued to the vessel.
5. Take legal actions as per the provision of FARA 1996.

Kalyani Hewapathirana
Director (Fishing Operations)



Appendix IV – Request for Clarification and Response from DFAR

-----Original Message-----

From: Kalyani Hewapathirana <hewakal2012@gmail.com>

Sent: 27 June 2020 01:24

To: Chris C Mees <c.mees@mrage.co.uk>

Cc: DG DFAR <dgdgar@gmail.com>; Kit Pyman (Sensitive) <Kit.Pyman@fco.gov.uk>; Samuel Bullen (Sensitive) <Samuel.Bullen@fco.gov.uk>; Denise Bradshaw <denise@dbradshaw.co.uk>; James Clark <J.Clark@mrage.co.uk>; John Pearce <j.pearce@mrage.co.uk>; Andy Watson <a.watson@mrage.co.uk>

Subject: Re: IMUL-A-0063-KMN IUU fishing in BIOT waters (MragRef:IO2603)

Dear Dr. Mees

Thank you for inspecting and reporting on the Sri Lanka fishing vessel 0063KMN found illegally fishing in BIOT waters.

During our investigations it is found that this vessels is permitted to operate only within EEZ of Sri Lanka.

Please find here with attached the letters send to vessel owner informing the repercussions of listing on IUU list of IOTC and the

letter send to Investigation Division of DFAR to take legal actions

against the violations of the law. The progress of the legal proceedings will report in future.

Please acknowledge of this mail with attachment.

Please acknowledge the receipt.



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Internet: www.mrag.co.uk

Mr P.J.K. Ginige
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

3 July 2020

E-Mail: dgdgar@gmail.com;

cc. Kalyani Hewapathirana, Director Operations hewakal2012@gmail.com

Dear Mr Ginige,

IOTC draft IUU Vessels List 2020 - Request for updated details on the following vessels flagged to Sri Lanka: IMULA 0641 KLT (Lakna Dee); IMULA 0541 KLT (Chathuranga 2); IMULA 0096 KLT; IMULA 0204 MTR (Dinesh 3); IMUL-A-0811-GLE; IMUL-A-0868-CHW; IMUL-A-0063-KMN.

IOTC Circular 2020-19 provided revised dates for the upcoming Compliance Committee meeting with the new 70-day deadline for reporting vessels to IOTC for inclusion on the draft IUU vessels list being 23 July 2020. In light of that UK(BIOT) requests updated information on those vessels already submitted to IOTC on 20 March 2020 in order to determine if sanctions of adequate severity have now been applied. We also require updated information for those new vessels, already communicated to you, that will be submitted this year in order to determine our recommendation with respect to the draft IUU vessels list. A summary of the vessels for which updated details of actions taken by Sri Lanka in respect of both the owner and master (skipper) is required follows:

Presented for IUU inclusion on the draft IUU Vessel list on 20 March 2020.

Vessel	DFAR Actions/ Response letter dated 12/3/2020	BIOTA submission to IOTC cc DFAR on 20/3/20; Updates required
IMULA 0641 KLT (Lakna Dee)	Owner prosecuted; Administrative penalty NOT paid Vessel released under SLR 3m bond (not utilised by owner yet) Vessel detained under supervision of Coast Guard Owner/Skipper same person	Recommend IUU listing pending: ' <u>BIOTA require clarification that the vessel will remain detained until the administrative penalty is paid by the owner. With such an assurance we would consider that sanctions of adequate severity have been applied. Please confirm the vessel status.</u>
IMULA 0541 KLT (Chathuranga 2)	Owner trial postponed to 17/3/2020 Vessel released under SLR 3m bond (not utilised by owner yet) Therefore: Vessel detained under supervision of Coast Guard (but presumably would be released if Bond paid?) Skippers suspension now removed (if this is interpreted correctly?) but released on SLR 500000 bond due to violating agreement with owner.	Recommend IUU listing pending: 'Given the failure of the owner to pay the fine to BIOT, and that court proceedings undertaken by the Sri Lankan Authorities have yet to conclude, we consider that Sri Lanka has not provided sufficient information to enable the conclusion that sanctions of adequate severity have been taken in respect of the owner of this vessel.' <u>Please provide an update on court proceedings. Please confirm whether the vessel is still detained by the Coast Guard. Please confirm the status of the skipper.</u>



IMULA 0096 KLT	Vessel, logbook and and skipper licence taken into DFAR custody Vessel registration and fishing operation licence suspended BIOT fine NOT paid, so DFAR prosecuting, next date 11/5/2020 Owner informed of consequences of IUU listing; Skipper on 2 day awareness course.	Recommend IUU listing pending: 'Given the failure of the owner to pay the fine to BIOT, and that court proceedings undertaken by the Sri Lankan Authorities have yet to conclude, we consider that Sri Lanka has not provided sufficient information to enable the conclusion that sanctions of adequate severity have been taken in respect of the owner of this vessel.' <u>Please provide an update on court proceedings.</u> <u>Please confirm whether the vessel is still detained by the Coast Guard</u>
----------------	---	--

Presented to IOTC for information only on 20/3/20

IMULA 0204 MTR (Dinesh 3)	Owner prosecuted; Administrative penalty PAID Vessel released, conditions= no high seas fishing, priority for VMS Skippers suspension now removed (if this is interpreted correctly?)	We note that the vessel has been released on the condition that it undertakes no high seas fishing and that it is prioritised for installation of VMS. <u>We request that the Sri Lankan Authorities report to the Compliance Committee when installation of the VMS occurs. Please provide an update.</u>
------------------------------	--	--

New Vessels to be presented to IOTC by 23 July 2020

Vessel	BIOT Action / Outcome	DFAR Actions/ Response on date. <u>Update required</u>
IMUL-A-0811- GLE	21/4/20 The vessel was inspected on 19/04/20 and presumed IUU in BIOT waters (fishing gear not stowed and readily available for fishing; vessel initially evaded the BPV) although there was insufficient evidence to detain the vessel which was escorted from BIOT waters.	28/04/20 Only authorised to fish in EEZ - DFAR will take legal action. <u>Please provide an update on actions taken in respect of the owner and master and outcomes, and the status of the vessel.</u>
IMUL-A-0868- CHW	Inspected in BIOT on 22/04/20 - no IOTC AFV reported to SL 30/4/20	16/06/20 Only authorised to fish in EEZ - DFAR will take legal action. <u>Please provide an update on actions taken in respect of the owner and master and outcomes, and the status of the vessel.</u>
IMUL-A-0063- KMN	Inspected - IUU in BIOT waters, gear in water 17/6/20 reported to DFAR 22/6/20	27/06/2020 By email with attachments. Requested Investigation Division take legal action - case pending. <u>New case but please provide an update on actions taken and outcomes in respect of owner and mater, and the status of the vessel a) before 23 July deadline and b) before 1 October CoC Meeting.</u>

We will make our submission to IOTC no later than 23 July but require time to consider our recommendation based on the actions taken by Sri Lanka. We therefore request that you provide the updated status on the actions and outcomes in respect of owners and masters, and on the status of the vessels **no later than 19 July 2020**. Please continue to provide updates leading up to the Compliance Committee Meeting on 1 October 2020.



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We also note that since 2019 Sri Lanka has been working to update its fisheries legislation in respect of the actions that may taken against skippers of relevant vessels. We would be grateful for an update on progress in this respect.

Finally, thank you also for providing details of a number of vessels for which administrative discrepancies had occurred with respect to addition to the IOTC Authorised Fishing Vessel list (IMUL-A-0732-CHW; IMUL-A-0804-CHW; IMUL-A-0130-CBO). These vessels will not be reported to IOTC on 23 July but will be noted in the vessels in-transit report that is submitted annually.

If you have any questions or require assistance please do not hesitate to contact us. We look forward to your continued cooperation.

Yours Sincerely

Dr C.C. Mees (c.mees@mrags.co.uk)
Head of UK(OT) Delegation to IOTC

Christopher (Kit) Pyman (Kit.Pyman@fco.gov.uk)
BIOT Administrator



ඩීවර හා ජලජ සම්පත් දෙපාර්තමේන්තුව
கடற்றொழில் நீரியல் வளத்துறை திணைக்களம்
DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

web site : <http://www.fisheriesdept.gov.lk>

E - mail : info@fisheriesdept.gov.lk

ප්‍රධාන ලේකම්, ගාභිකාවත්තේ කොමන්ඩ් 10, කොළඹ නව ලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10, ශ්‍රී ලංකාව New Secretariat, Maligawaththa, Colombo 10

මගේ අංකය
எனது இல
My Ref

} DFAR/DFO/BIOT/2020

ඔබේ අංකය
உமது இல
Your Ref

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දිනය
திகதி
Date

}

12.07.2020

Dr C.C. Mees - Head of UK(OT) Delegation to IOTC,
18 Queen Street,
London, W1J 5PN,
United Kingdom.

Dear Sir,

IOTC Draft IUU Vessel List 2020 – Request dor updated details on the following vessels flagged to Sri Lanka: IMULA 0641 KLT (Lak Nadhee); IMULA 0541 KLT (Chathuranga 2) and IMULA 0096 KLT; IMUL 0204 MTR (Dinesh 03); IMULA 0811 GLE; IMULA 0868 CHW; IMULA 0063 KMN.

This is in reference to your letters dated 3rd July 2020 on the above.

The current status of the above four Sri Lanka fishing vessels reported in BIOT water in year 2019 and 2020 are given in the Table 01 annexed hereto.

Thank you
Yours sincerely

Ginige Prasanna Janaka Kumara
Director General

Copy : Linsey Billing – BIOT Administrator

**IOTC Draft IUU Vessel List 2020 -18/03 Resolution
New Vessels to be presented to IOTC by 23 July 2020**

Reg. Number / Vessel Name	Date of arrested /inspected	Arrived date to SL	Initial Action taken by DFAR	Legal Actions taken	Case Number	Status at the end of the Month Next trial date
1 IMUL A 0063 KMN JK	17/06/2020	08/07/2020	(i) Detained the vessel after arrival to the port of Sri Lanka and keep under the supervision of Department of Coast Guard (DCG). (ii) Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner (iii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel. (iv) The owner informed the repercussions of being listed IUU vessels list as per the IOTC resolution 18/03 on the date of 24.06.2020 (Annex i-English translation)	(i) Filed court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. (ii) Magistrate ordered to detain the vessel to owner SLR 5 million bond	36436/5/20	20.10.2020
2 IMULA 0868 CHW Chamara Putha	22/04/2020	09/05/2020	(i) Detained the vessel after arrival to the port of Sri Lanka and keep under the supervision of Department of Coast Guard (DCG). (ii) Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner. (iii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel (iv) The owner informed the repercussions of being listed IUU vessels list as per the IOTC resolution 18/03 on the date of 16.06.2020 (Annex ii-English translation)	(i) Filed court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013 (ii) Magistrate ordered to retain the vessel under the Dept. of Coast Guard and owner to present at the courts.	34950/5/20	1 st trial date 15.07.2020
3 IMULA 0811 GLE	19/04/2020	07/05/2020	(i) Detained the vessel after arrival to the port of Sri Lanka and keep under the supervision of Department of Coast Guard (DCG). (ii) Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner. (iii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel (iv) The owner informed the repercussions of being listed IUU vessels list as per the IOTC resolution 18/03 on the date of 23.04.2020 (Annex iii-English translation)	(i) Filed court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013 (ii) Magistrate ordered to detain the vessel under the Dept. of Coast Guard and owner to present at open court.	36037/5/20	1 st trial date 15.07.2020

Presented for IUU inclusion on the draft IUU vessels list on 20 March 2020

Reg. Number / Vessel Name	Date of arrested /inspected	Arrived date to SL	Legal Actions taken	Case Number	Status at the end of the Month
1 IMUL A 0096 KLT Nisansala 1	Between 19 th December 2019 and 20 th January 2020	05.02.2020	(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. (ii) Magistrate summoned to retain the vessel under LKR 5 million bond. (iii) Accused accept the guilty and request for settlement under 52 sentence of FARA No. 2 of 1996. (iv) The accused pleaded for one fishing trip to earn and pay the penalty and therefore one fishing trip allowed on 18/06/2020*.	28565/5/20	Penalty board to be meet to decide the amount of penalty.
2 IMUL A 0541 KLT Chathuranga 2	Between 24 th and 31 st August 2019	08.09.2019	(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. (ii) Magistrate summoned to retain the vessel on LKR 3 million bond. (iii) Owner pleaded on his economic constraints and ask for permit for fishing and therefore one fishing trip allowed with a different skipper on 17/06/2020* (iv) The Skipper is still accused in court case due to availability of an agreement between skipper and owner of the vessel.	22573/5/19	17/03/2020 trial not held due to closure of Courts due to COVID 19 pandemic issue. Next trial date 08.12.2020
3 IMUL A 0641 KLT Lak nadee	27.03.2019	According to the stamen given by the skipper, arrival date is 12.04.2019	(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. (ii) Magistrate summoned to retain the vessel under LKR 3 million bond. (iii) Accused accept the guilty and request for settlement under 52 sentence of FARA No. 2 of 1996 (iv) The accused pleaded for one fishing trip to earn and pay the penalty and therefore one fishing trip allowed on 14/07/2020*.	10087/5/19	Administrative penalty LKR 400,000 is not paid.

Presented to IOTC for information only on 2020

1 IMUL A 0204 MTR	07.06.2019	06.07.2019	(i) Initiate court case in MC Colombo under 14 a & 14 f sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013 (owner and skipper are same person) (ii) Magistrate summoned to retain the vessel under the Dept. of Coast Guard. (iii) Accused accept the guilty and request for settlement under 52 sentence of FARA No. 2 of 1996	12553/5/19	Administrative penalty SLR 1,000,000 has paid. The vessel is detained and the owner is in the pending list of VMS installation.
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- The economic situation of fisher community has become very poor due to the lock down of the country and closure of markets in the country due to covid-19 pandemic and therefore DFAR tend to take some decisions on humanitarian grounds on these vessel owners due to social issues.



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கடற்பொழியல் நீரியல் வளத்துறை திணைக்களம்
DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

web site : <http://www.fisheriesdept.gov.lk>

E - mail : info@fisheriesdept.gov.lk

புதிய செயலகம்: மாவீரனவத்தளை தெரு 10, இலங்கை. තරි මහ රජමළි තාරකල, මාවතරින්න, කොළඹ 10, ශ්‍රී ලංකාව New Secretariat, Mailgawaththa, Colombo 10

මගේ අංකය
எனது இல
My Ref

} DFAR/DFO/BIOT-2020

ඔබේ අංකය
உமது இல
Your Ref

}

දිනය
திகதி
Date

}

2020 - 06- 24

Mr.Jeyakanthan Y.
No.100, Coat Road,
Thirukovil.

Report on the inspection and illegal fishing activity of the Sri Lankan vessel IMUL-A-0063 KMN in British Indian Ocean Territory (BIOT) waters

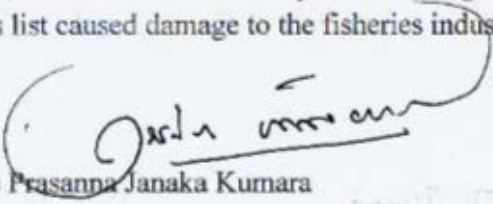
The BIOT authorities have informed to this Department that the vessel IMUL-A-0063KMN was found engage in fishing in BIOT waters on 17.06.2020. They have remotely conduct an investigation and the vessel has ordered to leave BIOT waters and directly return to Sri Lanka.

This is to inform you that entering into other state's Exclusive Economic Zone (EEZ) without valid license and fishing inside is a serious offence. According to the Indian Ocean Tuna Commission (IOTC) Resolution 18/03, once the vessel found guilty on theses offences it will be included into Illegal, Unreported and Unregulated (IUU) list.

Such vessels will subject to,

- Cancellation of vessel registration and suspension of fishing operation license
- Litigation against vessel owner and skipper
- Prohibition of exportation of fish caught by the vessel.

Further, I would like to inform you that listing of Sri Lankan fishing vessels in the IOTC IUU vessels list caused damage to the fisheries industry in Sri Lanka.


Ginige Prasanna Janaka Kumara
Director General

Copy: Director (Training and Investigation)- Division of Training and Investigation -For Information pls
Assistant Director -District Fisheries Office- Kalmunai - "
Assistant Director -District Fisheries Office- Negombo - "

Attachment 4



Food and Agriculture
Organization of the
United Nations



Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by [name of CPC, third party] in [area in which the activity took place] HIGH SEAS AND CAPE TOWN AREA

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)	Yong Qing Fa No. 666
b	Current Flag (previous flag/s, if any)	Taiwan
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	8653061
e	Photo	 <p>© Bhavik NAGINLAL MODI MarineTraffic.com</p> <p>Figure 1 TAIWANESE FISHING ENTERED RSA EEZ WITHOUT A PERMIT</p>



Figure 2 TAIWANESE FISHING VESSEL ABANDONED BY OWNER AND FLAG STATE



Figure 3 CREW RESCUED BY SOUTH AFRICAN GOVERNMENT



Figure 4 CREW ABANDON FROM YONG QING FA NO. 666

f	Call Sign (previous call sign, if any)	BH3221
g	Owner (previous Owner/s, if any)	JENN AH HOA FISHERY CO,LTD
h	Operator (previous Operator/s, if any) and Master/Fishing Master	JENN AH HOA FISHERY CO,LTD
i	Date of alleged IUU fishing activities	13 DECEMBER 2019
j	Position of alleged IUU fishing activities	CAPE TOWN & HIGH SEAS



k	Summary of alleged IUU activities (see section B for more detail)	VESSEL NOT CONFIRMED BY FLAG STATE ON ITS NATIONALITY; THE FLAG STATE ALLEGED THAT THE VESSEL COMMITTED SOME VIOLATION UNDER ITS NATIONAL REGULATION. THE OWNER ABANDON THE VESSEL, FLAG STATE ABANDON THE VESSEL AND THE VESSEL ENTERED SOUTH AFRICA EEZ WITHOUT AUTHORISATION, NO CAPTAIN ON BOARD, THE VESSEL WAS STEERED BY THE ENGINEER WITH ONLY 6 CREW MEMBERS ON BOARD. TAIWAN IS NOT COOPERATING WITH SOUTH AFRICA AND LEFT ITS NATIONALS WITHOUT SUPPORT.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	CRIMINAL CASE HAS BEEN OPENED BY DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES (CURRENTLY ENVIRONMENTAL FORESTRY AND FISHERIES, CASE NUMBER 81/12/2020) AND THE VESSEL IS SEIZED BY FISHERIES FOR CONTRAVENING MARINE LIVING RESOURCES ACT 18/98, SECTION 13, READ WITH REG 11 BY ENTERING EEZ WITHOUT A PERMIT AND OTHER REGS SUCH AS 79(1)(2), 80(1) (A)(B).
m	Outcome of actions taken	MATTER IS STILL IN COURT

B. Details of IOTC Resolution Elements Contravened

(Indicate with a “X” the individual elements of IOTC Resolution 18/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

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

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

C. Associated Documents

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

[Click here to enter text.](#)

D. Recommended Actions

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

December 4, 2019

Mr. Qauiso Mketsu
DD Pelagic & High Seas
SOUTH AFRICA
QauisoM@daff.gov.za

Dear Mr. Mketsu,

I am writing to seek your assistance in taking necessary actions on a Taiwanese fishing vessel, "YONG QING FA NO.666" (national registration number: CT6-1221, IRCS: BH3221), appearing near your port.

Due to its violation of our domestic regulations, the abovementioned vessel has been ordered by this Agency to stop fishing and return to its home port for further inspections. However, the vessel has yet to return to Taiwan.

As you are aware, the vessel is now near your port and intends to be refueled. As a result, we would like to seek your assistance and cooperation in taking necessary measures to prevent it from departing from your port until further notification from this Agency.

Through such bilateral cooperation in vessel monitoring, this Agency believes that marine fisheries resources will be conserved and managed in a more effective way.

I look forward to hearing from you at your earliest convenience.

Sincerely yours,

for Wang mao-chen

Ding-Rong LIN

Director

Deep Sea Fisheries Division



international relations & cooperation

Department:
International Relations and Cooperation
REPUBLIC OF SOUTH AFRICA

Private Bag X152, PRETORIA, 0001 • OR Tambo Bld, 460 Soutpansberg Road, Rietondale, PRETORIA, 0084
Tel: +27 (0) 12 351 1000 • www.dirco.gov.za

09 December 2019

Mr Matthew Chou
Representative
Taipei Liaison Office in the Republic of South Africa,
1147 Francis Baard Street,
Hatfield, Pretoria
0083

Dear Mr Chou

Detention of the Fishing Vessel, Yong Qing Fa No. 666

The South African Department of Agriculture, Forestry & Fisheries (DAFF) received a request from the Government of Taiwan, through the Taiwanese Fisheries Agency, seeking assistance regarding detention of the fishing vessel, Yong Qing Fa No. 666. The Department of Agriculture, Forestry & Fisheries was informed that the vessel has transgressed Taiwanese domestic legislation. The vessel is currently anchored within the South African Exclusive Economic Zone, outside of the Cape Town Port, and is off port limits. In accordance with South Africa's domestic legislation, the vessel cannot be detained, unless it is in the Port.

It is in this regard that the Department of International Relations and Cooperation (DIRCO) seeks the assistance of the Government of Taiwan with the following, in order to proceed:

1. Appointment of a Shipping Agency in South Africa to facilitate, the berthing and carrying of any cost implication from Port Authority and any other cost that will be incurred relating to but not limited to application of applicable permits, wrt the stay of the vessel.
2. Taiwanese Government to ensure that the crew will be sent back to Taiwan and that the Taiwanese Government will bear all costs relating to this.
3. While the vessel is in Port, the Taiwanese Government to appoint a Security company to secure the vessel.
4. All paper work of the vessel to be presented to the Department of Agriculture, Forestry & Fisheries, including the Owner details and the current flag of the vessel, including all licences and permits issued to the vessel (if any) as well as authorised Area of fishing.
5. Taiwanese Government to provide food and any health insurance to the crew and the Captain while the vessel is in South Africa.

Kgoro ya Tirisano le Tshomišano ya Dinaga la Boditšhabatšhaba • Lefapha la Dikamano le Tshebedisano Dinaheng tsa Maljhaba • Lefapha la Dikamano tsa Boditšhabatšhaba le Tirisano • UMnyango Wezobudlelwano Nokubambisana Bamazwe Namazwe • Liliko Letebudlelwane Bemave kanye Nekusebentlisa • ISebe lezobudlelwane neNtsebenziswano yamZwe ngamaZwe • UmNyango weTjhebiswano nokuSebenzisana kweenTjhabatjhaba • Muhasho wa Vhushaka ha Dzitshakatshaka na Tshumisano • Ndzawulo ya Vuxaka bya Matlko ya Misava na Ntirhisano • Departement van Internasionale Betrekkinge en Samewerking

6. The vessel's previous Port of Call.
7. Taiwanese Government to declare any suspected or Illegal Unreported and Unregulated (IUU) or possible IUU fishing activities.

The vessel is currently anchored off port limits and it may still be able to exit South African waters, therefore it would be greatly appreciated if this matter can be resolved with a matter of urgency.

Your assistance in this regard will be highly appreciated.

Yours sincerely,



Ambassador D Msimang
Acting Chief Director: East Asia & Oceania
Branch: Asia & Middle East
OR Tambo Building, 460 Soutpansberg Road, Reitondale, Pretoria, 0084



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

TO: THE OWNER / SKIPPER OF THE VESSEL ` YONG QING FA NO.
666 WITH IMO NUMBER 8653061 FLAG STATE IN TAIWAN
BERTHED AT TABLE BAY HARBOUR

NOTICE OF SEIZURE

TAKE NOTICE THAT Buyekezwa Polo, a duly authorised fishery control officer has reasonable grounds:

1. To believe that the vessel YONG QING FA NO. 666 ("the vessel") ,the vessel owner, Master and Chief Engineer have been used in the commission of one or more than one offences in terms of the Marine Living Resources Act No 18 of 1998 ("the Act") section 13 (1) read with regulation 11 of the Act **and also Contravened Port State Measure Agreement paragraph. Offences in terms of the Marine Living Resources Act No 18 of 1998 ("the Act") namely:**

- 1.1 The Master of the vessel contravened of section 13 (1) by not having permit to enter Economic Exclusive Zone of South Africa with a permit, Section 13 (1) state that No person shall exercise any right granted in terms of the section 18 or perform any other activity in terms of this Act unless a permit has been issued by the Minister to such person to exercise that right or perform that activity.

2. Furthermore the Master and the Vessel Owner Contravened Marine Living Resource Act 18/1998 Regulation 79 (1) (a) by not having a bound fishing logbook.

- 2.1 Furthermore the Master and the Vessel Owner Contravened Marine Living Resource Act 18/1998 Regulation 79 (2) (a) (b) (c) by not having a catch logbooks, that contain a daily basis and or for each fishing operation, catches retained on

SP

board, accumulative fishing since the commencement of fishing and the type of gear used.

3. Furthermore the Master and the Vessel Owner Contravened Marine Living Resource Act 18/1998 Regulation 80 (1) (a) by not having documents or certificates issued by a competent authority of the flag state on board the

- (i). the name of the fishing vessel
- (ii). Letter or letters of the port or district in which, and the number under which the fishing vessel is registered;
- (iii). The International radio call sign of the vessel
- (iv). The names and addresses of owner(s) and
- (v). All technical specifications pertaining to fishing vessel as are specified in the relevant application for a licence or permit in respect of the fishing vessel.

4. Furthermore the Master and the Vessel Owner Contravened Marine Living Resource Act 18/1998 Regulation 80 (1) (b) by not having up-to-date certified drawings or description of the layout of the fishing vessel, and in particular the number of fish holds of the fishing vessel, with their storage capacity expressed in cubic metres;

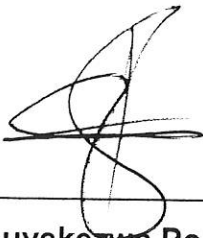
5. Furthermore the Master and the Vessel Owner Contravened Marine Living Resource Act 18/1998 Regulation 80 (1) (e) by not having the original of the licence or permit issued in respect of the fishing vessel, which shall at all times be kept in place where it can be readily examined and where it is protected from damage.

TAKE FURTHER NOTE THAT : This decision to seize in terms of Marine Living Resource Act 18/1998 section 51(3) (c) (i) (ii) (iii) (iv) (v) the vessel, proceeds of the fish, gear, fishing log book and anything related to the fishing vessel activities.

TAKE FURTHER NOTE THAT : In terms of Marine Living Resource Act 18/1998 section 51(3) (d) the department will arrest any person whom he or she has reasonable grounds to suspect to have committed an offence in terms of the Act.

TAKE FURTHER NOTICE THAT on application made in terms of section 62 of the Act, the vessel YONG QING FA NO.666 may be released on payment or lodging of security.





Buyekezwa Polo Mamaila

Duly authorised

Fishery Control Officer

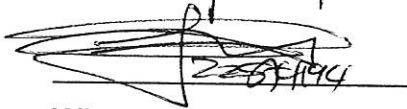
Department of Environmental, Forestry & Fisheries

Branch: Fisheries

Contact Details: 021 402 3361/ 060 789 8031

Date:

13/12/2019



Witness: Tracy Ah Shene

Duly authorised

Fishery Control Officer

Department of Environmental, Forestry & Fisheries

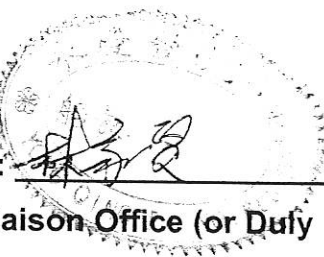
Branch: Fisheries

Date:

13 December 2019

TO: The Permit Holder

Received:



**Taiwan Liaison Office (or Duly
Authorised representative**

Date:

**AND TO: The Skipper, Chief Engineer of the vessel "YONG QING FA
NO.666" Received:**

For The Skipper of the vessel "YONG QING FA NO.666"



Date:

AND TO: The Port Captain
Table Bay

Received: 

Date:

AND TO: Master

Received: 

For Master

Date:

AND TO: Owner

Received: 

For Owners of the vessel "YONG QING
FA NO.666"

Date:

TRANSNET
PORT AUTHORITY
PORT CONTROL/VTS
PORT OF CAPE TOWN



Our ref: Harbour Master/Yong Qing Fa No.666

Department: Harbour Master

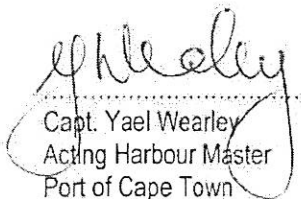
24 December 2019

TO WHOM IT MAY CONCERN

RE: MFV Yong Qing Fa No. 666.

1. The subject fishing vessel arrived under own power in the Port of Cape Town at about 09h30 on the 30/11/2019, maintaining VHF radio silence and her Automatic Identification System not reflecting. She was docked when it became apparent that the owners were unreachable and this matter was becoming both a humanitarian, safety and an environmental risk. She was docked at berth Eastern Mole 1 at about 10h35 on the 13/12/2019.
2. She contravened the following sections of the Port Rules of the Republic of South Africa, namely:
 - a. Part B – This section relates to the regulation and control of navigation in the approaches to a port.
 - b. Part C – This section relates to the requirements for entering a port.
3. She is still in contravention of section 114 of the Port Rules of the Republic of South Africa which states, *"Every owner of a vessel intending to enter a port in the Republic must appoint a vessel agent, unless the Authority grants an exemption to a vessel"*.
4. The Transnet National Ports Authority has already incurred costs in respect of port and berth dues, marine services related to subject vessel.
5. The Harbour Master's office has safety and environmental concerns regarding subject vessel. These concerns relate to the seaworthiness of the vessel.
6. The Harbour Master reserves her rights in terms of section 74 of the Port Rules of the Republic South Africa which states, *"Despite the provisions of any other rule, the Harbour Master may, in the interests of the safety of the port, the persons, vessels and other property in it, issue instructions that safety precautions be taken, or take emergency measures that the Harbour Master believes are necessary and appropriate"*.

Yours truly


 Capt. Yael Wearley
 Acting Harbour Master
 Port of Cape Town



Transnet SOC Ltd
 Registration Number
 1990/000900/30

30 Wellington Road
 Parktown
 Johannesburg
 2193

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 Braamfontein, Johannesburg
 South Africa, 2017
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Directors: Dr PS Molefe (Chairperson) MS Mahomed* (Acting Group Chief Executive) UN Fikelepi RJ Ganda ME Letlape DC Matshoga Adv OM Motaung Dr FS Mufamadi AP Ramabulana GT Ramphaka
 LL von Zeuner MD Gregg-Macdonald* (Acting Chief Financial Officer)
 *Executive

Acting Group Company Secretary: K Naicker

www.transnet.net