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Organization of the  
United Nations



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

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IOTC-2020-CoC17-08\_Add1[E]

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**COMMUNICATION FROM UK (“BIOT”) CONCERNING THE VESSELS  
IMULA 0641 KLT, IMULA 0541 KLT, IMULA 0096 KLT, IMUL-A-0811-GLE,  
IMUL-A-0195-TCO AND IMUL-A-0063-KMN**

Prepared by IOTC Secretariat, 24 September, 2020

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**PURPOSE**

To provide information received by the IOTC Secretariat to the Compliance Committee to assist it in taking decisions on the vessels IMULA 0641 KLT (Lakna Dee); IMULA 0541 KLT (Chathuranga 2); IMULA 0096 KLT; IMUL-A-0811-GLE, IMUL-A-0195-TCO and IMUL-A-0063-KMN.

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

22 September 2020

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

Dear Dr O'Brien,

**Circular 2020-39: Draft IOTC IUU Vessels List for 2020 - UK(BIOT) Recommendation for the Provisional IUU Vessels List for the following vessels flagged to Sri Lanka: IMULA 0641 KLT (Lakna Dee); IMULA 0541 KLT (Chathuranga 2); IMULA 0096 KLT; IMUL-A-0811-GLE; IMUL-A-0195-TCO.**

**A note on vessels submitted in 2020 for information only IMUL-A-0204-MTR; IMUL-A-0868-CHW; IMUL-A-0063-KMN.**

Thank you for the above referenced Circular with appendices. We are also grateful to the Department of Fisheries and Aquatic Resources (DFAR) in Sri Lanka for constructive bilateral engagement in order to address IUU fishing by it's flagged vessels in the waters of the British Indian Ocean Territory.

The Compendium of information related to IOTC Circular 2020–39 includes the evidence submitted by the BIOT Authority (BIOTA) in support of IUU listing, and in letters for each vessel, dated 21 July 2020, a summary of the evidence requested from Sri Lanka before BIOT-A will be in a position to change its recommendation (IMULA 0641 KLT see page 3; IMULA 0541 KLT see page 41; IMULA 0096 KLT see page 81; IMUL-A-0811-GLE see page 114; IMUL-A-0195-TCO see page 135). The Compendium also provides an update from Sri Lanka dated 15 September 2020 on action taken against the five vessels since the IOTC Draft IUU Vessels List was circulated in August 2020 (see pages 147 – 149). Sri Lanka has also written separately to BIOTA (attached) and has provided:

- Confirmation of the outcomes of Court cases against four of the vessels and that fines have been paid (IMULA 0641 KLT (Lakna Dee); IMULA 0541 KLT (Chathuranga 2); IMULA 0096 KLT; IMUL-A-0195-TCO). No formal indication of the status of the vessels is given – this information was requested in our submissions on 21 July 2020. However, we understand from e-mail correspondence that the vessels have now been released from port and are able to fish under strict conditions;
- Confirmation that the trial of IMUL-A-0811-GLE is ongoing but that to date it has paid one fine instalment only, and that the vessel remains detained;
- A zip file containing receipts as evidence of the payment of fines for each vessel (separately to BIOTA on request);
- Confirmation that the ad-hoc measures (releasing vessels to fish) were one-time only events unique to the situation faced in the country under Coronavirus;
- An indication that a draft amendment to FARA Act No 2 of 1996 is ready to be passed by the newly elected Parliament to incorporate legal provisions such that in future skippers of IUU vessels will also face legal action. *We request that Sri Lanka confirms to BIOTA and the Compliance Committee once the amendment is passed.*

Paragraph 14d of Resolution 18/03 indicates that where the flag State of a vessel on the Draft IOTC Vessels List has provided information that demonstrates that effective action has been taken in response to IUU fishing activities (and the CoC decides the actions are of adequate severity) the Compliance Committee shall not place that on the Provisional IOTC IUU Vessels List. With respect to the question of effective flag State action and the Provisional IUU Vessels List, UK(BIOT)'s position is as follows:

For the four vessels **IMULA 0641 KLT** (Lakna Dee); **IMULA 0541 KLT** (Chathuranga 2); **IMULA 0096 KLT**; and **IMUL-A-0195-TCO** we request that Sri Lanka provides written confirmation to the Compliance Committee during the correspondence session in 2020 confirming the conditions under which the vessels have been released to fish. On the assumption that this concurs with the information received by email, we will be in a position to recommend that these vessels are not placed on the Provisional IUU Vessels List.

For the vessel **IMUL-A-0811-GLE** noting that this vessel remains detained in port and that the trial is ongoing, we are satisfied that the flag State has taken effective action and we recommend that the vessel is not placed on the Provisional IUU vessel List in 2020. However, we request that Sri Lanka provides BIOTA and the Compliance Committee with an update on the final outcome of actions in respect of this vessel, and if deemed to be inadequate, BIOTA reserves the right to place this vessel on the draft IUU vessel list in 2021.

With respect to all five vessels on the draft IUU vessels list, we note that Sri Lanka has prioritised them for the installation of a vessel monitoring system. We request that Sri Lanka reports intersessionally to the Compliance Committee to notify when this installation has taken place.

With respect to the vessels **IMUL-A-0204-MTR**; **IMUL-A-0868-CHW**; **IMUL-A-0063-KMN** presented to the Compliance Committee for information only in 2020 (see IOTC-2020-CoC17-07a), the appended letter from Sri Lanka addresses these. Vessel **IMUL-A-0063-KMN** was not placed on the draft IUU vessels list in 2020 as the Court case was scheduled for a date later than the Compliance Committee (20/10/2020, see page 53 of IOTC-2020-CoC17-07a). We note however, that the vessel is detained and that an administrative penalty has been paid. We request that Sri Lanka provides BIOTA and the Compliance Committee with an update on the final outcome of actions in respect of this vessel, and if deemed to be inadequate, BIOTA reserves the right to place this vessel on the draft IUU vessel list in 2021.

I would be grateful if you could circulate this letter for the information and consideration of the Compliance Committee in time for the correspondence session of the Committee in 2020. Thank you.

Yours Sincerely



Dr C.C. Mees ([c.mees@mrags.co.uk](mailto:c.mees@mrags.co.uk))

Head of UK(OT) Delegation to IOTC

Enclosed: Letter from DFAR to BIOTA dated 16/09/2020 in respect of the above referenced vessels



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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](mailto: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/K/BIOT-2020

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Date

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16.09.2020

Dr. C. C. Mees-Head of UK (OT) Delegation to IOTC,  
18, Queen Street,  
London, W1J5PN,  
United Kingdom.

CC: Mr. Christopher (Kit) Pyman-BIOT Administrator

Dear Dr. Mees,

**IOTC draft IUU vessels List 2020-Request for updated details on the vessels flagged to Sri Lanka: IMUL-A-0641 KLT (Lak nadee); IMUL-A-0541 KLT (Chathuranga 2); IMUL-A-0096 KLT; IMUL-A-0811GLE; IMUL-A-0195TCO. Vessel for information only IMUL-A-0204MTR; IMUL-A-0868 CHW; IMUL-A-0063 KMN.**

This is reference to you letter dated 21<sup>st</sup> July 2020 on the above.

Please find the latest updates of the actions taken on the five (05) Sri Lanka fishing vessels in the draft IUU vessels List of IOTC 2020 and the vessels you referred for information (Annex 1). Further, Sri Lanka would like to give following clarifications for your queries made on the vessels.

### 1. Ad – hoc Corona Virus Policy.

There is no policy of granting exceptional permission for bonded vessels to be engaged in fishing. As you know during the Covid-19 Pandemic fishermen were under economic constraints and their income was very poor. Taking this into consideration and listening to their plead on humanitarian grounds, the vessel owner has granted permission to engage in one fishing trip within EEZ under an Affidavit. The conditions of such permission are as follows. This conditions applied to the three vessels granted fishing 0641 KLT, 0541 KLT and 0096 KLT.

- Only one Fishing trip.
- Maximum 21 days.
- Subject of log book reporting
- Communication with MCS center via SSB radio ones 6 hours.

### 2. **IMUL-A-0641KLT**

- The vessel completed one fishing trip and reported to harbor.
- Fine paid. Receipts No: T/24 610340 & T/24 610348.
- Since the income of the fishing trip is not sufficient, the owner is managed to pay the fine by pawning of some jewelries.
- The vessel is in the priority list in the next VMS installation.

### 3. **IMUL-A-0541KLT**

- The vessel completed one fishing trip and reported to harbor.
- Fine paid. Receipts No: T/24 610484
- The vessel is in the priority list in the next VMS installation.

### 4. **IMUL-A-0096KLT**

- The 2<sup>nd</sup> trial date 20.11.16 brought forward by a motion.
- The vessel completed one fishing trip and reported to harbor.
- Fine paid. Receipts No: T/24610537
- The vessel is in the priority list in the next VMS installation

**5. IMUL-A-0811GLE**

- The vessel is detained under supervision of Department of Coast Guard. Owner can attend only on repairs and maintenance of the Vessel.
- Penalty of SLR 300,000 has imposed after compounding and one installment has paid. Receipt No: T24 610463.
- The vessel is in the priority list in the next VMS installation

**6. IMUL-A-0195TCO**

- Fine paid. Receipts No: T/24 610445.
- The vessel is in the priority list in the next VMS installation

Please refer the Annex-1 for the updates of the three vessels IMUL-A-0204 MTR (Disnesh 03); IMUL-A- 0868 CHW (Chamara Putha); IMUL-A-0063KMN (JK), presented for information of the Compliance Committee. The draft amendment of FARA Act No.2 of 1996 to incorporate legal provisions to the skippers engage in IUU fishing is to be passed in the recently elected Parliament.

Thank you.

Yours sincerely,



Kalyani Hewapathirana  
Director (Fishing Operations)  
Head of Delegate to IOTC-COC

Sdg/ Ginige Prasanna Janaka Kumara  
Director General

**Sri Lanka Vessels in IOTC Draft IUU Vessel List 2020 -18/03 Resolution**  
**Last update 15<sup>th</sup> September 2020**

**Table 01:**

	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken	Status as at 70 days before CM	Status as at 15 days before CM
01.	<b>IMUL A 0641 KLT</b>  <b>Lak nadee</b>	27.03.2019	12.04.2019	(i) Detained the vessel after arrival to the port of SL 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.	(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No.10087/5/19  (ii) Magistrate summoned to detain the vessel under the DCG.  (iii) Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.	Administrative penalty SLR 400,000 is not paid.	Administrative penalty SLR 400,000 is paid.  Receipt No: T/24 610340 and T/24 610348
2	<b>IMUL A 0541 KLT</b>  <b>Chathuranga 2</b>	24. 08.2019	08.09.2019	(i) Detained the vessel after arrival to the port of SL and keep under the supervision of 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.	(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 22573/5/19  (ii) Magistrate summoned to detain the vessel on SLR 3 million bond.  (iii) Since the skipper has signed an agreement with the vessel owner swearing that he is not engage in any illegal activities using the vessel Skipper accused in court case	17/03/2020 trial not held due to closure of Courts due to COVID 19 pandemic issue.  Next trail date: 08.12.2020	<b>Skipper has accepted the guilty.</b>  The officials of the investigation brought forward trail to the date of 10.09.2020 by a motion.  Administrative penalty of SLR 200,000 has imposed and paid. Receipt No: T/24610484
3	<b>IMUL A 0096 KLT</b>  <b>Nisansala 1</b>	20.01.2020	05.02.2020	(i) Detained the vessel after arrival to the port of SL and keep under the supervision of 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.	(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No:28565/5/20  (ii) Magistrate summoned to detain the vessel under SLR 5 million bond.  (iii) Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.	Next calling date 16.11.2020	The officials of the investigation brought forward trail to the date of 14.09.2020 by a motion.  Administrative Penalty of SLR 200,000 has paid. Receipt No. T/24610537

				(iv)The owner informed the repercussions of being listed IUU vessels list as per the IOTC Resolution 18/03.			
4	<b>IMULA 0811 GLE</b>	19.04.2020	07.05.2020	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of DCG.</p> <p>(ii)Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner.</p> <p>(iii)Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel.</p> <p>(iv)The owner informed the repercussions of being listed IUU vessels list as per the IOTC Resolution 18/03.</p>	<p>(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013.Case No:36037/5/20</p> <p>(ii) Magistrate summoned to detain the vessel under SLR 3 million bond.</p> <p>(iii)Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p>	1 <sup>st</sup> trial date 15.07.2020	<p>Administrative penalty of SLR 300,000 has imposed. One installment has paid. Receipt No. T/24 610463</p> <p>Next Trial date : 15.09.2020</p>
5	<b>IMULA 0195 TCO MANGALA</b>	14.07.2020	23.07.2020	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of DCG.</p> <p>(ii)Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner.</p> <p>(iii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel.</p> <p>(iv)The owner informed the repercussions of being listed IUU vessels list as per the IOTC Resolution 18/03.</p>	<p>(i) Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 37573/5/20</p> <p>(ii)Magistrate summoned to detain the vessel under SLR 5 million bond.</p> <p>(iii) Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p>	1 <sup>st</sup> trial date 25.08.2020	<p>Administrative Penalty of SLR 500,000 has paid.</p> <p>Receipt No. T/24 610445</p>

### Updates of the vessels presented for information only in 2020

**Table 02:**

	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken
1	<b>IMUL A 0204 MTR</b>  <b>Dinesh 03</b>	07.06.2019	06.07.2019	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of DCG.</p> <p>(ii)Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner.</p> <p>(iii)Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel.</p>	<p>(i)Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013.Case No: 12553/5/19</p> <p>(ii)Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p> <p>Administrative penalty SLR 1,000,000 is paid. Receipt No: T/24 608273</p>



				(iv)The owner informed the repercussions of being listed IUU vessels.list as per the IOTC Resolution 18/03	(iii)The vessel is detained and the owner is in the pending list of VMS installation.
2	<b>IMUL A 0868 CHW</b> <b>Chamara Putha</b>	22.04.2020	09.05.2020	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of DCG.</p> <p>(i) Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner.</p> <p>(ii) Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel.</p> <p>(iii) The owner informed the repercussions of being listed IUU vessels list as per the IOTC Resolution 18/03.</p>	<p>(i)Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 36037/5/20</p> <p>(ii)Magistrate summoned to detain the vessel under SLR 5 million bond</p> <p>(iii) Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p> <p>(iv) 1<sup>st</sup> trial date 15.07.2020. Administrative Penalty of SLR 200,000 has paid. Receipt No. T/24 610468</p>
3	<b>IMUL A 0063 KMN</b> <b>JK</b>	17.06.2020	08.07.2020	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of DCG.</p> <p>(ii)Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner.</p> <p>(iii)Suspend the fishing operation license, skipper license and seize the registration book and the log book issued to the vessel.</p> <p>(iv)The owner informed the repercussions of being listed IUU vessels list as per the IOTC Resolution 18/03.</p>	<p>(i)Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 36436/5/20</p> <p>(ii)Magistrate summoned to detain the vessel under SLR 5 million bond</p> <p>(iii) Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p> <p>(iv) 1<sup>st</sup> trial date 20.10.2020. Administrative penalty SLR 300,000 is paid. Receipt No: T/24 610391</p>