
COMPLEMENTARY ELEMENTS FOR DISCUSSION UNDER ITEM 6 OF THE AGENDA FOR THE COMPLIANCE COMMITTEE

Prepared by IOTC Secretariat, 26 April 2022

PURPOSE

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

INFORMATION REPORTED TO THE IOTC SECRETARIAT

1. Information with regards to eight Sri Lankan flagged vessels, reported by the United Kingdom in February 2022. The attachments also contain information provided by Sri Lanka in regard to actions that it has taken against vessel owners/skippers.
 - [Attachment 1](#) – Information on the vessels, [IMUL-A-0633 CHW \(JANITH PUTHA\)](#), [IMUL-A-0740KLT \(DULAJ PUTHA\)](#) and [IMUL-A-0778KLT \(DULAJ PUTHA-3\)](#).
 - [Attachment 2](#) – Information on the vessel, [IMUL-A-0248-KLT \(previously 'DILSHANTHA PUTHA 3\)](#).
 - [Attachment 3](#) – Information on the vessel, [IMUL-A-0947-MTR \(CHUTI KUMARI\)](#).
 - [Attachment 4](#) – Information on the vessel, [IMUL-A-0524-KLT](#).
2. Information with regards to two vessels flagged to India, reported by the United Kingdom in February 2022.
 - [Attachment 5](#) – Information on the vessel, [IND.TN.15.MM.4569 \(NOVA\)](#).
 - [Attachment 6](#) – Information on the vessel, [IND.TN.15.MM.5707 \(YONA\)](#).
3. Information with regards to a vessel flagged to Japan, reported by France (OT). The attachment also contains communications between the IOTC Secretariat and Japan.
 - [Attachment 7](#) - Information on the vessel, [MATSUEI MARU No. 3](#).
4. Information with regards to two vessels flagged to Panama, reported by France (OT). The attachment also contains communications between the IOTC Secretariat and Panama.
 - [Attachment 8](#) - Information on the vessels, [HONGDONGFISHERY 12](#) and [LEXMAR009](#).
5. Information with regards to three vessels flagged to China, reported by the European Union. The attachment also contains communications between the IOTC Secretariat, China and the European Union.
 - [Attachment 9](#) – Information on the vessels, [FU YUAN YU 7617](#), [FU YUAN YU 7618](#) and [FU YUAN YU 7619](#).

RECOMMENDATION/S

That the CoC19:

- 1) **NOTE** paper IOTC-2022-CoC19-07d, which describes several incidences of alleged illegal fishing activities that took place in the IOTC Area.
 - 2) **NOTE** the actions that Sri Lanka has taken against its vessels involved in these incidences.
 - 3) **NOTE** the responses provided by Japan and China for the incidences related to the vessels under their flag, and the **FURTHER NOTE** the response of Panama for the incidences related to the vessels which were previously under its flag.
 - 4) **NOTE** that India has not provided any information to the IOTC Secretariat on the incidences related to the vessels under its flag.
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- 5) **RECOMMEND** that Japan and China keep CPCs informed on the progress and outcome of their investigations.
- 6) **RECOMMEND** that India provide the Compliance Committee with an update of the investigations related to the two Indian vessels listed in this document.
- 7) **RECOMMEND** that Sri Lanka keep CPCs informed on the progress and outcome of the proceedings against the owner and/or master of the eight Sri Lankan vessels listed in this document.
- 8) **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.



British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

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

25 February 2022

cc. Ms Anne-France Mattlet, Chair of the Compliance Committee; Dr Indra Jaya Vice Chair CoC
Mr Susantha Kahawatta, and Ms Kalyani 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 Vessels: IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT

Details on the above referenced vessels are submitted to the IOTC Compliance Committee with recommendation *a) Notification to IOTC Secretariat only. No further action is recommended.* We report the IUU activity of each vessel and the reason for presenting these vessels for the information of the Compliance Committee only.

As required in paragraphs 5 and 6 of Resolution 18/03 please find attached completed IOTC Reporting forms for Illegal Activity and accompanying evidence for each vessel. Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, these vessels were reported to the Sri Lankan Authorities for action – see their responses dated 04/09/21 and 14/02/22.

The attached evidence shows that:

- **IMULA-0633-CHW:** The flag State has taken (effective) action and applied sanctions of adequate severity; The vessel was installed with VMS on 6/12/21 and was added to the 'Risk Vessel Register of DFAR'.
- **IMULA-0740-KLT.** The flag State has taken (effective) action and applied sanctions of adequate severity; The vessel remains in detention pending installation of VMS; It was added to the 'Risk Vessel Register of DFAR'
- **IMULA-0778-KLT.** The flag State has taken (effective) action and applied sanctions of adequate severity; The vessel remains in detention pending installation of VMS; It was added to the 'Risk Vessel Register of DFAR'

Whilst we are content not to place these vessels on the draft IUU vessels list, BIOTA's letter dated 16 February 2022 (included in the IOTC Reporting Forms for Illegal Activity with these vessels) highlights that a number of concerns remain about the effectiveness of flag State controls. We invite Sri Lanka to provide a detailed response to the points raised in that letter. In particular, for the information of the Compliance Committee, we draw attention to our concern that Sri Lankan Flagged vessels on the IOTC Authorised Fishing Vessel List are operating without having a functioning VMS installed in contravention of Resolutions 15/03 and 19/04.

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". The signature is written in a cursive style with a large, prominent initial "C" and a long, sweeping underline.

Dr C.C. Mees
UK Delegation to IOTC

Enclosed: IOTC Reporting Forms for Illegal Activity, IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT



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 UK(OT) in British Indian Ocean Territory.

A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	JANITH PUTHA
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	IMUL-A-0633 CHW
e	Photo	Yes, see Appendix I
f	Call Sign (previous call sign, if any)	4SF3434
g	Owner (previous Owner/s, if any)	P.A.S. KUMARA, 518/3, Barudalpola, Thoduwawa
h	Operator (previous Operator/s, if any) and Master/Fishing	UNK
i	Date of alleged IUU fishing activities	CJ001: 02/09/2021 CJ002: 08/09/2021
j	Position of alleged IUU fishing activities	CJ001: -07°10.1'S, 071°03.7'E CJ002: -04°36.2'S, 072°25.1'E
k	Summary of alleged IUU activities (see section B for more detail)	CJ001: Fishing without a license; Configured to use large scale driftnets (>2.5km) (17/07 para 4) CJ002: Fishing without a licence; VMS not tamper resistant (15/03 para. 8); Configured to use large scale driftnets (>2.5km)
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	CJ001: Warning given to F/V about BIOT Fisheries Law and instructed to haul gear, discarding catch and to leave BIOT MPA. CJ002: Warning given to F/V about BIOT Fisheries Law and instructed to haul gear, discarding catch and follow escort to leave BIOT MPA.
m	Outcome of actions taken	CJ001: They acknowledged contravention of regulations. Their drift net took 4 hours to haul. They discarded catch. They agreed to leave MPA and return to Sri Lanka and proceeded to the NE across Pitt Bank under our observation. CJ002: They acknowledged contravention of regulations. Their drift nets and longlines took a total of 8 hours to haul. They discarded catch. They agreed to leave MPA and return to Sri Lanka and proceeded to the northern boundary of the BIOT MPA under the escort of the BIOT patrol vessel. They then as instructed proceeded E under the northern boundary to exit the NE corner beyond Maldivian waters.

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;	X



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 CJ001

Appendix III – Inspection Report CJ002

Appendix IV – Notification of Investigation and Request for Cooperation

D. Recommended Actions

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

Appendix I – Photographs
Photographs from CJ001 on 02/09/2021



Figure 1: Start & End of net hauling at NW & SW corners of plot – 6.1 NM



Figure 2: Vessel ID on port bow.



Figure 3: JANITH PUTHA, IMUL-A-0633CHW, 4sf3434 & BIOT Patrol Vessel



Figure 4: Tuna being hauled.



Figure 5: Tuna being discarded.



Figure 6: More tuna being hauled.



Figure 7: 6 Crew on deck

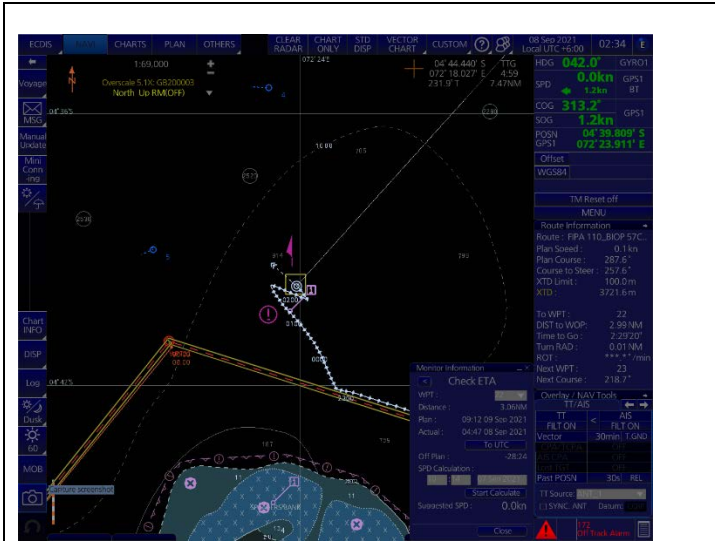


Figure 8: Tuna being extracted from net.



Figure 9: Patrol location setting SW of Pitt Bank BIOT MPA

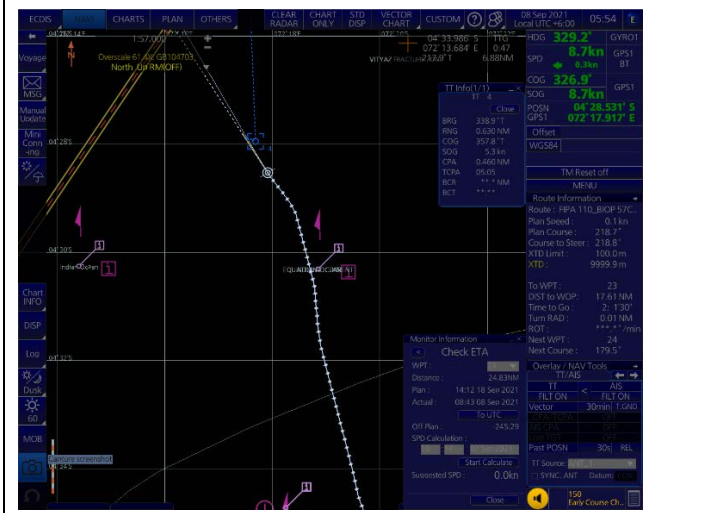
Photographs from CJ002 on 08/09/2021



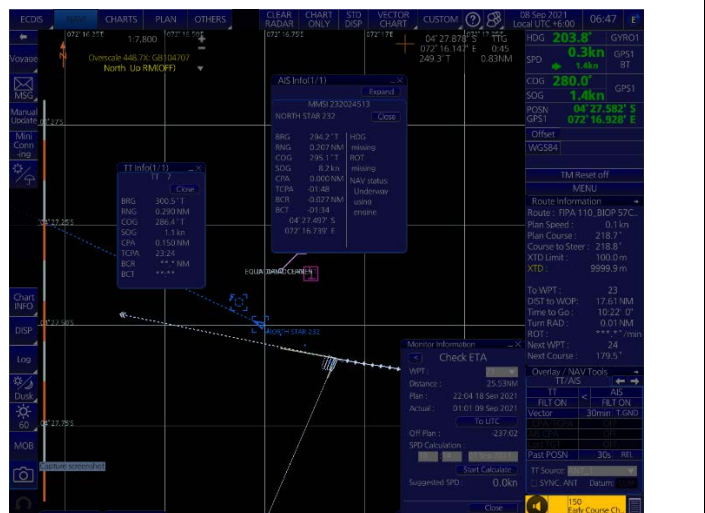
[Fig 1] 02:34 08/09/2021. Situation stable. Blue targets 4 & 5.



[Fig 2] 04:40 08/09/2021. Targets diverge at over 6kn.



[Fig. 3] Immediately before target 4 stopped.



[Fig.4] Large Boat 'North Star 232' approaching Target 4 at 06:47 08/09/2021.



[Fig. 5] The SFPO inspecting Target 4, being the Janith Putha.



[Fig. 6] The Janith Putha with BPV in background



[Fig. 7] The Janith Putha



[Fig. 8] The Captain



[Fig 9] Line guide on rail & auto hauler behind crewman. Long-line barrels along port rail.



[Fig 10] Dan Buoy, float and line visible.



[Fig 11] Net hauling.



[Fig 12] Line hauling. Zoom page to see visible line.



Appendix II – Inspection Report CJ001

BIOT INSPECTION REPORT – CJ001

1. SUMMARY

Date of boarding	02/09/2021
Patrol type and number	FIPA 109
Vessel name	JANITH PUTHA
Vessel type	Gill Netter (Registered as long-liner but hauling drift net)
Vessel flag and port of reg.	Sri Lanka
Vessel Registration No.	IMULA0633CHW
IOTC# (if registered)	115629 (Expires 03/01/2022)
Vessel Captain's name	UNK
SFPO	John Caradoc Jones
BPV crew assisting	William Farquhar, Pawel Krasuski

Action Taken: Fishing vessel sighted on radar SW of Pitt Bank. The FRC was launched and the vessel photographed all round. An English speaker, probably the Captain immediately acknowledged they were in the wrong with profuse apologies, a request for 'one chance' and a promise of 'never come back'. Line with net attached was identified and the vessel was instructed to go to this gear immediately, haul it and discard any caught fish. The SFPO was informed it would take five hours to haul the gear. The vessel commenced hauling and tuna was observed and photographed coming aboard. The SFPO returned to the BPV and the vessel observed for the duration of hauling for the next four hours. On completion, the vessel turned about and set a NE course to leave the BIOT FCMZ as instructed. The vessel was then shadowed to the southern fringes of Pitt Bank. The BPV maintained radar surveillance of their continuing passage to the NE.

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

Date and time of first sighting	02/09/2021 05:55 (LT)		(DD/MM/YY HH:MM)	
Sighted by: <i>(insert name)</i>	Ian Bowman (1 st Mate)	Radar	Yes	Visual No
Position of target	-07°10.1'S, 071°03.7'E			
Course	306°			
Speed	4 knots			
Range	7.1nm			
Bearing	277°			
<u>Comments:</u>	Vessel sighted by radar at 05:55 LT on 02/09/2021.			
Fisheries Pennant and Sierra Quebec 3 Raised	02/09/21 06:40	(DD/MM/YY HH:MM)		
Vessel called on VHF CH16 and/or MF 2182.0	02/09/21 07:22/07:23 no reply	(DD/MM/YY HH:MM)		
Target requested to stop and prepare for boarding	SQ3 raised and vessel hailed on Ch16 and MF 2182.0 as detailed above.	(DD/MM/YY HH:MM)		



Response to request for boarding	N/A (No boarding conducted due to Covid-19 protocol).
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3. LAUNCHING OF RHIB

Time RHIB launched	02/09/21 07:18	(DD/MM/YY HH:MM)
RHIB Crew (<i>names</i>)	William Farquhar & Pawel Krasuski	
<u>Comments on the approach to the FV:</u> Hydraulic Hose burst on davit whilst starting to launch Daughter Craft so we immediately transferred to the smaller FRC and launched with that instead. At 07:30 the SFPO approached the FV which appeared to be laying off a sea anchor. The BPV came close by and laid adrift from F/V. We proceeded to gather photographic evidence. Large amounts of fishing gear on roof of wheelhouse (buoys, dan-buoys, line drums) and foredeck (line drums and net sacs).		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	Yes
	Other	Net Hauling with caught tuna coming aboard.

4. BOARDING DETAILS

Date and time vessel boarded	02/09/2021 07:33 (alongside)	(DD/MM/YY HH:MM)
Position vessel boarded	7°08.674'S, 71°03.051'E	
BPV crew assisting	Boat crew	
Language spoken	English	
Language Cards used Y/N	N	Numbers used N/A

5. CREW DETAILS

Captain's name	UNK	
Captain's nationality	Sri Lankan (from questioning)	
Captain's address	UNK	
Captain's D.o.B	UNK	(DD/MM/YY)
Number of crew (inc. Captain)	6	
Nationality of Crew	Unknown	
Are any crew under 18 (Y/N), if 'Y' provide details below	UNK	
UNK		
Do any crew have health issues (Y/N), if 'Y' provide details below.	Yes	
<u>Health issue details:</u> the crew alluded to cases of Covid aboard.		



Photographic Evidence Collected (See Annex 1).	Captain ID	No
	Other crew ID	No
	Other	No

6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	Janith Putha		
International Callsign	4SF3434		
Flag State	Sri Lanka		
Authorisation to Fish/Fishing Licence No.	UNK		
Valid from / to (dd/mm/yyyy)	UNK		
Port of Registration	UNK		
Registration Number	IMUL-A-0633CHW		
FV owner name and details (as per licence)	P.A.S. KUMARA 518/3, Barudalpola, Thoduwawa (IOTC Records)		
Fishing logbook No.	UNK		
Issuing Authority	UNK		
Date of last entry (dd/mm/yyyy)	UNK		
Position of last entry	UNK		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	UNK		
Insurance documentation (Y/N)	UNK		
Names and addresses of owners	P.A.S. KUMARA 518/3, Barudalpola, Thoduwawa (from IOTC authorised vessel list)		
Overall length (ft/m)	UNK	Engine Power (KW/hp)	UNK
Other paperwork:	N/A		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	No	



7. INTERVIEW WITH CAPTAIN

Time of interview	07:33	(HH:MM)
Travelling to or from fishing grounds?	No. Acknowledged they were fishing.	
Port and date of departure	UNK	
Total amount of fish onboard (t)	UNK	
If fish onboard where caught?	Pitt Bank	
If fish onboard when caught?	Today	
If fish onboard how caught?	Longline and Gillnet	
Destination	Sri Lanka	
Next port of call	UNK	
ETA	UNK	(DD/MM/YY)
<p><u>Comments:</u> The SFPO engaged in detailed conversation with an able English speaker, probably the Captain. He was issuing commands and assuming responsibility. He immediately acknowledged they were in the wrong with profuse apologies, a request for 'one chance' and a promise of 'never come back'. Fishing gear was sighted in the water. The crew were instructed to go to this gear immediately, haul it and discard any caught fish. The SFPO was informed it would take five hours to haul the gear.</p>		

8. VESSEL INSPECTION

Fishing gear type	Longline & Gillnet		
<p><u>Comments:</u> A remote inspection was conducted from a safe distance due to Covid restrictions. The vessel was not boarded. Crew alluded to Covid being on board though there was no evidence of this witnessed. The vessel had fishing gear in the water and this was attached to the vessel. The vessel was instructed to haul the fishing gear and the crew commenced hauling. The SFPO observed the haul, within minutes net started to appear with caught tuna coming aboard which we were able to photograph on four occasions within 10 minutes.</p> <p>This net took four hours to haul, this was done by hand over a distance of 6.71NM. Many makeshift buoys supported the net some with marker flags.</p>			
Catch onboard (estimated/reported t)	UNK		
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	UNK
Description of catch	Tuna observed & photographed coming aboard entangled in net being hauled.		
<u>Comments:</u>			
Photographic Evidence Collected (See Annex 1).	Gear	Yes	
	Catch	Yes	
	Hold	No	
	Other	No	



9. BIOT ORDINANCE NON-COMPLIANCE

Section 5 (1(c)): Possession of sea cucumbers or molluscs	UNK
Section 6 (1(a)): Fishing using prohibited fishing gear	YES
Section 6 (2): Possession of prohibited fishing gear	YES (net >2.5km)
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:	N/A
Comments: Gear was deployed / in the process of being hauled and actively catching fish. SFPO unable to board to inspect further due to Covid-19 restrictions.	

10. IOTC CMM NON-COMPLIANCE

15/04 Para 14: Vessel not marked with name or callsign	No (Compliant)
15/04 Para. 15: Fishing gear not marked with name or callsign	Yes
15/03 Para. 1: No VMS present	UNK No AIS transmission
15/03 Para 8: VMS not tamper resistant	UNK
15/03 para 9: VMS present but not working	UNK
15/04 para. 13: No state issued logbook	UNK
15/04 para. 13: No state issued licence	UNK
17/07 Para 4: Possession of drift net over 2.5km.	Yes
15/04 Para 1: Not authorised to fish in IOTC area	No (authorised to fish; expires 03/01/2022 IOTC 15629)
12/04 para. 6,7,8 No turtle de hooker on board	UNK
Comments Vessel name and registration marked on the vessel. IOTC list of authorised vessels # 15629. Operating without AIS activated. They stated they had AIS but it was switched off. After agreeing to switch it on nothing appeared on the BPV AIS system.	



11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	No
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed	Yes
Master given verbal warning and released	Yes
No further action, vessel released	Yes
<u>Comments:</u> No current boardings due to Covid-19 restrictions but FV warned about BIOT Fisheries Law and instructed to leave the BIOT MPA to the NE to Sri Lanka. Vessel shadowed from area towards NE border and Sri Lanka.	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	N/A	(HH:MM)
Time RHIB recovered to the BPV	08:05	(HH:MM)
<u>Comments:</u> Nil		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Yes	IOTC number	15629
Date authorised from	05/03/2021	Date authorised to	03/01/2022
Vessel currently authorised to fish in IOTC area of competence (Y/N)			Yes
Version of IOTC database referenced:			Web Historical Record (2021)
Vessel previously boarded (Y/N)	UNK	Inspection report ID	N/A
Master previously boarded (Y/N)	UNK	Inspection report ID	N/A
Owner previously boarded (Y/N)	UNK	Inspection report ID	N/A
Crew previously boarded (Y/N)	UNK	Inspection report ID	N/A
<u>Comments:</u> No record of FV detention exists in BIOT.			

John Caradoc Jones
BIOT Senior Fisheries Protection Officer
02/09/2021



Appendix III – Inspection Report CJ002

BIOT INSPECTION REPORT – CJ002

1. SUMMARY

Date of boarding	08/09/2021
Patrol type and number	FIPA 110
Vessel name	JANITH PUTHA
Vessel type	Combination (Observed hauling long lines and drift nets during this inspection)
Vessel flag and port of reg.	Sri Lanka
Vessel Registration No.	IMULA0633CHW
IOTC# (if registered)	115629 (Expires 03/01/2022)
Vessel Captain's name	UNK
SFPO	John Caradoc Jones
BPV crew assisting	William Farquhar, Pawel Krasuski

Action Taken: Two targets were sighted on radar at 22:30hrs 07/09/2021 within five miles of each other drifting N of Speakers Bank. The SFPO was called to the bridge at 22:35 hrs. It was decided to maintain radar observation at a distance until first light. See fig 1 taken at 02:34 08/09/2021. Situation remained stable until 04:25 hrs 08/09/2021 when both targets began moving at speed in different directions. See Fig 2. We pursued the slower northern target (4) at 9.5 knots with second engine engaged (see fig 3). During this period the target was requested to stop via VHF ch16 and HF 2182 (05:40hrs) with no response. We were preparing to morse LIMA and closed to train search light onto target when target 4 eventually came to a stop at 05:53hrs. Target 4 again hailed on VHF and HF with no reply. Prior to first light SQ3 and Fisheries Pennant were displayed 06:06 hrs. The SFPO briefed the large boat crew at 06:22 and we launched at 06:43 after allowing for first light. See fig 4 blue triangle 'North Star 232'. On arriving alongside Target 4 it was identified as the Janith Putha, the same vessel we had inspected a week before on 02/09/2021 south of the Pitt Bank. All of the same six crew were recognised. The Captain was positively identified and photographed and all crew confirmed as Sri Lankan with none under 18 years of age. They claimed their fishing line was stolen in the night (hence acknowledging that they were fishing in the first place) from its set position by an unidentified Indian fishing vessel but could not confirm if this was our Target 5 which had left the area heading WSW when we pursued the Janith Putha.

When they were informed they would be escorted back to their overnight position they then chose to announce that there was in fact another line in that area but claimed it did not belong to them. There was in fact three different sections of widely dispersed line and nets there, all of which they were subsequently able to locate under difficult conditions, with winds increasing to 20knots sea state 3.

Under our supervision:

11:00 4°38.923'S 72°18.163'E Began hauling start of line 1.

13:30 4°38.451'S 72°25.439'E End of line 1 (it had been cut). No fish observed being caught.



14:00 we launched to check activity. They were looking for the second cut part of the line. This was located at 14:30 at 4°35.656'S 72°23.650'E They attached a buoy to this and dropped the line and headed off WSW.

16:22 Launched the large boat again to check what was going on. They were looking for a 3rd line. It was explained to them that all gear retrieval must be completed by 15:00 the next day (09/09/2021) and they would be escorted out of the zone. They were reminded to discard all fish caught.

18:30 04°35.579'S 72°09.314'E They picked up western end of third line and began hauling. This gear was composed of drift nets. They continued to haul until darkness. No fish were observed coming aboard or being discarded. They hove to overnight.

09/09/2021 08:00 Janith Putha commenced erratic searching pattern to locate previously dropped buoy and recover remaining gear.

14:20 – 17:00 Located and hauled final gear in box between 4°36' & 4°39' South and 72°12' & 72°17' East.

16:00 We launched our large boat at 16:00 for further communications. The FV informed the SFPO it would take a further hour to retrieve the final gear. This was agreed and instructions given to then come astern of the BPV and it was repeated once more (in writing) they should turn on their AIS, (There were subsequent erratic AIS transmissions from The Janith Putha overnight), keep lighting on overnight and follow us out of the MPA.

17:15hrs We commenced our northerly course en route for the northern boundary of the MPA with the Janith Putha following astern overnight and through the following day 10/09/2021.

The BPV exited the centre of the northern boundary of the BIOT MPA 3°01.146'S 72°49.352'E at 16:15 10/09/2021 local time en route for the crew change at Male under a tight schedule.

Following shortly behind was the Janith Putha as instructed to leave the zone. They stopped immediately inside the boundary. The BPV returned to investigate and the large work boat was launched for the SFPO to speak with them. The Janith Putha were adamant about not being able to go into Maldivian waters. There was not sufficient time to escort them to the NE corner and make Male in reasonable time. In accord with their request to avoid Maldivian waters they were issued with a printed chart and given instructions to follow the route plotted E under the Northern boundary to enable them to exit at the NE corner beyond Maldivian waters. They were also instructed to keep their AIS switched on after intermittent transmission during the night. Arrangements have been put in place to monitor their progress.



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

Date and time of first sighting	07/09/2021 22:30 (LT)				(DD/MM/YY HH:MM)
Sighted by: <i>(insert name)</i>	Ian Bowman (1 st Mate)	Radar	Yes	Visual	Yes (lights)
Position of target	-04°36.2'S, 072°25.1'E				
Course	330°				
Speed	0.8 knots				
Range	6.4nm				
Bearing	360°				
<u>Comments:</u> Also a second target 5nm to <u>it's</u> SW .					
Fisheries Pennant and Sierra Quebec 3 Raised	08/09/21 06:06				(DD/MM/YY HH:MM)
Vessel called on VHF CH16 and/or MF 2182.0	08/09/21 05:40/05:53 no reply				(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	SQ3 & Fisheries Pennant raised and vessel hailed on Ch16 and MF 2182.0 as detailed above. Searchlight applied 05:53 & vessel stopped.				(DD/MM/YY HH:MM)
Response to request for boarding	N/A (No boarding conducted due to Covid-19 protocol).				

3. LAUNCHING OF RHIB

Time RHIB launched	08/09/21 06:43		(DD/MM/YY HH:MM)
RHIB Crew <i>(names)</i>	William Farquhar & Pawel Krasuski		
<u>Comments on the approach to the FV:</u>			
The BPV came close by and laid adrift from F/V. We proceeded to gather photographic evidence. Empty line drums indicated that fishing gear was deployed. Crew stated their deployed fishing line had been stolen from the water by an unidentified Indian Fishing Vessel overnight. We had not observed any hauling manoeuvres in the vicinity overnight.			
Photographic Evidence Collected (See Annex 1).	Port	Yes	
	Starboard	Yes	
	Stern	Yes	
	Fishing gear	Yes	
	Other		



4. BOARDING DETAILS

Date and time vessel boarded	08/09/2021 06:47 (alongside)	(DD/MM/YY HH:MM)
Position vessel boarded	7°08.674'S, 71°03.051'E	
BPV crew assisting	Boat crew. William Farquhar & Pawel Krasuski	
Language spoken	English	
Language Cards used Y/N	N	Numbers used N/A

5. CREW DETAILS

Captain's name	UNK	
Captain's nationality	Sri Lankan (from questioning)	
Captain's address	UNK	
Captain's D.o.B	UNK	(DD/MM/YY)
Number of crew (inc. Captain)	6	
Nationality of Crew	Sri Lankan (confirmed)	
Are any crew under 18 (Y/N), if 'Y' provide details below	N	
n/a		
Do any crew have health issues (Y/N), if 'Y' provide details below.	Y (as stated during previous inspection)	
<u>Health issue details:</u> the crew alluded to cases of Covid aboard during last inspection.		
Photographic Evidence Collected (See Annex 1).	Captain ID	Yes
	Other crew ID	Yes
	Other	Yes. Gear, Fishing Operations and ECDIS plots.

6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	Janith Putha
International Callsign	4SF3434
Flag State	Sri Lanka
Authorisation to Fish/Fishing Licence No.	UNK
Valid from / to (dd/mm/yyyy)	UNK
Port of Registration	UNK
Registration Number	IMUL-A-0633CHW
FV owner name and details (as per licence)	P.A.S. KUMARA 518/3, Barudalpola, Thoduwawa (IOTC Records)



Fishing logbook No.	UNK		
Issuing Authority	UNK		
Date of last entry (dd/mm/yyyy)	UNK		
Position of last entry	UNK		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	UNK		
Insurance documentation (Y/N)	UNK		
Names and addresses of owners	P.A.S. KUMARA 518/3, Barudalpola, Thoduwawa (from IOTC authorised vessel list)		
Overall length (ft/m)	UNK	Engine Power (KW/hp)	UNK
Other paperwork:	N/A		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	No	

7. INTERVIEW WITH CAPTAIN

Time of interview	06:47	(HH:MM)
Travelling to or from fishing grounds?	No. Acknowledged they were fishing.	
Port and date of departure	UNK	
Total amount of fish onboard (t)	UNK	
If fish onboard where caught?	Speakers Bank	
If fish onboard when caught?	Today	
If fish onboard how caught?	Longline and Gillnet	
Destination	Sri Lanka	
Next port of call	UNK	
ETA	BIOT MPA boundary 16:00 10/09/2021	(DD/MM/YY)
<p>Comments: The Captain was positively identified – see photographs and engaged in detailed conversation translated by two able English speakers aboard. They again acknowledged they were fishing illegally by stating they had deployed gear that they claimed had then been stolen. When told they would be required to return with the BPV to the likely fishing location only then did they declare there was more gear in that area but it was not theirs. The Captain agreed to return to this location and haul all gear.</p>		



8. VESSEL INSPECTION

Fishing gear type		Longline & Gillnet	
<p><u>Comments:</u> A remote inspection was conducted from a safe distance due to Covid restrictions. The vessel was not boarded. Crew had previously alluded to there being cases of Covid aboard, during their previous inspection a week earlier, though there was no evidence of this.</p> <p>A total eight hours of hand hauling was required to retrieve all gear, roughly equating to eight miles of deployed line and net overall.</p> <p>Note that dan-bouy flags were black and last weeks were red, (see photographic evidence) therefore possibly indicating different gear, though most likely operating as a team with the second absconded target which they would not identify.</p>			
Catch onboard (estimated/reported t)		UNK	
IOTC species onboard (Y/N)	UNK	Endangered species onboard (Y/N)	UNK
Description of catch	No fish were directly observed being caught whilst gear hauling was under direct observation.		
<p><u>Comments:</u> It is almost certain they have been continuing to fish within the MPA since our previous inspection of this vessel a week earlier in the S at the opposite end of the zone.</p>			
Photographic Evidence Collected (See Annex 1).	Gear	Yes	
	Catch	No	
	Hold	No	
	Other	Empty gear barrels. Gear deployed and fishing.	

9. BIOT ORDINANCE NON-COMPLIANCE

Section 5 (1(c)): Possession of sea cucumbers or molluscs	UNK
Section 6 (1(a)): Fishing using prohibited fishing gear	YES
Section 6 (2): Possession of prohibited fishing gear	YES
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:	N/A
<p><u>Comments:</u> Gear was deployed. This was found and hauled.</p> <p>SFPO unable to board to inspect further due to Covid-19 restrictions.</p>	



10. IOTC CMM NON-COMPLIANCE

15/04 Para 14: Vessel not marked with name or callsign	No (Compliant)
15/04 Para. 15: Fishing gear not marked with name or callsign	Yes
15/03 Para. 1: No VMS present	UNK AIS transmitted until 10/08/2021 immediately prior to MPA boundary.
15/03 Para 8: VMS not tamper resistant	UNK
15/03 para 9: VMS present but not working	UNK
15/04 para. 13: No state issued logbook	UNK
15/04 para. 13: No state issued licence	UNK
17/07 Para 4: Possession of drift net over 2.5km.	Possibly; if hauling continued beyond nightfall which was likely.
15/04 Para 1: Not authorised to fish in IOTC area	No (authority to fish; expires 03/01/2022 IOTC 15629)
12/04 para. 6,7,8 No turtle de hooker on board	UNK
<u>Comments</u> Vessel name and registration marked on the vessel. IOTC list of authorised vessels # 15629. Operating without AIS activated. They stated they had AIS but it was switched off. After agreeing to switch it on erratic transmissions were received on the BPV AIS system.	

11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	No
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed	Yes
Master given verbal warning and released	Yes
No further action, vessel released	Yes
<u>Comments:</u> No current boardings due to Covid-19 restrictions but FV warned about BIOT Fisheries Law and instructed to leave the BIOT MPA to the NE to Sri Lanka. Vessel led from area to the northern MPA boundary, and given chart and instructions to steam E along this to NE corner of MPA and exit. The last manoeuvre was to avoid compelling them to enter Maldivian waters which they were adamant about not doing.	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	N/A	(HH:MM)
Time RHIB recovered to the BPV	07:25	(HH:MM)
Comments: Nil		



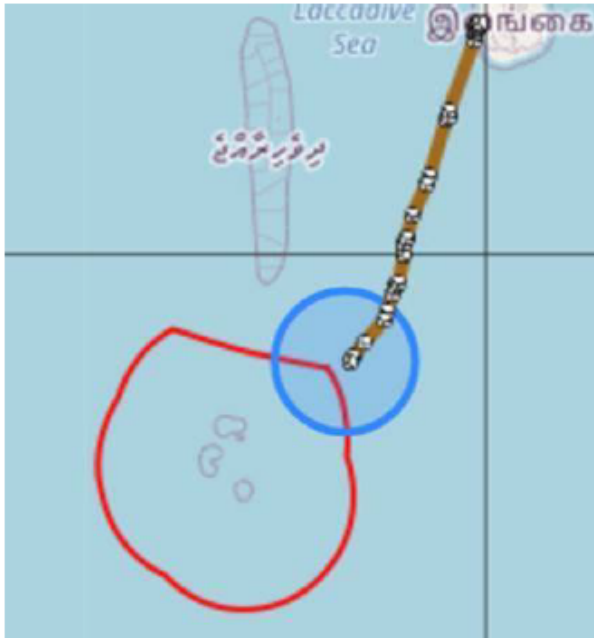
13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Yes	IOTC number	15629
Date authorised from	05/03/2021	Date authorised to	03/01/2022
Vessel currently authorised to fish in IOTC area of competence (Y/N)	Yes		
Version of IOTC database referenced:			Web Historical Record (2021)
Vessel previously boarded (Y/N)	Yes	Inspection report ID	Inspection_Report_CJ001_IMULA0633CHW_02092021
Master previously boarded (Y/N)	Yes	Inspection report ID	Inspection_Report_CJ001_IMULA0633CHW_02092021
Owner previously boarded (Y/N)	Yes	Inspection report ID	Inspection_Report_CJ001_IMULA0633CHW_02092021
Crew previously boarded (Y/N)	Yes	Inspection report ID	Inspection_Report_CJ001_IMULA0633CHW_02092021
Comments: This vessel was inspected only one week earlier on 02/09/2021 again, well within the MPA, S of Pitt Bank, and fishing illegally.			

John Caradoc Jones
BIOT Senior Fisheries Protection Officer
10/09/2021

Historic AIS record from public domain sources for IMUL-A-0633 CHW

IMUL-A-0633 CHW regularly reported on AIS when leaving Sri Lanka but switched it's AIS off on 10/08/2021 00:58 just outside the BIOT EEZ as below:



The above historical record was obtained on 02/09/2021 from publicly available sources after the vessel had been inspected and after it had set a NE course to leave the BIOT FCMZ as instructed. On that date the vessels AIS was still not transmitting, although there may be a delay in the publicly available data. Nevertheless, it did not show on the Patrol Vessel System either – see Inspection Report.

The vessel could have been in BIOT waters for 24 days between 10/08/2021 and detection by the BPV on 02/09/2021.



Appendix IV – 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@mrag.co.uk
Internet: www.mrag.co.uk

Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

7 September 2021

E-Mail: dgd@dfar.gov.lk; sjksusantha@yahoo.com

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

Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com

Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Report on the inspection of the Sri Lankan vessel IMUL-A-0633-CHW, and request for Vessel Monitoring System information on this vessel in the waters of the British Indian Ocean Territory (BIOT).

The Sri Lankan flagged vessel IMUL-A-0633-CHW was inspected on suspicion of being involved in illegal activities, namely illegal fishing in BIOT waters on 2 September 2021. The vessel was on the IOTC list of Authorised Fishing Vessels (IOTC # 115629 Expires 03/01/2022). The vessel was hauling its fishing gear (gill net) within BIOT waters close to Pitt Bank. The catch included species of concern to IOTC: Tuna. The vessel was using large scale gill nets (estimated length 6.71 nm) greater than 2.5 km contrary to Resolution 17/07 paragraph 4. The vessel was fishing illegally without a licence within BIOT waters and was ordered to release the catch, dead or alive. The vessel inspection report is attached. Using publicly available sources the AIS signal of the vessel was also examined on 2 September 2021 (details attached). The vessel's AIS was turned off 10/08/2021 00:58 just outside the BIOT EEZ suggesting it could have been illegally fishing in BIOT waters for up to 24 days prior to detection on 2 September 2021.

Due to the current situation with Coronavirus the vessel was not boarded and we were therefore unable to conduct a full investigation of the vessel's activities. The vessel was escorted to the southern fringes of Pitt Bank and instructed to leave BIOT waters directly.

The vessel, instructed to return to port in Sri Lanka, should arrive in the next few days. The BPV maintained radar surveillance of their continuing passage to the NE. 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 of the need for an investigation. We would be grateful if you could 1) Conduct a regulatory investigation into the activities of this vessel; 2) Noting that the vessel has a valid IOTC Authorisation and so is equipped with VMS, please provide the VMS tracks for this vessel; 3.) Following your investigation, provide us with 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.

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
UK(OT) Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator

Attachments: Inspection Report for vessel IMUL-A-0633-CHW.

Historic AIS record from public domain sources for IMUL-A-0633 CHW



Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

13 September 2021

E-Mail: dgdofar@gmail.com; sjksusantha@yahoo.com
cc. Kalyani Hewapathirana, Director Operations hewakal2012@gmail.com
Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com
Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Report on the inspection of the Sri Lankan vessel IMUL-A-0633-CHW in the waters of the British Indian Ocean Territory (BIOT).

The Sri Lankan flagged vessel IMUL-A-0633-CHW was inspected on suspicion of being involved in illegal activities, namely illegal fishing in BIOT waters on 8 September 2021. The vessel had previously been inspected and requested to leave BIOT waters on the 2 September 2021. The vessel is on the IOTC list of Authorised Fishing Vessels (IOTC # 115629 Expires 03/01/2022). The vessel admitted they were fishing illegally within BIOT waters close to Speakers Bank though claimed their gear had been stolen. The catch included species of concern to IOTC: Tuna. The vessel was using large scale gill nets and longlines. The vessel was fishing illegally without a licence within BIOT waters. The vessel inspection report is attached. Due to the current situation with Coronavirus the vessel was not boarded and we were therefore unable to conduct a full investigation of the vessel's activities.

The vessel was requested to turn on their AIS, and there were subsequent erratic AIS transmissions from the vessel as they were requested to follow the BIOT Patrol Vessel out of the MPA. The vessel was escorted to the northern boundary of the BIOT MPA. The vessel had previously been instructed to return to port in 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 of the need for an investigation. We would be grateful if you could 1) Conduct a regulatory investigation into the activities of this vessel; 2) Noting that the vessel has a valid IOTC Authorisation and so is equipped with VMS, please provide the VMS tracks for this vessel as previously requested including the additional period between 02/09/2021 and 08/09/2021; 3.) Following your investigation, provide us with 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.

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
UK(OT) Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator

Attachments: Inspection Report for vessel IMUL-A-0633-CHW.



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. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

19 January 2022

E-Mail: dgd@dfar.gov.lk; sjksusantha@yahoo.com
cc. Kalyani Hewapathirana, Director Operations hewakal2012@gmail.com
Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com
Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Request for information on vessels flagged to Sri Lanka IMULA-0195-TCO; IMULA-0560-KLT; IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT in advance of 70 day Reporting deadline to IOTC

The above referenced vessels will be reported to IOTC in 2022. In order to enable a decision on whether to propose that these vessels are included on the draft IUU vessels list at the 70-day reporting deadline (27th February 2022) please provide an update on their status no later than 16 February 2022.

Inspection reports and letters requesting information on the above referenced vessels have previously been submitted to you. We note your reply dated 4/9/21 regarding three of the vessels but outstanding issues remain.

IMULA-0195-TCO: We note that the case for this vessel was due to be heard on 16/09/21. We would be grateful for details of the outcome. Furthermore, we refer to our letter dated 20 May 2021 with specific queries not yet addressed.

IMULA-0740-KLT; IMULA-0778-KLT We note that the fishing operation licences of these two vessels were suspended for 3 months and that further investigations would be undertaken. We would be grateful for details of the outcome. Furthermore, we refer to our letter dated 16 June 2021 requesting details of the vessels VMS tracks for the entire period that they were within the BIOT 200nm Fisheries Conservation Management Zone, we would be grateful if you could please provide the requested information.

For two of the vessels, to date, we have received no response to our queries:

IMULA-0560-KLT; We refer to our letter dated 21/10/21 and would be grateful for a response.

IMULA-0633-CHW; We refer to our letters dated 7/9/21 and 13/9/21 and would be grateful for a response including details of the vessel's VMS tracks for the entire period it was within the BIOT 200nm Fisheries Conservation Management Zone.

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
UK Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator



ඩිවර්තා ජලජ සම්පත් දෙපාර්තමේන්තුව
கடற்பொழியல், நீரியல் வளத்துறை திணைக்களம்
DEPARTMENT OF FISHERIES & AQUATIC RESOURCES

web site : <http://www.fisheriesdept.gov.lk> E - mail : info@fisheriesdept.gov.lk

ලුණිය මහලය, මානිකාවත්ත පොළොව 10, කොළඹ නව මහ ලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10, ශ්‍රී ලංකාව New Secretariat, Maligawaththa, Colombo 10

මගේ ප්‍රංශ
எனது இல
My Ref

} DFAR/DFO/BIOT/2022

ඔබේ අංකය
உமது இல
Your Ref

}

දිනය
திகதி
Date

} 14-02.2022

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

Dear Dr.Mees

Update the status of legal actions against the Sri Lanka vassels reported in BIOT waters in the intersession of 2021-2022

This is in reference to your e-mail No.MRAG Ref:IO2603 dated 19th January 2022 on Draft IUU Vessels list, 70 day reporting deadline..The progress of the legal actions taken against the five Sri Lanka vessels IMUL-A-0195TCO,IMUL-A-0560KLT,IMUL-A-0633CHW,IMUL-A-0740KLT,IMUL-A-0778KLT is provided in the attachment of this letter.

In conclusion I would like to reaffirm our commitment to cooperate with the relevant coastal states to deter and elimination of IUU fishing in the region.

Thank you

Yours Sincerely,

HPK

Kalyani Hewapathirana

Director (Fishing Operation)

Sri Lanka Delegate to IOTC

Update the status of legal actions against the Sri Lanka Vessels reported in BIOT waters in the intersession before 16th Feb 2022

S/N	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken	Current Status
01.	IMUL A 0195 TCO Mangala	15.05.2021	23.07.2021	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 and 14 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 53030.</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 1 year</p>	<p>I)Hon. Magistrate summon to appear vessel Owner and skipper at open court for trial on 22 .02.2022</p> <p>II) DFAR file the plaint sheet on 22.02.2022</p>
02.	IMUL A 0740 KLT Dulaj Putha	08.06.2021	30.06.2021	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG</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)Suspended the fishing operation license and skipper license for 3 months period</p>	<p>Case is over. Suspensions lifted</p> <p>The vessel is detained and the owner is in the pending list of VMS installation.</p> <p>Added to the risk vessel list of DFAR</p>

03.	IMUL A 0778 KLT Dulaj Putha 03	08.06.2021	30.06.2021	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG.</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)Suspended the fishing operation license and skipper license for 3 months period.</p>	<p>Case is over. Suspensions lifted.</p> <p>The vessel is detained and the owner is in the pending list of VMS installation.</p> <p>Added to the risk vessel list of DFAR</p>
04.	IMUL A 0633 CHW Janith Putha	02.09.2021	18.09.2021	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 56497/5/21</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months</p>	<p>Administrative penalty SLR 500,000 is paid, (annex ii)</p> <p>Case is over. Suspensions lifted.</p> <p>VMS is installed on 06.12.2021</p> <p>Added to the risk vessel list of DFAR</p>

05.	IMUL A 0560 KLT	08.10.2021	28.10.2021	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 and 14 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 58475/5/21.</p> <p>(ii) Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii) Suspended the fishing activities.</p> <p>(iv) Skipper license has suspended for 6 months</p>	<p>I) Administrative penalty SLR 1M has imposed for owner</p> <p>II) Owner has made an appeal to secretary for take a relive period to pay the administrative fine due to economic difficulties of owner under provision of 52B (5) sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013</p> <p>III) vessel detained at harbor until pay the administrative fine</p> <p>Next court date 08.03.2022</p>
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Ms. Kalyani Hewapathirana
Director Fishing Operations
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

16 February 2022

E-Mail: hewakal2012@gmail.com
cc. Mr. Mr. Susantha Kahawatta, (Director General) dgdifar@gmail.com; sjksusantha@yahoo.com
Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com
Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Ms Hewapathirana,

Further request for information on vessels flagged to Sri Lanka IMULA-0195-TCO; IMULA-0560-KLT; IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT

Thank you for your letter dated 14/02/2022 providing an update on the above referenced vessels. We note the conclusion of three vessel-cases. We would appreciate the following further clarifications:

VMS and the IOTC AFV List: The following vessels were on the IOTC Authorised Fishing Vessel List: IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT. Resolution 15/03 (VMS) requires all vessels operating in waters outside the Economic Exclusive Zone of the Flag State fishing for species covered by the IOTC Agreement within the IOTC area of competence to be equipped with VMS by April 2019. Para 11a of Resolution 19/04 (AFV) require flag CPCs to authorise their vessels to operate in the IOTC area of competence only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its Conservation and Management Measures. Thus, all vessels on the AFV list should be equipped with VMS. We have requested VMS records in BIOT waters for each of these vessels but note from your letter of 14/02/22 that these three vessels remain detained pending VMS installation. Can you please clarify this situation?

Regarding IMULA-0195-TCO, not on the IOTC AFV list we note that in 2020 the vessel was on the priority list for VMS installation. Please clarify the VMS status of this vessel.

Risk vessel list of DFAR: Please provide details of what it means to be a vessel / owner / skipper on this list. What additional flag State controls apply to such vessels?

Administrative Penalties: It would be useful to understand the basis on which these are applied: Furthermore, in future summaries of the outcome of each case, please provide some detail to explain the level of penalty applied. For example, it is not clear why the penalty for IMULA-0560-KLT was SLR1 million, whilst that of IMULA-0633-CHW was SLR500,000.

Skippers: We note that the suspension of the licence to fish varies. Can you provide details on the basis this is applied? Also, could you please provide an update on progress towards updating the fisheries legislation to include the prosecution of skippers.

IMULA-0195-TCO; IMULA-0560-KLT: We note that prosecution of these two vessel owners has not yet concluded and therefore you will submit additional details prior to the Compliance Committee meeting.

- Please also confirm for IMULA-0195-TCO that the vessel has remained detained in Port until conclusion of the case. VMS – see above



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

- For IMULA-0560-KLT we note that no reference has been made to installing VMS on the vessel, nor its inclusion on the risk vessel list of DFAR. Could you please clarify if these actions will be applied?

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

Yours Sincerely

Dr C.C. Mees
UK Delegate to IOTC

Christopher (Kit) Pyman
BIOT Administrator

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 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)	DULAJ PUTHA
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	IMUL-A-0740KLT
e	Photo	Yes, see Appendix I
f	Call Sign (previous call sign, if any)	4SF4544
g	Owner (previous Owner/s, if any)	RMCP Fernando (IOTC Records)
h	Operator (previous Operator/s, if any) and Master/Fishing Master	UNK
i	Date of alleged IUU fishing activities	09/06/2021
j	Position of alleged IUU fishing activities	-06°10.35'S, 071°34.55'E
k	Summary of alleged IUU activities (see section B for more detail)	No fishing gear (buoys/floats) marked.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Warning given to F/V about BIOT Fisheries Law and instructed to follow the BPV North towards Sri Lanka.
m	Outcome of actions taken	F/V Master complied and observed heading North past Speakers Bank

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	
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 transhipments 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

D. Recommended Actions

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

Appendix I – Photographs

Figure 1: ECDIS Screenshot; BPV and FV Position at time of interception

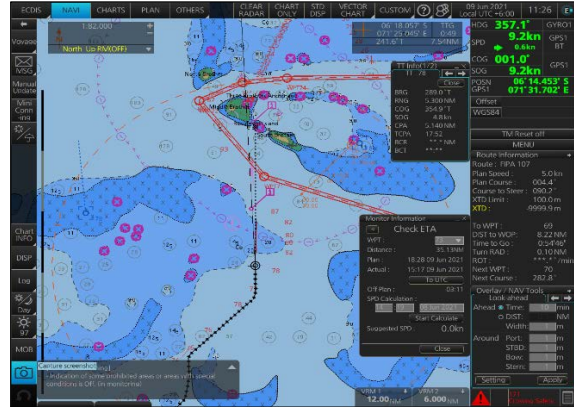


Figure 2: SFPO; WB232 and FV Position at time of interception



Figure 3: FV Starboard

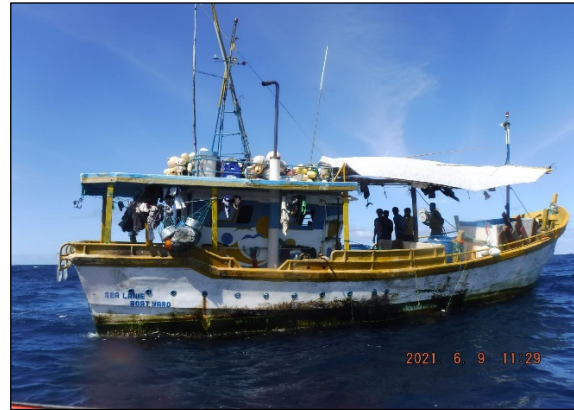


Figure 4: FV Bow (with Name and Registration)



Figure 5: FV Stern



Figure 6: FV Port



Figure 7: FV Unmarked Gear; Buoys/floats



Figure 8: Both 'DULAJ PUTHA' & 'DULAJ PUTHA-3' with WB232





Appendix II – Inspection Report

BIOT INSPECTION REPORT – RD012

1. SUMMARY

Date of boarding	09/06/2021
Patrol type and number	FIPA 107
Vessel name	DULAJ PUTHA
Vessel type	Multi-Purpose
Vessel flag and port of reg.	Sri Lanka
Vessel Registration No.	IMUL-A-0740KLT
IOTC# (if registered)	16589 (Expires 08/01/2022)
Vessel Captain's name	UNK
SFPO	Rhys Diplock
BPV crew assisting	Richard Needes

Action Taken: Fishing vessel intercepted in the central GCB heading North towards Peros Banhos after intercepting F/V 'DULAJ PUTHA-3'. The vessel was within 2 nm of Three Brothers Island (Figure 1). On approach there was a strong smell of fish coming from the vessel however the deck was clean and blood-free. Gillnet holds were present in front of the wheelhouse and appeared full but a large storage container on the foredeck was almost empty, bar some monofilament longline. F/V Master explained they had been fishing to the SW of BIOT at 'Saya de Malha Bank' for over 45 days and had lost most of their longline fishing gear down there. No signs of fishing gear in the vicinity of second interception so F/Vs instructed to follow the BPV out of the GCB to the West at Three Brothers atoll and then NE towards Sri Lanka – Escort by BPV (with F/V 'DULAJ PUTHA-3') away from the outer islands/reefs (North of Peros Banhos).

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

Date and time of first sighting	09/06/21 10:13 (LT)	(DD/MM/YY HH:MM)			
Sighted by: (insert name)	Rhys Diplock (SFPO)	Radar	Yes	Visual	No
Position of target	-06°15.2'S, 071°28.9'E				
Course	348°				
Speed	4.8 knots				
Range	10.80nm				
Bearing	006°				
<u>Comments:</u> FV sighted at ~8nm steaming North inside the GCB, in close proximity to a second closer target – F/V 'DULAJ PUTHA-3'. BPV set course to intercept other vessel whilst the SFPO onboard the WB232 intercepted this vessel.					
Fisheries Pennant and Sierra Quebec 3 Raised	09/06/21 09:18	(DD/MM/YY HH:MM)			
Vessel called on VHF CH16 and/or MF 2182.0	09/06/21 10:29/10:30	(DD/MM/YY HH:MM)			



Target requested to stop and prepare for boarding	09/06/21 10:29 (DD/MM/YY HH:MM)
Response to request for boarding	No reaction to request to stop engine. At 11:25 the SFPO intercepted the F/V onboard WB232 – F/V Master slowed and heaved to upon approach. The BPV stayed with the first interception whilst the SFPO carried out a second remote inspection before bringing the two vessels together.

3. LAUNCHING OF RHIB

Time RHIB launched	09/06/21 10:00 (DD/MM/YY HH:MM)	
RHIB Crew (<i>names</i>)	Jack Munro & Richard Needes	
<u>Comments on the approach to the FV:</u> F/V stopped and allowed approach before inspection. Strong smell of fish coming from the vessel. There appeared to be a lack of longline and DAN buoys present but there were gillnet holds in front of the wheelhouse which were full.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stem	Yes
	Fishing gear	Yes
	Other	N/A

4. BOARDING DETAILS

Date and time vessel boarded	09/06/2021 11:25 (A/S) (DD/MM/YY HH:MM)		
Position vessel boarded	-06°10.35'S, 071°34.55'E		
BPV crew assisting	Richard Needes		
Language spoken	English		
Language Cards used Y/N	N	Numbers used	N/A

5. CREW DETAILS

Captain's name	UNK
Captain's nationality	UNK
Captain's address	UNK
Captain's D.o.B	UNK (DD/MM/YY)
Number of crew (inc. Captain)	6
Nationality of Crew	UNK
Are any crew under 18 (Y/N), if 'Y' provide details below	UNK
UNK	



Do any crew have health issues (Y/N), if 'Y' provide details below.	UNK	
Health issue details: No indication of any health issues		
Photographic Evidence Collected (See Annex 1).	Captain ID	No
	Other crew ID	No
	Other	No

6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	DULAJ PUTHA		
International Callsign	4SF4544		
Flag State	Sri Lanka		
Authorisation to Fish/Fishing Licence No.	21HSIMUL0617KLT		
Valid from / to (dd/mm/yyyy)	UNK		
Port of Registration	UNK		
Registration Number	IMUL-A-0740 KLT		
FV owner name and details (as per licence)	RMCP Fernando (IOTC Records)		
Fishing logbook No.	LB191141		
Issuing Authority	UNK		
Date of last entry (dd/mm/yyyy)	UNK		
Position of last entry	UNK		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	UNK		
Insurance documentation (Y/N)	UNK		
Names and addresses of owners	RMCP Fernando Sisiliyana, Mahagammedda Payagala		
Overall length (ft/m)	13.73m	Engine Power (KW/hp)	UNK
Other paperwork:	N/A		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	No	



7. INTERVIEW WITH CAPTAIN

Time of interview	11:30	(HH:MM)
Travelling to or from fishing grounds?	From fishing grounds in 'Saya de Malha Bank'	
Port and date of departure	UNK	
Total amount of fish onboard (t)	UNK	
If fish onboard where caught?	Saya de Malha Bank	
If fish onboard when caught?	8+ days ago	
If fish onboard how caught?	Longline and Gillnet	
Destination	Sri Lanka	
Next port of call	UNK	
ETA	UNK	(DD/MM/YY)

Comments: There was a strong smell of fish coming from the FV upon approach and there appeared to be a lack of longline fishing gear (empty storage on foredeck) and few DAN buoys. The SFPO requested that the F/V crew show what remained inside the hold and they removed some monofilament longline but there was no visible wiretrace. The SFPO queried the F/V Master on where they had come from and where their destination is. He explained they had been fishing for approximately 45days outside BIOT to the SW at Saya de Malha Bank (the same story given by the Master of F/V 'DULAJ PUTHA-3'). The F/V deck was clean and blood free. Registration was checked against IOTC Historical Records to find they had a valid license:

<https://www.iotc.org/vessels/history/136702/16589>

High seas license, EEZ license and fishing logbook registration confirmed using DFAR Vessel Records:

<https://www.fisheriesdept.gov.lk/web/images/division/highseas/ALL-LOG-BOOK.pdf>

This was a second vessel intercepted after carrying out a remote inspection of the other. Following inspection, the F/V Master was instructed to follow the WB232 back South to where the BPV waiting with the first vessel – he complied. Here they were both interviewed further on their association and their reason for being where they were (in the central GCB).

8. VESSEL INSPECTION

Fishing gear type	Longline & Gillnet		
<u>Comments:</u> Length of longline unknown however there was a large storage container that appeared to be set up for longline on the foredeck. This was practically empty. Gillnet length and mesh also unknown but the gillnet storage hold in front of the wheelhouse appeared full.			
Catch onboard (estimated/reported t)	UNK		
IOTC species onboard (Y/N)	UNK	Endangered species onboard (Y/N)	UNK
Description of catch	N/A		



Comments: FV Master asked by the SFPO to remove several fish from his holds in order to determine freshness. The difficulty here was being able to see where in the hold these were removed from (naturally if they have any fish that are still bleeding, they won't choose those to show). There were fish/shark trunks laid out (drying) above the wheelhouse and over the canopy.

Photographic Evidence Collected (See Annex 1).	Gear	Yes
	Catch	Yes
	Hold	No
	Other	No

9. BIOT ORDINANCE NON-COMPLIANCE

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

Comments All fishing gear stowed away and not readily available for deployment. Upon request, the FV crew removed some of their longline from their storage container to see if there was any wiretrace present. SFPO unable to board to inspect further due to Covid-19 restrictions.

10. IOTC CMM NON-COMPLIANCE

15/04 Para 14: Vessel not marked with name or callsign	Yes
15/04 Para. 15: Fishing gear not marked with name or callsign	No – Nothing marked
15/03 Para. 1: No VMS present	UNK
15/03 Para 8: VMS not tamper resistant	UNK
15/03 para 9: VMS present but not working	UNK
15/04 para. 13: No state issued logbook	Yes
15/04 para. 13: No state issued licence	Yes
17/07 Para 4: Possession of drift net over 2.5km.	UNK
15/04 Para 1: Not authorised to fish in IOTC area	Yes (expires 08/01/2022)
12/04 para. 6,7,8 No turtle de hooker on board	UNK

Comments Vessel name and Registration marked on the vessel and record of fishing license through IOTC. EEZ and HS fishing licenses both valid. All 'markable' fishing gear (floats/dan buoys) unmarked. Operating without AIS and/or VMS activated (unknown if present).



11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	No
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed	Yes
Master given verbal warning and released	Yes
No further action, vessel released	Yes
<p>Comments: No current boardings due to Covid-19 restrictions but F/V warned about BIOT Fisheries Law and instructed to follow the BPV West out of the GCB at the Three Brothers atoll and then N/NE towards Sri Lanka. F/V Master complied and escorted away (with F/V 'DULAJ PUTHA-3') from the outer islands/reefs before BPV continued on patrol.</p>	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	N/A	(HH:MM)
Time RHIB recovered to the BPV	14:30	(HH:MM)
Comments: Nil		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Yes	IOTC number	16589
Date authorised from	09/01/2021	Date authorised to	08/01/2022
Vessel currently authorised to fish in IOTC area of competence (Y/N)			Yes
Version of IOTC database referenced:			Web Historical Record (2021)
Vessel previously boarded (Y/N)	No	Inspection report ID	N/A
Master previously boarded (Y/N)	UNK	Inspection report ID	N/A
Owner previously boarded (Y/N)	UNK	Inspection report ID	N/A
Crew previously boarded (Y/N)	UNK	Inspection report ID	N/A
Comments: No record of FV detention exists in BIOT. Valid IOTC license.			

Rhys Diplock
BIOT Senior Fisheries Protection Officer
09/06/2021



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@mrags.co.uk
Internet: www.mrag.co.uk

Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

16 June 2021

E-Mail: dgdgar@gmail.com; sjksusantha@yahoo.com

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

Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com

Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Request for Vessel Monitoring System information on two vessels flagged to Sri Lanka following the inspection of F/V DULAJ PUTHA, Reg: IMUL-A-0740KLT and F/V DULAJ PUTHA-3 Reg: IMUL-A-0778KLT in the Territorial Waters of the British Indian Ocean Territory (BIOT).

The above two referenced Sri Lankan flagged vessels were inspected on 9 June 2021 having been detected on 8 June inside Territorial waters, both within 2nm of Three Brothers Island, and in the case of DULAJ PUTHA-3, Reg: IMUL-A-0778KLT the vessel was within a Strict Nature Reserve. Neither vessel had submitted a transit report request. Both vessels are on the IOTC list of Authorised Fishing Vessels and will therefore be equipped with VMS. Whilst the Senior Fisheries Protection Officer detected no evidence of illegal fishing the location of the vessels on the Great Chagos Bank within the Territorial waters and a Strict Nature Reserve was suspicious.

Due to the current situation with Coronavirus neither vessel was boarded and we were therefore unable to conduct a full investigation of the vessels' activities. The vessels were escorted out of the Great Chagos Bank and the Master was instructed to leave BIOT waters directly.

Further, it should be noted that the unauthorised presence of DULAJ PUTHA-3 within the Strict Nature Reserve constitutes a criminal offence under the BIOT Strict Nature Reserve Regulations 1998 Section 3.(1). A copy of the relevant legislation is attached for your reference.

Due the location that these vessels were detected and the lack of any transit report we kindly request that you provide details of the vessels VMS tracks for the entire period that they were within the BIOT 200nm Fisheries Conservation Management Zone.

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
UK(OT) Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator

Attachment: Inspection Reports for vessels IMUL-A-0740KLT and IMUL-A-0778KLT.



Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

27 August 2021

E-Mail: dgdgar@gmail.com; sjksusantha@yahoo.com

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

Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com

Mr. Jayakody (Director Investigation DFAR) hsfinvestigation@gmail.com

Dear Mr Kahawatta,

Request for information on vessels flagged to Sri Lanka IMULA-0195-TCO; IMULA-0740-KLT; IMULA-0778-KLT

Inspection reports for the above referenced vessels were provided to you in May and June 2021 with requests for further information. To date we have received no response.

IMULA-0195-TCO Presumed IUU, not on a typical transit route, gear not stowed and ready to be deployed, repeat offender

We refer to our letter dated 20 May 2021 and confirmation of receipt dated 24 May 2021 (Kumari Nambukara Vithana). Please provide details of the actions taken and an update on the status of this vessel

IMULA-0740-KLT; IMULA-0778-KLT IOTC authorised vessels equipped with VMS inspected within BIOT territorial waters and within a strict nature reserve

We refer to our letter dated 16 June 2021 (and confirmation of receipt dated 17 June 2021, Kumari Nambukara Vithana) requesting details of the vessels VMS tracks for the entire period that they were within the BIOT 200nm Fisheries Conservation Management Zone, We would be grateful if you could please provide the requested information.

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
UK Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator



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கடற்நொழில் ந்ரியல் வளத்துறை திணைக்களம்
DEPARTMENT OF FISHERIES & AQUATIC RESOURCES



web site : <http://www.fisheriesdept.gov.lk> E - mail : info@fisheriesdept.gov.lk

தமிழ் செயலகம்: யான்காவத்தறை கோடியடி 10, இலங்கை **தமிழ் மீன் குவளை கட்டிடம், மாலிகவத்தறை, கොடி 10, ශ්‍රී ලංකාව** New Secretariat, Malignawaththa, Colombo 10

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My Ref



DFAR/INV/විමර්ශන
தமிழ் 2021

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உமது இல
Your Ref



දිනය
திகதி
Date



04.09.2021

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

Dear Dr. Mees,

Update the status of legal actions against the Sri Lanka Vessels reported in BIOT waters in the intersession of 2021-2022

This is in reference to your letters dated 27.08.21 and 31.08.2021, send by email, addressed to Director General Department of Fisheries and Aquatic Resources Sri Lanka ..

The progress of the legal actions against the thirteen Sri Lanka vessels IMUL-A- 0195 TCO, IMUL-A-0740 KLT, IMUL-A- 0778 KLT, IMUL-A-0299 NBO, IMUL-A-0702 NBO, IMUL-A-564 NBO, IMUL-A-684 CHW, IMUL-A-0790KLT, IMUL-A-0814 CHW, IMUL-A-1552 MTR, IMUL-A-0730 KLT, IMUL-A-0846 KLT and IMUL-A-1028 TLE are provided in the Table 1,2,3 and 4 of the Annex Doc. of this letter.

Most of the vessels are listed in the priority list of VMS installation after the prosecution. DFAR will install VMS transceivers on board of these vessels in coming months. The first batch of VMS transceivers (200 numbers) dispatched to Sri Lanka this week. The total number of VMS units to be received is 4200. Software is deployed and customization is going on. Accordingly the installation of VMS units will be initiated from September onwards. 30 months will be taken to complete the fixing of 4200 VMS. A technical training for 30 officers from FMC and harbors completed. However the installation process is highly influenced due to the lockdown in place in the country due to covid19 pandemic.

මගේ අංකය
தமிழ் இல
P.O.Box } 531

දුරකථන අංකය
தொலைபேசி இல
Gen. Telephone } +94(0)112446183 (2 lines)

දුරකථන අංකය
தொலைபேசி இல
Fax } +94(0) 112449170

This Letter issued via document management and e signature management system of DFAR/ IT division @ 2019/20



It is beyond DFAR control, under the current pandemic situation the Courts were closed for some periods and number of trials taken is restricted. However DFAR take much effort to complete the legal proceedings at earliest and report the out comes to the UK authorities and the IOTC. I appreciate your understanding of our current situation on this regard.

I would like to bring to your kind notice that the Covid -19 pandemic is rapidly spreading in Sri Lanka and the DFAR officials' work, with many difficulties, due to the travel restrictions and the prevailing quarantine curfew in the country.

Despite the hardships, I reaffirm our commitment to combat the IUU fishing conduct by Sri Lanka fishing vessels in the region.

Thank you,

Your Sincerely,

S J Kahawatta
Director General
Department Of Fisheries and Aquatic Resources



Update the status of legal actions against the Sri Lanka Vessels reported in BIOT waters in the intercession of 2021-2022 Last update 3rd of September 2021

Table 01: Requested information on three vessels flagged in Sri Lanka (reference to your email dated on 27th August 2021)

	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken	Status as at 15 days before CM
01.	IMUL A 0195 TCO Mangala	15.05.2021	23.07.2021	(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 and 14 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 53030. (ii)Magistrate summoned to detain the vessel under the Department of Coast Guard. (iii)Skipper license has suspended for 1 year	Next trial date 16.09.2021
02.	IMUL A 0740 KLT Dulaj Putha	08.06.2021	30.06.2021	(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)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG (ii)Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner (iii)Suspended the fishing operation license and skipper license for 3 months period	DFAR has conduct further investigations.
03.	IMUL A 0778 KLT Dulaj Putha 03	08.06.2021	30.06.2021	(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)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG. (ii)Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner. (iii)Suspended the fishing operation license and skipper license for 3 months period.	DFAR has conduct further investigations.



Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

19 January 2022

E-Mail: dgdgar@gmail.com; sjksusantha@yahoo.com

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

Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com

Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Request for information on vessels flagged to Sri Lanka IMULA-0195-TCO; IMULA-0560-KLT; IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT in advance of 70 day Reporting deadline to IOTC

The above referenced vessels will be reported to IOTC in 2022. In order to enable a decision on whether to propose that these vessels are included on the draft IUU vessels list at the 70-day reporting deadline (27th February 2022) please provide an update on their status no later than 16 February 2022.

Inspection reports and letters requesting information on the above referenced vessels have previously been submitted to you. We note your reply dated 4/9/21 regarding three of the vessels but outstanding issues remain.

IMULA-0195-TCO: We note that the case for this vessel was due to be heard on 16/09/21. We would be grateful for details of the outcome. Furthermore, we refer to our letter dated 20 May 2021 with specific queries not yet addressed.

IMULA-0740-KLT; IMULA-0778-KLT We note that the fishing operation licences of these two vessels were suspended for 3 months and that further investigations would be undertaken. We would be grateful for details of the outcome. Furthermore, we refer to our letter dated 16 June 2021 requesting details of the vessels VMS tracks for the entire period that they were within the BIOT 200nm Fisheries Conservation Management Zone, we would be grateful if you could please provide the requested information.

For two of the vessels, to date, we have received no response to our queries:

IMULA-0560-KLT; We refer to our letter dated 21/10/21 and would be grateful for a response.

IMULA-0633-CHW; We refer to our letters dated 7/9/21 and 13/9/21 and would be grateful for a response including details of the vessel's VMS tracks for the entire period it was within the BIOT 200nm Fisheries Conservation Management Zone.

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
UK Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator



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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, மானிக்காவத்தை கொழும்பு 10, இலங்கை නව මහ ලේකම් කාර්යාලය, මාලිගාවත්ත, කොළඹ 10, ශ්‍රී ලංකාව New Secretariat, Maligawaththa, Colombo 10

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My Ref

} DFAR/DFO/BIOT/2022

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உமது இல
Your Ref

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දිනය
திகதி
Date

} 14-02-2022

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

Dear Dr.Mees

Update the status of legal actions against the Sri Lanka vassels reported in BIOT waters in the intersession of 2021-2022

This is in reference to your e-mail No.MRAG Ref:IO2603 dated 19th January 2022 on Draft IUU Vessels list, 70 day reporting deadline..The progress of the legal actions taken against the five Sri Lanka vessels IMUL-A-0195TCO,IMUL-A-0560KLT,IMUL-A-0633CHW,IMUL-A-0740KLT,IMUL-A-0778KLT is provided in the attachment of this letter.

In conclusion I would like to reaffirm our commitment to cooperate with the relevant coastal states to deter and elimination of IUU fishing in the region.

Thank you

Yours Sincerely,

Kalyani Hewapathirana

Director (Fishing Operation)

Sri Lanka Delegate to IOTC

Update the status of legal actions against the Sri Lanka Vessels reported in BIOT waters in the intersession before 16th Feb 2022

S/N	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken	Current Status
01.	IMUL A 0195 TCO Mangala	15.05.2021	23.07.2021	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 and 14 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 53030.</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 1 year</p>	<p>I)Hon. Magistrate summon to appear vessel Owner and skipper at open court for trial on 22 .02.2022</p> <p>II) DFAR file the plaint sheet on 22.02.2022</p>
02.	IMUL A 0740 KLT Dulaj Putha	08.06.2021	30.06.2021	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG</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)Suspended the fishing operation license and skipper license for 3 months period</p>	<p>Case is over. Suspensions lifted</p> <p>The vessel is detained and the owner is in the pending list of VMS installation.</p> <p>Added to the risk vessel list of DFAR</p>

03.	IMUL A 0778 KLT Dulaj Putha 03	08.06.2021	30.06.2021	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG.</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)Suspended the fishing operation license and skipper license for 3 months period.</p>	<p>Case is over. Suspensions lifted.</p> <p>The vessel is detained and the owner is in the pending list of VMS installation.</p> <p>Added to the risk vessel list of DFAR</p>
04.	IMUL A 0633 CHW Janith Putha	02.09.2021	18.09.2021	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 56497/5/21</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months</p>	<p>Administrative penalty SLR 500,000 is paid. (annex ii)</p> <p>Case is over. Suspensions lifted.</p> <p>VMS is installed on 06.12.2021</p> <p>Added to the risk vessel list of DFAR</p>

05.	IMUL A 0560 KLT	08.10.2021	28.10.2021	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 and 14 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 58475/5/21.</p> <p>(ii) Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii) Suspended the fishing activities.</p> <p>(iv) Skipper license has suspended for 6 months</p>	<p>I) Administrative penalty SLR 1M has imposed for owner</p> <p>II) Owner has made an appeal to secretary for take a relive period to pay the administrative fine due to economic difficulties of owner under provision of 52B (5) sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013</p> <p>III) vessel detained at harbor until pay the administrative fine</p> <p>Next court date 08.03.2022</p>
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Ms. Kalyani Hewapathirana
Director Fishing Operations
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

16 February 2022

E-Mail: hewakal2012@gmail.com
cc. Mr. Mr. Susantha Kahawatta, (Director General) dgdifar@gmail.com; sjksusantha@yahoo.com
Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com
Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Ms Hewapathirana,

Further request for information on vessels flagged to Sri Lanka IMULA-0195-TCO; IMULA-0560-KLT; IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT

Thank you for your letter dated 14/02/2022 providing an update on the above referenced vessels. We note the conclusion of three vessel-cases. We would appreciate the following further clarifications:

VMS and the IOTC AFV List: The following vessels were on the IOTC Authorised Fishing Vessel List: IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT. Resolution 15/03 (VMS) requires all vessels operating in waters outside the Economic Exclusive Zone of the Flag State fishing for species covered by the IOTC Agreement within the IOTC area of competence to be equipped with VMS by April 2019. Para 11a of Resolution 19/04 (AFV) require flag CPCs to authorise their vessels to operate in the IOTC area of competence only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its Conservation and Management Measures. Thus, all vessels on the AFV list should be equipped with VMS. We have requested VMS records in BIOT waters for each of these vessels but note from your letter of 14/02/22 that these three vessels remain detained pending VMS installation. Can you please clarify this situation?

Regarding IMULA-0195-TCO, not on the IOTC AFV list we note that in 2020 the vessel was on the priority list for VMS installation. Please clarify the VMS status of this vessel.

Risk vessel list of DFAR: Please provide details of what it means to be a vessel / owner / skipper on this list. What additional flag State controls apply to such vessels?

Administrative Penalties: It would be useful to understand the basis on which these are applied: Furthermore, in future summaries of the outcome of each case, please provide some detail to explain the level of penalty applied. For example, it is not clear why the penalty for IMULA-0560-KLT was SLR1 million, whilst that of IMULA-0633-CHW was SLR500,000.

Skippers: We note that the suspension of the licence to fish varies. Can you provide details on the basis this is applied? Also, could you please provide an update on progress towards updating the fisheries legislation to include the prosecution of skippers.

IMULA-0195-TCO; IMULA-0560-KLT: We note that prosecution of these two vessel owners has not yet concluded and therefore you will submit additional details prior to the Compliance Committee meeting.

- Please also confirm for IMULA-0195-TCO that the vessel has remained detained in Port until conclusion of the case. VMS – see above



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

- For IMULA-0560-KLT we note that no reference has been made to installing VMS on the vessel, nor its inclusion on the risk vessel list of DFAR. Could you please clarify if these actions will be applied?

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

Yours Sincerely

Dr C.C. Mees
UK Delegate to IOTC

Christopher (Kit) Pyman
BIOT Administrator



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 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)	DULAJ PUTHA-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	IMUL-A-0778KLT
e	Photo	Yes, see Appendix I
f	Call Sign (previous call sign, if any)	4SF4701
g	Owner (previous Owner/s, if any)	RMCP Fernando
h	Operator (previous Operator/s, if any) and Master/Fishing Master	UNK
i	Date of alleged IUU fishing activities	09/06/2021
j	Position of alleged IUU fishing activities	-06°14.37'S, 071°26.34'E
k	Summary of alleged IUU activities (see section B for more detail)	No fishing gear (buoys/floats) marked.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Warning given to F/V about BIOT Fisheries Law and instructed to follow the BPV North towards Sri Lanka.
m	Outcome of actions taken	F/V Master complied and observed heading North past Speakers Bank.



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	
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 transhipments 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;	X



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

D. Recommended Actions

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

Appendix I – Photographs

Figure 1: ECDIS Screenshot; BPV and FV Position at time of interception

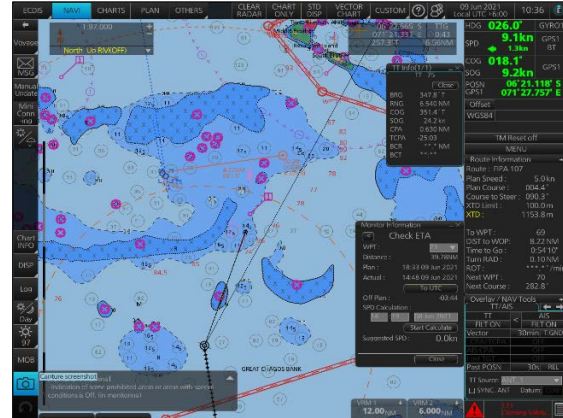


Figure 2: SFPO; WB232 and FV Position at time of interception



Figure 3: FV Starboard



Figure 4: FV Bow



Figure 5: FV Stern



Figure 6: FV Port



Figure 7: FV ID; Name and Registration marked on bow



Figure 8: FV shadowed by BPV



Figure 9: FV Unmarked Gear; Buoys/floats



Figure 10: Both 'DULAJ PUTHA-3' & 'DULAJ PUTHA'
with WB232





Appendix II – Inspection Report

BIOT INSPECTION REPORT – RD011

1. SUMMARY

Date of boarding	09/06/2021
Patrol type and number	FIPA 107
Vessel name	DULAJ PUTHA-3
Vessel type	Gill Netter
Vessel flag and port of reg.	Sri Lanka
Vessel Registration No.	IMUL-A-0778KLT
IOTC# (if registered)	17062 (Expires 23/12/2021)
Vessel Captain's name	UNK
SFPO	Rhys Diplock
BPV crew assisting	Richard Needes

Action Taken: Fishing vessel intercepted in the central GCB heading North towards Peros Banhos. The vessel was inside a Strict Nature Reserve within 2nm of the Three Brothers Island (Figure 1). When approached there was a moderate smell of fish coming from the vessel however the majority of their fishing gear seemed accounted for (full gillnet storage holds and longline barrels covered and tied down. FV crew explained they had been fishing to the SW of BIOT at 'Saya de Malha Bank' for over 45 days and had lost most of their fishing gear down there. Second target identified ~4nm so SFPO intercepted both and brought them together with the BPV shadowing. No signs of fishing gear in the vicinity of interception so FV's instructed to follow the BPV out of the GCB to the West at Three Brothers atoll and then NE towards Sri Lanka – Escort by BPV away from the outer islands/reefs (North of Peros Banhos).

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

Date and time of first sighting	09/06/21 09:06 (LT)	(DD/MM/YY HH:MM)			
Sighted by: (insert name)	Killian Hickey (Master)	Radar	Yes	Visual	No
Position of target	-06°22.4'S, 071°28.1'E				
Course	019°				
Speed	4.8 knots				
Range	10.35nm				
Bearing	359°				

Comments: FV sighted at ~10nm steaming North inside the GCB. BPV set course to intercept and BPV already engaged with 2nd engine. Upon approach (~8nm) a second target appeared on the radar ~2nm apart before visual confirmation ('DULAJ PUTHA').

Fisheries Pennant and Sierra Quebec 3 Raised	09/06/21 09:18	(DD/MM/YY HH:MM)
Vessel called on VHF CH16 and/or MF 2182.0	09/06/21 10:29/10:30	(DD/MM/YY HH:MM)



Target requested to stop and prepare for boarding	09/06/21 10:29 (DD/MM/YY HH:MM)
Response to request for boarding	No reaction to request to stop engine. At 10:36 the SFPO intercepted the FV onboard WB232 – F/V Master slowed and heaved to upon approach. The BPV followed behind and laid adrift <1nm from F/V.

3. LAUNCHING OF RHIB

Time RHIB launched	09/06/21 10:00 (DD/MM/YY HH:MM)		
RHIB Crew (<i>names</i>)	Jack Munro & Richard Needes		
<u>Comments on the approach to the FV:</u> FV stopped and allowed approach before inspection. Moderate smell of fish coming from the vessel. Majority of fishing gear (gillnet and longline) seemed accounted for on deck and numerous DAN buoy present. Full gillnet holds in front of wheelhouse and four longline drums covered and tied down on foredeck.			
Photographic Evidence Collected (See Annex 1).	Port	Yes	
	Starboard	Yes	
	Stern	Yes	
	Fishing gear	Yes	
	Other	N/A	

4. BOARDING DETAILS

Date and time vessel boarded	09/06/2021 10:36 (A/S) (DD/MM/YY HH:MM)		
Position vessel boarded	-06°14.37'S, 071°26.34'E		
BPV crew assisting	Richard Needes		
Language spoken	English		
Language Cards used Y/N	N	Numbers used	N/A

5. CREW DETAILS

Captain's name	UNK		
Captain's nationality	UNK		
Captain's address	UNK		
Captain's <u>D.o.B.</u>	UNK (DD/MM/YY)		
Number of crew (inc. Captain)	6		
Nationality of Crew	UNK		
Are any crew under 18 (Y/N), if 'Y' provide details below	UNK		
UNK			



Do any crew have health issues (Y/N), if 'Y' provide details below.		UNK
Health issue details: No indication of any health issues		
Photographic Evidence Collected (See Annex 1).	Captain ID	No
	Other crew ID	No
	Other	No

6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	DULAJ PUTHA-3		
International Callsign	4SF4701		
Flag State	Sri Lanka		
Authorisation to Fish/Fishing Licence No.	21HSIMUL0256KLT		
Valid from / to (dd/mm/yyyy)	UNK		
Port of Registration	UNK		
Registration Number	IMUL-A-0778 KLT		
FV owner name and details (as per licence)	RMCP Fernando (IOTC Records)		
Fishing logbook No.	LB172208		
Issuing Authority	UNK		
Date of last entry (dd/mm/yyyy)	UNK		
Position of last entry	UNK		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	UNK		
Insurance documentation (Y/N)	UNK		
Names and addresses of owners	RMCP Fernando Sisiliyana, Mahagammeda Payagala		
Overall length (ft/m)	13.77m	Engine Power (KW/hp)	UNK
Other paperwork:	N/A		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	No	



7. INTERVIEW WITH CAPTAIN

Time of interview	10:38	(HH:MM)
Travelling to or from fishing grounds?	From fishing grounds in 'Saya de Malha Bank'	
Port and date of departure	UNK	
Total amount of fish onboard (t)	UNK	
If fish onboard where caught?	Saya de Malha Bank	
If fish onboard when caught?	8+ days ago	
If fish onboard how caught?	Longline and Gillnet	
Destination	Sri Lanka	
Next port of call	UNK	
ETA	UNK	(DD/MMYY)

Comments: There was a moderate smell of fish coming from the FV upon approach however all of their fishing gear appeared stowed away and tied down. The SFPO requested that the F/V crew uncover the drums on deck to determine amount of fishing gear present. Three longline drums were occupied with gear whilst the other was being used for storage. The SFPO queried the F/V Master on where they had come from and where their destination is. He explained they had been fishing for approximately 45days outside BIOT to the SW at Saya de Malha Bank. The FV deck was clean and blood free. Registration was checked against IOTC Historical Records to find they had a valid license:

<https://www.iotc.org/vessels/history/134788/17062>

High seas license, EEZ license and fishing logbook registration confirmed using DFAR Vessel Records:

<https://www.fisheriesdept.gov.lk/web/images/division/highseas/ALL-LOG-BOOK.pdf>

There was a second vessel in the vicinity of this location (~6nm North) and so the F/V Master was instructed to remain where he was whilst the SFPO onboard the WB232 steamed after the second target – he complied. During this time the BPV was brought up close (<1nm) to shadow.

8. VESSEL INSPECTION

Fishing gear type	Longline & Gillnet		
<u>Comments:</u> Length of longline unknown however there were four longline storage drums on the foredeck. The F/V crew were asked to uncover the drums for remote inspection – most of which were occupied with longline and wire trace. Gillnet length and mesh also unknown but the gillnet storage hold in front of the wheelhouse appeared full.			
Catch onboard (estimated/reported t)	UNK		
IOTC species onboard (Y/N)	UNK	Endangered species onboard (Y/N)	UNK
Description of catch	N/A		



Comments: FV Master asked by the SFPO to remove several fish from his holds in order to determine freshness. The difficulty here was being able to see where in the hold these were removed from (naturally if they have any fish that are still bleeding, they won't choose those to show). There were fish/shark trunks laid out (drying) above the wheelhouse and over the canopy.

Photographic Evidence Collected (See Annex 1).	Gear	Yes
	Catch	Yes
	Hold	No
	Other	No

9. BIOT ORDINANCE NON-COMPLIANCE

Section 5 (1(c)): Possession of sea cucumbers or molluscs	UNK
Section 6 (1(a)): Fishing using prohibited fishing gear	UNK
Section 6 (2): Possession of prohibited fishing gear	Yes – Wire trace
Section 7 (1): Fishing without a license	UNK
Section 9 (1): Fishing gear not stowed and readily available for fishing	No
Section 16: Obstruction of a Fisheries Protection Officer	No
Other:	N/A

Comments All fishing gear stowed away and not readily available for deployment. Upon request, the F/V crew exposed the longline drums for remote inspection. SFPO unable to board to inspect further due to Covid-19 restrictions.

10. IOTC CMM NON-COMPLIANCE

15/04 Para 14: Vessel not marked with name or callsign	Yes
15/04 Para. 15: Fishing gear not marked with name or callsign	No – Nothing marked
15/03 Para. 1: No VMS present	UNK
15/03 Para 8: VMS not tamper resistant	UNK
15/03 para 9: VMS present but not working	UNK
15/04 para. 13: No state issued logbook	Yes
15/04 para. 13: No state issued licence	Yes
17/07 Para 4: Possession of drift net over 2.5km.	UNK
15/04 Para 1: Not authorised to fish in IOTC area	Yes (expires 23/12/2021)
12/04 para. 6,7,8 No turtle de hooker on board	UNK

Comments Vessel name and Registration marked on the vessel and record of fishing license through IOTC. EEZ and HS fishing licenses both valid. All 'markable' fishing gear (floats/dan buoys) unmarked. Operating without AIS and/or VMS activated (unknown if present).



11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	No
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed	Yes
Master given verbal warning and released	Yes
No further action, vessel released	Yes
Comments: No current boardings due to Covid-19 restrictions but FV warned about BIOT Fisheries Law and instructed to follow the BPV West out of the GCB at the Three Brothers atoll and then N/NE towards Sri Lanka. FV Master complied and escorted away from the outer islands/reefs before BPV continued on patrol.	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	N/A	(HH:MM)
Time RHIB recovered to the BPV	14:30	(HH:MM)
Comments: Nil		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Yes	IOTC number	17062
Date authorised from	30/01/2021	Date authorised to	23/12/2021
Vessel currently authorised to fish in IOTC area of competence (Y/N)			Yes
Version of IOTC database referenced:			Web Historical Record (2021)
Vessel previously boarded (Y/N)	No	Inspection report ID	N/A
Master previously boarded (Y/N)	UNK	Inspection report ID	N/A
Owner previously boarded (Y/N)	UNK	Inspection report ID	N/A
Crew previously boarded (Y/N)	UNK	Inspection report ID	N/A
Comments: No record of FV detention exists in BIOT. Valid IOTC license.			

Rhys Diplock
BIOT Senior Fisheries Protection Officer
09/06/2021



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@mrags.co.uk
Internet: www.mrag.co.uk

Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

16 June 2021

E-Mail: dgdgar@gmail.com; sjksusantha@yahoo.com

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

Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com

Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Request for Vessel Monitoring System information on two vessels flagged to Sri Lanka following the inspection of F/V DULAJ PUTHA, Reg: IMUL-A-0740KLT and F/V DULAJ PUTHA-3 Reg: IMUL-A-0778KLT in the Territorial Waters of the British Indian Ocean Territory (BIOT).

The above two referenced Sri Lankan flagged vessels were inspected on 9 June 2021 having been detected on 8 June inside Territorial waters, both within 2nm of Three Brothers Island, and in the case of DULAJ PUTHA-3, Reg: IMUL-A-0778KLT the vessel was within a Strict Nature Reserve. Neither vessel had submitted a transit report request. Both vessels are on the IOTC list of Authorised Fishing Vessels and will therefore be equipped with VMS. Whilst the Senior Fisheries Protection Officer detected no evidence of illegal fishing the location of the vessels on the Great Chagos Bank within the Territorial waters and a Strict Nature Reserve was suspicious.

Due to the current situation with Coronavirus neither vessel was boarded and we were therefore unable to conduct a full investigation of the vessels' activities. The vessels were escorted out of the Great Chagos Bank and the Master was instructed to leave BIOT waters directly.

Further, it should be noted that the unauthorised presence of DULAJ PUTHA-3 within the Strict Nature Reserve constitutes a criminal offence under the BIOT Strict Nature Reserve Regulations 1998 Section 3.(1). A copy of the relevant legislation is attached for your reference.

Due the location that these vessels were detected and the lack of any transit report we kindly request that you provide details of the vessels VMS tracks for the entire period that they were within the BIOT 200nm Fisheries Conservation Management Zone.

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
UK(OT) Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator

Attachment: Inspection Reports for vessels IMUL-A-0740KLT and IMUL-A-0778KLT.



Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

27 August 2021

E-Mail: dgdgar@gmail.com; sjksusantha@yahoo.com

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

Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com

Mr. Jayakody (Director Investigation DFAR) hsfunvestigation@gmail.com

Dear Mr Kahawatta,

Request for information on vessels flagged to Sri Lanka IMULA-0195-TCO; IMULA-0740-KLT; IMULA-0778-KLT

Inspection reports for the above referenced vessels were provided to you in May and June 2021 with requests for further information. To date we have received no response.

IMULA-0195-TCO Presumed IUU, not on a typical transit route, gear not stowed and ready to be deployed, repeat offender

We refer to our letter dated 20 May 2021 and confirmation of receipt dated 24 May 2021 (Kumari Nambukara Vithana). Please provide details of the actions taken and an update on the status of this vessel

IMULA-0740-KLT; IMULA-0778-KLT IOTC authorised vessels equipped with VMS inspected within BIOT territorial waters and within a strict nature reserve

We refer to our letter dated 16 June 2021 (and confirmation of receipt dated 17 June 2021, Kumari Nambukara Vithana) requesting details of the vessels VMS tracks for the entire period that they were within the BIOT 200nm Fisheries Conservation Management Zone, We would be grateful if you could please provide the requested information.

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
UK Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator



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கடற்நொழில் ந்ரியல் வளத்துறை திணைக்களம்
DEPARTMENT OF FISHERIES & AQUATIC RESOURCES



web site : <http://www.fisheriesdept.gov.lk> E - mail : info@fisheriesdept.gov.lk

தமிழ் செயலகம்: மாணிக்காத்திணை கோட்டம்பு 10, இலங்கை **නව මහ ලේකම් කාර්යාලය, මාලිගාමැත්ත, කොළඹ 10, ශ්‍රී ලංකාව** New Secretariat, Maligawaththa, Colombo 10

මගේ අංකය
எனது இல
My Ref



DFAR/INV/විමර්ශන
මහලු 2021

ඔබේ අංකය
உமது இல
Your Ref



දිනය
திகதி
Date



04.09.2021

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

Dear Dr. Mees,

Update the status of legal actions against the Sri Lanka Vessels reported in BIOT waters in the intersession of 2021-2022

This is in reference to your letters dated 27.08.21 and 31.08.2021, send by email, addressed to Director General Department of Fisheries and Aquatic Resources Sri Lanka ..

The progress of the legal actions against the thirteen Sri Lanka vessels IMUL-A- 0195 TCO, IMUL-A-0740 KLT, IMUL-A- 0778 KLT, IMUL-A-0299 NBO, IMUL-A-0702 NBO, IMUL-A-564 NBO, IMUL-A-684 CHW, IMUL-A-0790KLT, IMUL-A-0814 CHW, IMUL-A-1552 MTR, IMUL-A-0730 KLT, IMUL-A-0846 KLT and IMUL-A-1028 TLE are provided in the Table 1,2,3 and 4 of the Annex Doc. of this letter.

Most of the vessels are listed in the priority list of VMS installation after the prosecution. DFAR will install VMS transceivers on board of these vessels in coming months. The first batch of VMS transceivers (200 numbers) dispatched to Sri Lanka this week. The total number of VMS units to be received is 4200. Software is deployed and customization is going on. Accordingly the installation of VMS units will be initiated from September onwards. 30 months will be taken to complete the fixing of 4200 VMS. A technical training for 30 officers from FMC and harbors completed. However the installation process is highly influenced due to the lockdown in place in the country due to covid19 pandemic.

මගේ අංකය
எனது இல
P.O.Box } 531

දුරකථන අංකය
தொலைபேசி இல
Gen. Telephone } +94(0)112446183 (2 lines)

දුරකථන අංකය
தொலைபேசி இல
Fax } +94(0) 112449170

This Letter issued via document management and e signature management system of DFAR/ IT division @ 2019/20



It is beyond DFAR control, under the current pandemic situation the Courts were closed for some periods and number of trials taken is restricted. However DFAR take much effort to complete the legal proceedings at earliest and report the out comes to the UK authorities and the IOTC. I appreciate your understanding of our current situation on this regard.

I would like to bring to your kind notice that the Covid -19 pandemic is rapidly spreading in Sri Lanka and the DFAR officials' work, with many difficulties, due to the travel restrictions and the prevailing quarantine curfew in the country.

Despite the hardships, I reaffirm our commitment to combat the IUU fishing conduct by Sri Lanka fishing vessels in the region.

Thank you,

Your Sincerely,

S J Kahawatta
Director General
Department Of Fisheries and Aquatic Resources



Update the status of legal actions against the Sri Lanka Vessels reported in BIOT waters in the intercession of 2021-2022 Last update 3rd of September 2021

Table 01: Requested information on three vessels flagged in Sri Lanka (reference to your email dated on 27th August 2021)

	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken	Status as at 15 days before CM
01.	IMUL A 0195 TCO Mangala	15.05.2021	23.07.2021	(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 and 14 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 53030. (ii) Magistrate summoned to detain the vessel under the Department of Coast Guard. (iii) Skipper license has suspended for 1 year	Next trial date 16.09.2021
02.	IMUL A 0740 KLT Dulaj Putha	08.06.2021	30.06.2021	(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) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG (ii) Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner (iii) Suspended the fishing operation license and skipper license for 3 months period	DFAR has conduct further investigations.
03.	IMUL A 0778 KLT Dulaj Putha 03	08.06.2021	30.06.2021	(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) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG. (ii) Summon the skipper and crew to the head office, DFAR and conduct and inquiry in the presence of the vessel owner. (iii) Suspended the fishing operation license and skipper license for 3 months period.	DFAR has conduct further investigations.



Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

19 January 2022

E-Mail: dgd@mrage.co.uk; sjksusantha@yahoo.com

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

Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com

Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Request for information on vessels flagged to Sri Lanka IMULA-0195-TCO; IMULA-0560-KLT; IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT in advance of 70 day Reporting deadline to IOTC

The above referenced vessels will be reported to IOTC in 2022. In order to enable a decision on whether to propose that these vessels are included on the draft IUU vessels list at the 70-day reporting deadline (27th February 2022) please provide an update on their status no later than 16 February 2022.

Inspection reports and letters requesting information on the above referenced vessels have previously been submitted to you. We note your reply dated 4/9/21 regarding three of the vessels but outstanding issues remain.

IMULA-0195-TCO: We note that the case for this vessel was due to be heard on 16/09/21. We would be grateful for details of the outcome. Furthermore, we refer to our letter dated 20 May 2021 with specific queries not yet addressed.

IMULA-0740-KLT; IMULA-0778-KLT We note that the fishing operation licences of these two vessels were suspended for 3 months and that further investigations would be undertaken. We would be grateful for details of the outcome. Furthermore, we refer to our letter dated 16 June 2021 requesting details of the vessels VMS tracks for the entire period that they were within the BIOT 200nm Fisheries Conservation Management Zone, we would be grateful if you could please provide the requested information.

For two of the vessels, to date, we have received no response to our queries:

IMULA-0560-KLT; We refer to our letter dated 21/10/21 and would be grateful for a response.

IMULA-0633-CHW; We refer to our letters dated 7/9/21 and 13/9/21 and would be grateful for a response including details of the vessel's VMS tracks for the entire period it was within the BIOT 200nm Fisheries Conservation Management Zone.

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
UK Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator



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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, மானிக்காவத்தை கொழும்பு 10, இலங்கை නව මහ දෙපාර්තමේන්තුව, මාලිගාවත්ත, කොළඹ 10, ශ්‍රී ලංකාව New Secretariat, Maligawaththa, Colombo 10

මගේ අංකය
எனது இல
My Ref

} DFAR/DFO/BIOT/2022

ඔබේ අංකය
உமது இல
Your Ref

}

දිනය
திகதி
Date

} 14-02.2022

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

Dear Dr.Mees

Update the status of legal actions against the Sri Lanka vassels reported in BIOT waters in the intersession of 2021-2022

This is in reference to your e-mail No.MRAG Ref:IO2603 dated 19th January 2022 on Draft IUU Vessels list, 70 day reporting deadline..The progress of the legal actions taken against the five Sri Lanka vessels IMUL-A-0195TCO,IMUL-A-0560KLT,IMUL-A-0633CHW,IMUL-A-0740KLT,IMUL-A-0778KLT is provided in the attachment of this letter.

In conclusion I would like to reaffirm our commitment to cooperate with the relevant coastal states to deter and elimination of IUU fishing in the region.

Thank you

Yours Sincerely,

HPK

Kalyani Hewapathirana

Director (Fishing Operation)

Sri Lanka Delegate to IOTC

Update the status of legal actions against the Sri Lanka Vessels reported in BIOT waters in the intersession before 16th Feb 2022

S/N	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken	Current Status
01.	IMUL A 0195 TCO Mangala	15.05.2021	23.07.2021	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 and 14 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 53030.</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 1 year</p>	<p>I)Hon. Magistrate summon to appear vessel Owner and skipper at open court for trial on 22 .02.2022</p> <p>II) DFAR file the plaint sheet on 22.02.2022</p>
02.	IMUL A 0740 KLT Dulaj Putha	08.06.2021	30.06.2021	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG</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)Suspended the fishing operation license and skipper license for 3 months period</p>	<p>Case is over. Suspensions lifted</p> <p>The vessel is detained and the owner is in the pending list of VMS installation.</p> <p>Added to the risk vessel list of DFAR</p>

03.	IMUL A 0778 KLT Dulaj Putha 03	08.06.2021	30.06.2021	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of SLCG.</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)Suspended the fishing operation license and skipper license for 3 months period.</p>	<p>Case is over. Suspensions lifted.</p> <p>The vessel is detained and the owner is in the pending list of VMS installation.</p> <p>Added to the risk vessel list of DFAR</p>
04.	IMUL A 0633 CHW Janith Putha	02.09.2021	18.09.2021	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 56497/5/21</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months</p>	<p>Administrative penalty SLR 500,000 is paid, (annex ii)</p> <p>Case is over. Suspensions lifted.</p> <p>VMS is installed on 06.12.2021</p> <p>Added to the risk vessel list of DFAR</p>

05.	IMUL A 0560 KLT	08.10.2021	28.10.2021	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 and 14 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 58475/5/21.</p> <p>(ii) Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii) Suspended the fishing activities.</p> <p>(iv) Skipper license has suspended for 6 months</p>	<p>I) Administrative penalty SLR 1M has imposed for owner</p> <p>II) Owner has made an appeal to secretary for take a relive period to pay the administrative fine due to economic difficulties of owner under provision of 52B (5) sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013</p> <p>III) vessel detained at harbor until pay the administrative fine</p> <p>Next court date 08.03.2022</p>
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Ms. Kalyani Hewapathirana
Director Fishing Operations
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

16 February 2022

E-Mail: hewakal2012@gmail.com
cc. Mr. Mr. Susantha Kahawatta, (Director General) dgdifar@gmail.com; sjksusantha@yahoo.com
Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com
Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Ms Hewapathirana,

Further request for information on vessels flagged to Sri Lanka IMULA-0195-TCO; IMULA-0560-KLT; IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT

Thank you for your letter dated 14/02/2022 providing an update on the above referenced vessels. We note the conclusion of three vessel-cases. We would appreciate the following further clarifications:

VMS and the IOTC AFV List: The following vessels were on the IOTC Authorised Fishing Vessel List: IMULA-0633-CHW; IMULA-0740-KLT; IMULA-0778-KLT. Resolution 15/03 (VMS) requires all vessels operating in waters outside the Economic Exclusive Zone of the Flag State fishing for species covered by the IOTC Agreement within the IOTC area of competence to be equipped with VMS by April 2019. Para 11a of Resolution 19/04 (AFV) require flag CPCs to authorise their vessels to operate in the IOTC area of competence only if they are able to fulfil in respect of these vessels the requirements and responsibilities under the IOTC Agreement and its Conservation and Management Measures. Thus, all vessels on the AFV list should be equipped with VMS. We have requested VMS records in BIOT waters for each of these vessels but note from your letter of 14/02/22 that these three vessels remain detained pending VMS installation. Can you please clarify this situation?

Regarding IMULA-0195-TCO, not on the IOTC AFV list we note that in 2020 the vessel was on the priority list for VMS installation. Please clarify the VMS status of this vessel.

Risk vessel list of DFAR: Please provide details of what it means to be a vessel / owner / skipper on this list. What additional flag State controls apply to such vessels?

Administrative Penalties: It would be useful to understand the basis on which these are applied: Furthermore, in future summaries of the outcome of each case, please provide some detail to explain the level of penalty applied. For example, it is not clear why the penalty for IMULA-0560-KLT was SLR1 million, whilst that of IMULA-0633-CHW was SLR500,000.

Skippers: We note that the suspension of the licence to fish varies. Can you provide details on the basis this is applied? Also, could you please provide an update on progress towards updating the fisheries legislation to include the prosecution of skippers.

IMULA-0195-TCO; IMULA-0560-KLT: We note that prosecution of these two vessel owners has not yet concluded and therefore you will submit additional details prior to the Compliance Committee meeting.

- Please also confirm for IMULA-0195-TCO that the vessel has remained detained in Port until conclusion of the case. VMS – see above



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

- For IMULA-0560-KLT we note that no reference has been made to installing VMS on the vessel, nor its inclusion on the risk vessel list of DFAR. Could you please clarify if these actions will be applied?

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

Yours Sincerely

Dr C.C. Mees
UK Delegate to IOTC

Christopher (Kit) Pyman
BIOT Administrator

Attachment 2



British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

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

25 February 2022

cc. Ms Anne-France Mattlet, Chair of the Compliance Committee; Dr Indra Jaya Vice Chair CoC
Mr Susantha Kahawatta, and Ms Kalyani 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 IMULA 0248 KLT

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 in BIOT waters, fishing contrary to Sri Lankan fisheries law and to IOTC Conservation Management Measures for the Sri Lankan flagged vessel IMULA 0248 KLT. Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities in order to take action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2013).

The attached evidence shows that:

- The multipurpose longline/gillnet vessel was not on the current IOTC Record of Authorised Vessels and had no authorisation from its flag State to fish on the high seas
- The vessel was fishing illegally without a licence within BIOT waters – it was inspected on 8 February 2022.
- The vessel had fishing gear in the water within BIOT and the Captain was requested to haul the gear by the Senior Fisheries Protection Officer. The catch included one shark only.
- 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 activities of the vessel.
- At the time of writing no response from Sri Lanka has been received regarding the actions it intends to take

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 the following context:

- The vessel was inspected only 20 days prior to submission of vessels for consideration on the draft IUU vessels List. Noting that as a result of Coronavirus there are delays in the Sri Lankan judicial system this case may not be settled by the time of the Compliance Committee in 2022.
- We recall the bilateral relationship between UK-BIOT and Sri Lanka to combat IUU and under which Sri Lanka routinely investigates, and where appropriate takes action against, vessels reported to it. We have requested a full regulatory investigation into the activities of this vessel and an indication of any legal action that the Sri Lankan Authorities plan to implement. We request that Sri

Lanka makes these details available to the Compliance Committee in 2022. We anticipate that this vessel will remain detained until the case is concluded.

- Noting
 - that this unauthorised vessel was fishing illegally in BIOT without a licence,
 - that Resolution 18/03 Paragraph 5 enables vessels engaged in IUU fishing activities within a 24 month period prior to the meeting of the Compliance Committee to be reported,BIOT will present this vessel for inclusion on the draft IUU vessels list in 2023 if Sri Lanka has not demonstrated that effective action has been taken, including prosecution and imposition of sanctions of adequate severity (Resolution 18/03 para 14d).

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee and that the details are discussed during the annual meeting of the Compliance Committee to make appropriate recommendations on reporting by the flag State intersessionally.

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C.C. Mees'.

Dr C.C. Mees
UK Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, IMULA 0248 KLT

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 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)	IMULA0248KLT (Previously 'DILSHANTHA PUTHA 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	IMUL-A-0248 KLT
e	Photo	Yes, see Appendix I
f	Call Sign (previous call sign, if any)	UNK
g	Owner (previous Owner/s, if any)	WKAD Dias, 826/3 Galle Roas, Katukurunda, Kalutara
h	Operator (previous Operator/s, if any) and Master/Fishing Master	UNK
i	Date of alleged IUU fishing activities	08/02/2022
j	Position of alleged IUU fishing activities	-07°41.00'S, 071°32.23'E
k	Summary of alleged IUU activities (see section B for more detail)	F/V reg only (IMUL-A-0248 KLT) clearly visible. No vessel name or IRCS. IOTC license: 11079 (Expired 31/12/2012). No fishing gear identifiably marked. Illegal fishing in BIOT without a license.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	F/V instructed to haul deployed fishing gear and given verbal warning on BIOT fisheries law.
m	Outcome of actions taken	~8nm of longline and ~1km of gillnet recovered by F/V and then escorted East towards the BIOT Eastern boundary by the 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 transhipments 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;	X



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

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: F/V Starboard-side



Figure 2: F/V Bow



Figure 3: F/V Stern



Figure 4: F/V Port-side



Figure 5: F/V Registration



Figure 6: F/V Crew (Master far left)



Figure 7: F/V Hauling longline



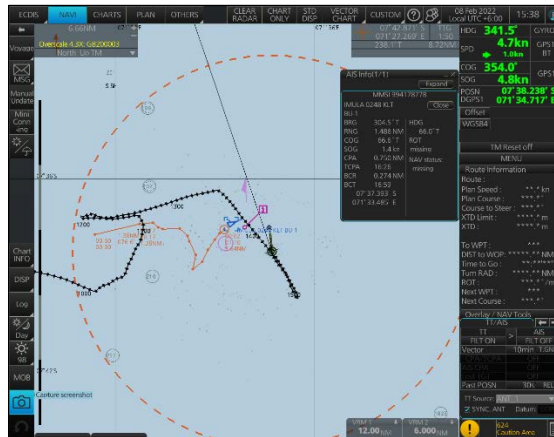
Figure 8: F/V Hauling driftnet



Figure 9: F/V Position hauling with BPV



Figure 10: ECDIS screenshot of BPV monitoring F/V hauling





Appendix II – Inspection Report

BIOT INSPECTION REPORT – RD013

1. SUMMARY

Date of boarding	08/02/2022
Patrol type and number	FIPA 116
Vessel name	IMULA0248KLT
Vessel type	Multi-purpose
Vessel flag and port of reg.	Sri Lanka, Unk
Vessel Registration No.	IMUL-A-0248 KLT
IOTC# (if registered)	11079 (Expired 31/12/2021)
Vessel Captain's name	Unk
SFPO	Rhys Diplock
BPV crew assisting	David Stachula (Boatman and D/C Coxswain)
Action Taken: F/V Master instructed to haul deployed fishing gear and given verbal warning on BIOT fisheries law. Following hauling, F/V escorted East past Diego Garcia until the SFPO was satisfied they were at a sufficient distance from BIOT islands/banks before the BPV turned off and resumed patrol.	

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

Date and time of first sighting	08/02/2022 09:28	(DD/MM/YY HH:MM)		
Sighted by: (insert name)	Killian Hickey (BPV Master)	Radar	Yes	Visual
Position of target	-07°39.38'S, 071°31.40'E			
Course	129°			
Speed	5.8kts			
Range	5.18nm			
Bearing	099°			
Comments:				
F/V returned to haul their fishing gear deployed in BIOT waters. SFPO onboard WB232 already deployed to investigate fishing gear when F/V approached.				
Fisheries Pennant and Sierra	08/02/22 09:41	(DD/MM/YY HH:MM)		
Quebec 3 Raised				
Vessel called on VHF CH16 and MF 2182.0	08/02/22 09:40 (SFPO on VHF CH16)	(DD/MM/YY HH:MM)		
Target requested to stop and prepare for boarding	08/02/22 09:40	(DD/MM/YY HH:MM)		
Response to request for boarding	No response			



3. LAUNCHING OF RHIB

Time RHIB launched	(DD/MM/YY HH:MM)		
RHIB Crew (<i>names</i>)	Steven Cullen (D/C Coxswain) and David Stachula (Boatman & D/C Coxswain)		
<u>Comments on the approach to the FV:</u> FV continued running at 5-6kts until SFPO and WB232 alongside. Noticeable lack of longline and DAN flags on deck. Strong smell of fish on approach.			
Photographic Evidence Collected (See Annex 1).	Port	Yes	
	Starboard	Yes	
	Stern	Yes	
	Fishing gear	Yes	
	Other	Bow, Hauling, Crew, GPS	

4. BOARDING DETAILS

Date and time vessel boarded	08/02/22 09:51 (A/S)	(DD/MM/YY HH:MM)	
Position vessel boarded	N/A		
BPV crew assisting	David Stachula (as WB232 Boatman)		
Language spoken	Unk		
Language Cards used Y/N	N	Numbers used	N/A

5. CREW DETAILS

Captain's name	Unk		
Captain's nationality	Unk		
Captain's address	Unk		
Captain's <u>D.o.B</u>	Unk	(DD/MM/YY)	
Number of crew (inc. Captain)	6		
Nationality of Crew	Unk		
Are any crew under 18 (Y/N), if 'Y' provide details below	Unk		
Do any crew have health issues (Y/N), if 'Y' provide details below.	Unk		
<u>Health issue details:</u> No obvious health issues.			
Photographic Evidence Collected (See Annex 1).	Captain ID	No	
	Other crew ID	No	
	Other	No	



6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	IMUL0248KLT		
International Callsign	Unk		
Flag State	Sri Lanka		
Authorisation to Fish/Fishing Licence No.	Unk		
Valid from / to (dd/mm/yyyy)	Unk		
Port of Registration	Unk		
Registration Number	IMUL-A-0248 KLT		
FV owner name and details (as per licence)	WKAD, DIAS		
Fishing logbook No.	LB170529		
Issuing Authority	Unk		
Date of last entry (dd/mm/yyyy)	Unk		
Position of last entry	Unk		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	Unk		
Insurance documentation (Y/N)	Unk		
Names and addresses of owners	WKAD, DIAS. 826/3 Galle Road, Katukurunda, Kalutara.		
Overall length (ft/m)	12.12m	Engine Power (KW/hp)	Unk
Other paperwork:	No		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	No	



7. INTERVIEW WITH CAPTAIN

Time of interview		(HH:MM)
Travelling to or from fishing grounds?	On location of fishing gear in BIOT waters	
Port and date of departure	Unk	
Total amount of fish onboard (t)	Unk	
If fish onboard where caught?	BIOT	
If fish onboard when caught?	Last 24hrs	
If fish onboard how caught?	Longline and Gillnet	
Destination	Unk	
Next port of call	Unk	
ETA	Unk	(DD/MM/YY)
<u>Comments:</u> Current boarding restrictions due to Covid-19 meant no documentation or fish holds could be checked. F/V Master instructed to return to Sri Lanka following interception.		

8. VESSEL INSPECTION

Fishing gear type	Longline and Gillnet		
<u>Comments</u> Longline and Gillnet deployed in BIOT waters observed being hauled by SFPO.			
Catch onboard (estimated/reported t)	Unk		
IOTC species onboard (Y/N)	Unk	Endangered species onboard (Y/N)	Unk
Description of catch	Unk		
<u>Comments</u> Current boarding restrictions due to Covid-19 meant fish holds could not be checked for catch. A single shark was hauled on the longline section of the fishing gear however this was cut loose before the SFPO could identify it. Nothing else was caught.			
Photographic Evidence Collected (See Annex 1).	Gear	Yes	
	Catch	No	
	Hold	No	
	Other	No	

9. BIOT ORDINANCE NON-COMPLIANCE (use comments to expand where necessary)

Ordinance Section	Yes/No	Non-Compliant (X)
Section 5 (1(c)). Are there any sea cucumbers or molluscs on board?	Unk	
Section 6 (1(a)). Is the vessel fishing using prohibited fishing gear?	Yes	X
Section 6 (2). Is the vessel in possession of prohibited fishing gear?	Yes	X
Section 7 (1). Is the vessel fishing without a license?	Yes	X
Section 9 (1). Is all fishing gear stowed and not readily available for use for fishing?	No	X
Section 16. Has the Fisheries Protection Officer been obstructed in his/her duties by person(s) on the vessel or has that person(s) refused or neglected to comply with any order, direction or requirement given by a Fisheries Protection officer?	No	
Other:	No	
<u>Comments</u> F/V observed fishing with longline and gillnet in BIOT waters. Longline constructed with wiretrace down-lines.		

10. IOTC CMM NON-COMPLIANCE (use comments to expand where necessary)

Note: AFV (Authorised Fishing Vessel-licensed to operate in the IOTC area of competence)

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 2. Is the vessel authorised to fish in the IOTC area of competence?	No	X
19/04 11. c) For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?	N/A	
19/04 11. d) Is the AFV engaged in or associated with IUU fishing?	N/A	
19/04 11. e) Is the AFV engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence?	N/A	
19/04 17. a) (i). Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	Unk	
19/04 17. a) (ii). Does the vessel carry documents with the vessel name?	Unk	
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Unk	



IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	Unk	
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Unk	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Unk	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	Unk	
19/04 18. Is the vessel readily identified with markings indicating vessel name and/or callsign? (See FOA Standard Specification for the Marking and Identification of Fishing vessels).	Yes	
19/04 19. b) Are marker buoys and similar floats marked with the letter(s) and/or number(s) of the vessel (e.g. name or callsign)?	No	X
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	Unk	
15/01 3. Does the logbook record data that meets the minimum requirement for data and information set out in Annex I, II and III.	Unk	
15/03 1: Does the vessel have VMS on board?	Unk	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	Unk	
15/03 8. and 9. (see Annex 1) Is the VMS tamper resistant (not capable of being over-ridden – see 15/03 Paras 8 a) and b))	Unk	
15/03 9. Is the VMS not working due to technical failure?	Unk	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	Unk	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	Unk	
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	Unk	
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	Unk	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	Unk	



IOTC Resolution	Yes/No	Non-Compliant (X)
17/05 2. and 3 a) For sharks fresh (on ice) has the vessel retained all parts of the shark except heads, guts and skins, with the exception of species prohibited by IOTC?	Unk	
17/05 2 and 3 b) For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?	Unk	
17/05 5. Have shark fins been removed from the carcass?	Unk	
12/09 2. Are there any parts or whole carcass of thresher sharks on board?	Unk	
19/04 11. b) Does the AFV comply with all relevant IOTC CMMs?	N/A	
<p><u>Comments</u></p> <p>F/V observed fishing in BIOT waters with Longline and Gillnet. Longline constructed using wiretrace down-lines. IOTC license (11079) expired 31/12/2012).</p> <p>No fishing gear marked with identifying features.</p>		

11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	No
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed	Yes
Master given verbal warning and released	Yes
No further action, vessel released	No
<p><u>Comments:</u></p> <p>F/V Master instructed to haul deployed fishing gear and given verbal warning on BIOT fisheries law. Following hauling, F/V escorted East past Diego Garcia until the SFPO was satisfied they were at a sufficient distance from BIOT islands/banks before the BPV turned off and resumed patrol.</p>	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	16:25 (conclude interaction)	(HH:MM)
Time RHIB recovered to the BPV	16:31	(HH:MM)
<p><u>Comments:</u></p> <p>F/V not boarded due to current Covid-19 boarding restrictions.</p>		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Yes	IOTC number	11079
-------------------------------	-----	-------------	-------



Date authorised from	03/02/2011	Date authorised to	31/12/2012
Vessel currently authorised to fish in IOTC area of competence (Y/N)			No
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	Unk	Inspection report ID	
Master previously boarded (Y/N)	Unk	Inspection report ID	
Owner previously boarded (Y/N)	Unk	Inspection report ID	
Crew previously boarded (Y/N)	Unk	Inspection report ID	
<u>Comments:</u>			
From the records available there is no previous boarding for this vessel Master or owner. It should be noted however that this vessel has changed its name previously from 'DILSHANTHA PUTHA 3' and this owner is also the registered owner of 'DILSHANTHA PUTHA 1' and 'DILSHANTHA PUTHA 2'.			
Information pulled from MMO – Open Source.			

Rhys Diplock
08/02/2022
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@mrags.co.uk
Internet: www.mrag.co.uk

Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

11 February 2022

E-Mail: dgd@dfar.gov.lk; sjksusantha@yahoo.com
cc. Kalyani Hewapathirana, Director Operations hewakal2012@gmail.com
Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com
Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Report on the inspection of the Sri Lankan vessel IMULA-0248-KLT in the waters of the British Indian Ocean Territory (BIOT).

The Sri Lankan flagged vessel IMULA-0248-KLT was inspected on suspicion of being involved in illegal activities, namely illegal fishing in BIOT waters on 8 February 2022. The vessel was not on the current IOTC list of Authorised Fishing Vessels (IOTC license: 11079 (Expired 31/12/2012)). The vessel was fishing illegally without a licence within BIOT waters. The vessel had gear in the water, longlines and gillnets which the master was ordered to haul. A single shark was hauled on the longline section of the fishing gear however this was cut loose before the SFPO could identify it. Nothing else was caught. The vessel inspection report is attached. Due to the current situation with Coronavirus the vessel was not boarded and we were therefore unable to conduct a full investigation of the vessel's activities.

The vessel was escorted East of Diego Garcia and instructed to return to port in 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 of the need for an investigation. We would be grateful if you could conduct a regulatory investigation into the activities of this vessel. Following your investigation, please provide us with 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. Noting the deadline for reporting vessels to IOTC in 2022 we would be grateful to receive your initial response no later than 20 February 2022.

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
UK(OT) Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator

Attachments: Inspection Report for vessel IMULA-0248-KLT.

Table 2 - Status of legal actions taken against the Sri Lanka vessels reported in BIOT waters after 27.02.2022 (Before 70 days reporting)

S/N	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken	Current Status
01	IMUL A 0248 KLT DILSHANTHA	08 th Feb 2022	27 th March 2022	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 65793/5/22</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months and informed to harbour Operation Officers.</p>	<p>(i)Accused accept the guilty and request for settlement under 52(B)sentence of FARA No.02 of 1996</p> <p>(ii)Next trial date 04.05.2022</p>

02	IMUL A 0947 MTR CHUTI KUMARI	10 th Feb 2022	21 st March 2022	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 65794/5/22</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months and informed to harbour Operation Officers.</p>	<p>(i)Accused accept the guilty and request for settlement under 52(B)sentence of FARA No.02 of 1996</p> <p>(ii)Next trial date 04.05.2022</p>
03	IMUL A 0524 KLT	13 th Feb 2022	23 rd Feb 2022	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 65795/5/22</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months and informed harbour Operation Officers..to all harbour operation officers.</p> <p>(iv)Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p>	<p>i) Administrative penalty SLR 500,000LKR has imposed for owner</p> <p>ii) Administrative penalty SLR 500,000LKR is paid.</p> <p>iii) Case is over. Suspensions lifted</p> <p>iv) The vessel is detained and the owner is in the pending list of VMS installation.</p> <p>v) Added to the risk vessel list of DFAR</p>

Attachment 3



British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

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

25 February 2022

cc. Ms Anne-France Mattlet, Chair of the Compliance Committee; Dr Indra Jaya Vice Chair CoC
Mr Susantha Kahawatta, and Ms Kalyani 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 IMULA-0947-MTR

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 in BIOT waters, fishing contrary to Sri Lankan fisheries law and to IOTC Conservation Management Measures for the Sri Lankan flagged vessel IMULA-0947-MTR. Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities in order for them to take action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2013).

The attached evidence shows that:

- The vessel was not on the current IOTC Record of Authorised Vessels and had no authorisation from its flag State to fish on the high seas
- The multipurpose longline/gillnet vessel was fishing illegally without a licence within BIOT waters – it was inspected on 10 February 2022.
- The vessel had longline fishing gear with wire trace in the water within BIOT and the Captain was requested to haul the gear by the Senior Fisheries Protection Officer. The catch included yellowfin tuna and sharks (including hammerhead)
- 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 activities of the vessel.
- At the time of writing no response from Sri Lanka has been received regarding the actions it intends to take

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 the following context:

- The vessel was inspected only 17 days prior to submission of vessels for consideration on the draft IUU vessels List. Noting that as a result of Coronavirus there are delays in the Sri Lankan judicial system this case may not be settled by the time of the Compliance Committee in 2022.
- We recall the bilateral relationship between UK-BIOT and Sri Lanka to combat IUU and under which Sri Lanka routinely investigates, and where appropriate takes action against, vessels reported to it. We have requested a full regulatory investigation into the activities of this vessel and an

indication of any legal action that the Sri Lankan Authorities plan to implement. We request that Sri Lanka makes these details available to the Compliance Committee in 2022. We anticipate that this vessel will remain detained until the case is concluded.

- Noting
 - that this unauthorised vessel was fishing illegally in BIOT without a licence,
 - that Resolution 18/03 Paragraph 5 enables vessels engaged in IUU fishing activities within a 24-month period prior to the meeting of the Compliance Committee to be reported,BIOT will present this vessel for inclusion on the draft IUU vessels list in 2023 if Sri Lanka has not demonstrated that effective action has been taken, including prosecution and imposition of sanctions of adequate severity (Resolution 18/03 para 14d).

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee and that the details are discussed during the annual meeting of the Compliance Committee to make appropriate recommendations on reporting by the flag State intersessionally.

Thank you.

Yours sincerely



Dr C.C. Mees

UK Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, IMULA-0947-MTR

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 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)	CHUTI KUMARI
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	IMUL-A-0947 MTR
e	Photo	Yes, see Appendix I
f	Call Sign (previous call sign, if any)	4SF2232
g	Owner (previous Owner/s, if any)	DHK. Wijesuriya. 22/20, Sunanda, Mawatha, Mirissa
h	Operator (previous Operator/s, if any)	UNK
i	Date of alleged IUU fishing activities	10/02/2022
j	Position of alleged IUU fishing activities	-06°12.38'S, 072°59.40'E
k	Summary of alleged IUU activities (see section B for more detail)	IOTC license: 12032 (Expired 30/04/2019). Caught and released one Yellowfin tuna alive. No fishing gear identifiably marked. Illegal fishing in BIOT without a license.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	F/V instructed to haul deployed fishing gear and given verbal warning on BIOT fisheries law.
m	Outcome of actions taken	~8nm of longline recovered by F/V and then instructed to exit BIOT waters to the E/NE and return to port in Sri Lanka.



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 transhipments 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;	X



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

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:



F/V Starboard-side.

Figure 2:



F/V Bow.

Figure 3:



F/V Stern.

Figure 4:



F/V Port-side.

Figure 5:



F/V Name & Registration.

Figure 6:



F/V Crew (Master far right).

Figure 7:



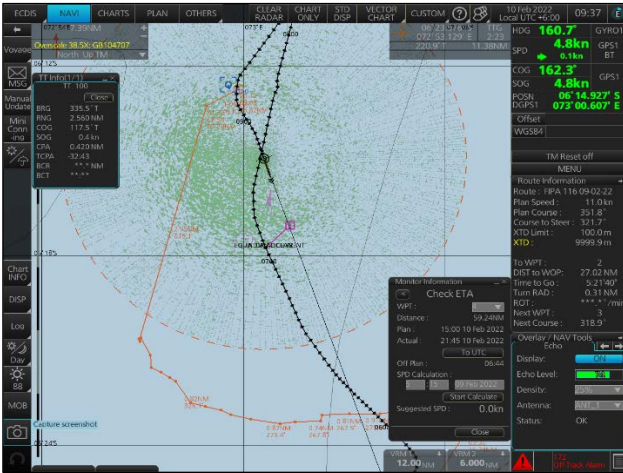
F/V CHUTI KUMARI Commenced hauling longline.

Figure 8:



F/V CHUTI KUMARI Position when commenced hauling longline.

Figure 9:



ECDIS screenshot of BPV monitoring CHUTI KUMARI hauling longline.

Figure 10:



F/V CHUTI KUMARI releasing Yellowfin tuna (alive).

Figure 11:



F/V CHUTI KUMARI with unmarked fishing gear (buoys).



Appendix II – Inspection Report

BIOT INSPECTION REPORT – RD014

1. SUMMARY

Date of boarding	10/02/2022
Patrol type and number	FIPA 116
Vessel name	CHUTI KUMARI
Vessel type	Multi-purpose
Vessel flag and port of reg.	Sri Lanka, Unk
Vessel Registration No.	IMUL-A-0947 MTR
IOTC# (if registered)	12032 (Expired 30/04/2019)
Vessel Captain's name	Unk
SFPO	Rhys Diplock
BPV crew assisting	Steven Cullen (Boatman and D/C Coxswain)

Action Taken: (All times in UTC+6)

Target picked up on radar at 21:10 on 09/02/2022 ~30nm East of the Great Chagos Bank. They were exhibiting similar behaviour to that of a vessel setting fishing gear (specifically longline) so the SFPO shadowed until daylight the following morning. At 0700 a visual was confirmed of Sri Lankan F/V 'CHUTI KUMARI' and once the BPV approached (<4nm) this vessel began running NE at 6kts.

The SFPO onboard WB232 was launched at 0740 and chased down CHUTI KUMARI, intercepting at 0756. The F/V was instructed to return to the area at which their fishing gear was (presumably) set – the Master complied. CHUTI KUMARI began hauling at 0937 and proceeded to haul ~8nm of longline with wiretrace. The catch was monitored by the SFPO onboard WB232 and totalled 13 sharks and 1 YFT. All fish were released alive by cutting the wiretrace close to the head.

Following hauling, the SFPO instructed the F/V Master to exit BIOT to the E/NE and return to port in Sri Lanka. The vessel was observed heading East before the BPV turned off West towards the Great Chagos Bank and resumed patrol.

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

Date and time of first sighting	09/02/2022 21:10	(DD/MM/YY HH:MM)		
Sighted by: (insert name)	Rhys Diplock (SFPO)	Radar	Yes	Visual
Position of target	-06°29.10'S, 072°55.30'E			
Course	68.6°			
Speed	6.1kts			
Range	7.80nm			
Bearing	348.6°			
Comments:				



F/V behaving similar to that of one setting fishing gear so shadowed overnight until daylight. Strong smell of fish coming from the vessel on approach and all longline + DAN buoys missing from deck.		
Fisheries Pennant and Sierra Quebec 3 Raised	10/02/22 07:26	(DD/MM/YY HH:MM)
Vessel called on VHF CH16 and MF 2182.0	10/02/22 07:35 (SFPO on VHF CH16)	(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	10/02/22 07:35	(DD/MM/YY HH:MM)
Response to request for boarding	<i>No response</i>	



3. LAUNCHING OF RHIB

Time RHIB launched	10/02/22 07:43	(DD/MM/YY HH:MM)
RHIB Crew (<i>names</i>)	Steven Cullen (Boatman & D/C Coxswain) and David Stachula (D/C Coxswain)	
<u>Comments on the approach to the FV:</u> FV continued running at 5-6kts until SFPO and WB232 alongside. Noticeable lack of longline and DAN flags on deck. Strong smell of fish on approach.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	Yes
	Other	Bow, Hauling, Crew, GPS

4. BOARDING DETAILS

Date and time vessel boarded	10/02/22 07:56 (A/S)	(DD/MM/YY HH:MM)
Position vessel boarded	N/A	
BPV crew assisting	Steven Cullen (as WB232 Boatman)	
Language spoken	Unk	
Language Cards used Y/N	N	Numbers used N/A

5. CREW DETAILS

Captain's name	Unk	
Captain's nationality	Unk	
Captain's address	Unk	
Captain's D.o.B	Unk	(DD/MM/YY)
Number of crew (inc. Captain)	7	
Nationality of Crew	Unk	
Are any crew under 18 (Y/N), if 'Y' provide details below	Unk	
Do any crew have health issues (Y/N), if 'Y' provide details below.	Unk	
<u>Health issue details:</u> No obvious health issues.		
Photographic Evidence Collected (See Annex 1).	Captain ID	No
	Other crew ID	No
	Other	No



6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	CHUTI KUMARI		
International Callsign	4SF2232		
Flag State	Sri Lanka		
Authorisation to Fish/Fishing Licence No.	22EEZIMUL16113KLT (EEZ license only)		
Valid from / to (dd/mm/yyyy)	Unk		
Port of Registration	Unk		
Registration Number	IMUL-A-0947 MTR		
FV owner name and details (as per licence)	DHK. Wijesuriya		
Fishing logbook No.	LB2001091		
Issuing Authority	Unk		
Date of last entry (dd/mm/yyyy)	Unk		
Position of last entry	Unk		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	Unk		
Insurance documentation (Y/N)	Unk		
Names and addresses of owners	DHK. Wijesuriya. 22/20, Sunanda, Mawatha, Mirissa.		
Overall length (ft/m)	12.90m	Engine Power (KW/hp)	Unk
Other paperwork:	No		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	No	



7. INTERVIEW WITH CAPTAIN

Time of interview	08:04	(HH:MM)
Travelling to or from fishing grounds?	On location of fishing gear in BIOT waters	
Port and date of departure	Unk	
Total amount of fish onboard (t)	Unk	
If fish onboard where caught?	BIOT	
If fish onboard when caught?	Last 24hrs	
If fish onboard how caught?	Longline	
Destination	Unk	
Next port of call	Unk	
ETA	Unk	(DD/MM/YY)
<u>Comments:</u> Current boarding restrictions due to Covid-19 meant no documentation or fish holds could be checked. Catch was monitored during hauling and all returned to the water alive. F/V Master instructed to return to port in Sri Lanka following hauling.		

8. VESSEL INSPECTION

Fishing gear type	Longline and Gillnet		
<u>Comments</u>			
~8nm of longline and wiretrace deployed in BIOT waters (30nm East of the Great Chagos Bank) was observed being hauled by F/V 'CHUTI KUMARI' – monitored by the SFPO.			
Unknown quantity of gillnet however holds appeared full.			
Catch onboard (estimated/reported t)	Unk		
IOTC species onboard (Y/N)	Unk	Endangered species onboard (Y/N)	Unk
Description of catch	Unk		
<u>Comments</u>			
Current boarding restrictions due to Covid-19 meant fish holds could not be checked for catch.			
Catch was monitored during hauling and the following species were caught:			
Grey reef shark (<i>Carcharhinus amblyrhynchos</i>) X 6			
Hammerhead spp (<i>Sphyrnidae spp</i>) X 2			
Blacktip reef shark (<i>Carcharhinus melanopterus</i>) X 3			
Blue Shark (<i>Prionace glauca</i>) X 2			
Yellowfin tuna (<i>Hunnus albacares</i>) X 1			
All fish were released alive back to the water.			
Photographic Evidence Collected (See Annex 1).	Gear	Yes	
	Catch	Yes	
	Hold	No	
	Other	No	



9. BIOT ORDINANCE NON-COMPLIANCE (use comments to expand where necessary)

Ordinance Section	Yes/No	Non-Compliant (X)
Section 5 (1(c)). Are there any sea cucumbers or molluscs on board?	Unk	
Section 6 (1(a)). Is the vessel fishing using prohibited fishing gear?	Yes	X
Section 6 (2). Is the vessel in possession of prohibited fishing gear?	Yes	X
Section 7 (1). Is the vessel fishing without a license?	Yes	X
Section 9 (1). Is all fishing gear stowed and not readily available for use for fishing?	No	X
Section 16. Has the Fisheries Protection Officer been obstructed in his/her duties by person(s) on the vessel or has that person(s) refused or neglected to comply with any order, direction or requirement given by a Fisheries Protection officer?	No	
Other:	No	
<u>Comments</u>		
F/V observed fishing with longline in BIOT waters. Longline constructed with wiretrace hook-lines.		

10. IOTC CMM NON-COMPLIANCE (use comments to expand where necessary)

Note: AFV (Authorised Fishing Vessel-licenced to operate in the IOTC area of competence)

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 2. Is the vessel authorised to fish in the IOTC area of competence?	No	X
19/04 11. c) For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?	N/A	
19/04 11. d) Is the AFV engaged in or associated with IUU fishing?	N/A	
19/04 11. e) Is the AFV engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence?	N/A	
19/04 17. a) (i). Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	Unk	
19/04 17. a) (ii). Does the vessel carry documents with the vessel name?	Unk	
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Unk	



IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	Unk	
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Unk	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Unk	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	Unk	
19/04 18. Is the vessel readily identified with markings indicating vessel name and/or callsign? (See FOA Standard Specification for the Marking and Identification of Fishing vessels).	Yes	
19/04 19. b) Are marker buoys and similar floats marked with the letter(s) and/or number(s) of the vessel (e.g., name or callsign)?	No	X
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	Unk	
15/01 3. Does the logbook record data that meets the minimum requirement for data and information set out in Annex I, II and III?	Unk	
15/03 1: Does the vessel have VMS on board?	Unk	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	Unk	
15/03 8. and 9. (see Annex 1) Is the VMS tamper resistant (not capable of being over-ridden – see 15/03 Paras 8 a) and b))	Unk	
15/03 9. Is the VMS not working due to technical failure?	Unk	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	Unk	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	Unk	
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	Unk	
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	Unk	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	Unk	



IOTC Resolution	Yes/No	Non-Compliant (X)
17/05 2. and 3 a) For sharks fresh (on ice) has the vessel retained all parts of the shark except heads, guts and skins, with the exception of species prohibited by IOTC?	Unk	
17/05 2 and 3 b) For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?	Unk	
17/05 5. Have shark fins been removed from the carcass?	Unk	
12/09 2. Are there any parts or whole carcass of thresher sharks on board?	Unk	
19/04 11. b) Does the AFV comply with all relevant IOTC CMMs?	N/A	
<p><u>Comments</u></p> <p>F/V observed fishing in BIOT waters with Longline. Longline constructed using wiretrace hook-lines. IOTC license (12032) expired 30/04/2019). Yellowfin tuna (IOTC species) caught and released. No fishing gear marked with identifying features.</p>		

11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	No
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed	Yes
Master given verbal warning and released	Yes
No further action, vessel released	No
<p><u>Comments:</u></p> <p>Following hauling, the SFPO instructed the F/V Master to exit BIOT to the E/NE and return to port in Sri Lanka. The vessel was observed heading East before the BPV turned off West towards the Great Chagos Bank and resumed patrol.</p>	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	16:20 (conclude interaction)	(HH:MM)
Time RHIB recovered to the BPV	16:36	(HH:MM)
<p><u>Comments:</u></p> <p>F/V not boarded due to current Covid-19 boarding restrictions.</p>		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Yes	IOTC number	12032
-------------------------------	-----	-------------	-------



Date authorised from	01/01/2019	Date authorised to	30/04/2019
Vessel currently authorised to fish in IOTC area of competence (Y/N)			No
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	Unk	Inspection report ID	
Master previously boarded (Y/N)	Unk	Inspection report ID	
Owner previously boarded (Y/N)	Unk	Inspection report ID	
Crew previously boarded (Y/N)	Unk	Inspection report ID	
<p><u>Comments:</u></p> <p>From the records available there is no previous boarding for this vessel Master or owner. All details pulled from IOTC Historical Records and DFAR vessel records:</p> <p>https://iotc.org/vessels/history/119278/12032 https://www.fisheriesdept.gov.lk/web/images/division/highseas/ALL-LOG-BOOK.pdf</p>			

Rhys Diplock
10/02/2022
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@mrag.co.uk
Internet: www.mrag.co.uk

Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

11 February 2022

E-Mail: dgdgar@gmail.com; sjksusantha@yahoo.com

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

Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com

Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Report on the inspection of the Sri Lankan vessel IMULA-0947-MTR in the waters of the British Indian Ocean Territory (BIOT).

The Sri Lankan flagged vessel IMULA-0947-MTR was inspected on suspicion of being involved in illegal activities, namely illegal fishing in BIOT waters on 10 February 2022, after first sighting the vessel on 9 February. The vessel was not on the current IOTC list of Authorised Fishing Vessels (IOTC # 12032 (Expired 30/04/2019)). The vessel was fishing with longlines and wire trace within BIOT waters. The Master was instructed to haul the gear: the catch included species of concern to IOTC: Yellowfin Tuna and sharks (including hammerhead sharks), all were released alive. The vessel was fishing illegally without a licence within BIOT waters and was instructed to exit BIOT to the E/NE and return to port in Sri Lanka. The vessel inspection report is attached. Due to the current situation with Coronavirus the vessel was not boarded and we were therefore unable to conduct a full investigation of the vessel's activities.

The vessel, instructed to return to port in Sri Lanka, 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 of the need for an investigation. We would be grateful if you could conduct a regulatory investigation into the activities of this vessel; Following your investigation, provide us with 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. Noting the deadline for reporting vessels to IOTC in 2022 we would be grateful to receive your initial response no later than 20 February 2022.

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
UK Delegation to IOTC

Christopher (Kit) Pyman
BIOT Administrator

Attachments: Inspection Report for vessel IMULA-0947-MTR

Table 2 - Status of legal actions taken against the Sri Lanka vessels reported in BIOT waters after 27.02.2022 (Before 70 days reporting)

S/N	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken	Current Status
01	IMUL A 0248 KLT DILSHANTHA	08 th Feb 2022	27 th March 2022	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 65793/5/22</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months and informed to harbour Operation Officers.</p>	<p>(i)Accused accept the guilty and request for settlement under 52(B)sentence of FARA No.02 of 1996</p> <p>(ii)Next trial date 04.05.2022</p>

02	IMUL A 0947 MTR CHUTI KUMARI	10 th Feb 2022	21 st March 2022	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 65794/5/22</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months and informed to harbour Operation Officers.</p>	<p>(i)Accused accept the guilty and request for settlement under 52(B)sentence of FARA No.02 of 1996</p> <p>(ii)Next trial date 04.05.2022</p>
03	IMUL A 0524 KLT	13 th Feb 2022	23 rd Feb 2022	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 65795/5/22</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months and informed harbour Operation Officers..to all harbour operation officers.</p> <p>(iv)Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p>	<p>i) Administrative penalty SLR 500,000LKR has imposed for owner</p> <p>ii) Administrative penalty SLR 500,000LKR is paid.</p> <p>iii) Case is over. Suspensions lifted</p> <p>iv) The vessel is detained and the owner is in the pending list of VMS installation.</p> <p>v) Added to the risk vessel list of DFAR</p>



Attachment 4

British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

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

25 February 2022

cc. Ms Anne-France Mattlet, Chair of the Compliance Committee; Dr Indra Jaya Vice Chair CoC
Mr Susantha Kahawatta, and Ms Kalyani 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 IMULA-0524-KLT

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 contrary to Sri Lankan fisheries law and to IOTC Conservation Management Measures for the Sri Lankan flagged vessel IMULA-0524-KLT. Under the bilateral arrangement established between UKOT and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities in order that they may take action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2013).

The attached evidence shows that:

- The vessel was not on the current IOTC Record of Authorised Vessels and had no authorisation from its flag State to fish on the high seas
- The multipurpose longline/gillnet vessel was fishing illegally without authorisation in the IOTC Area of Competence (Saya de Mahla Bank) – it was inspected on 13 February 2022.
- There was no evidence of illegal fishing in BIOT waters; the vessel had not submitted a Transit Report
- Due to the current situation with Coronavirus the vessel was not boarded and the BIOT Authorities were unable to conduct a full investigation of the vessel's activity; Sri Lanka was requested to investigate the activities of the vessel.
- At the time of writing no response from Sri Lanka has been received regarding the actions it intends to take

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 the following context:

- The vessel was inspected only 15 days prior to submission of vessels for consideration on the draft IUU vessels List. Noting that as a result of Coronavirus there are delays in the Sri Lankan judicial system this case may not be settled by the time of the Compliance Committee in 2022.
- We recall the bilateral relationship between UK-BIOT and Sri Lanka to combat IUU and under which Sri Lanka routinely investigates, and where appropriate takes action against, vessels reported to it. We have an investigation into the activities of this vessel and an indication of any action that the Sri Lankan Authorities plan to implement. We request that Sri Lanka makes these details


available to the Compliance Committee in 2022. We anticipate that this vessel will remain detained until the case is concluded.

- Noting
 - that this vessel was fishing in the IOTC Area without Authorisation,
 - that Resolution 18/03 Paragraph 5 enables vessels engaged in IUU fishing activities within a 24-month period prior to the meeting of the Compliance Committee to be reported, CPCs / the Compliance Committee should consider whether to present this vessel for inclusion on the draft IUU vessels list in 2023 if Sri Lanka has not demonstrated that effective action has been taken, including prosecution and imposition of sanctions of adequate severity (para 14d).

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee and that the details are discussed during the annual meeting of the Compliance Committee to make appropriate recommendations on reporting by the flag State intersessionally.

Thank you.

Yours sincerely



Dr C.C. Mees
UK Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, IMULA-0524-KLT



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 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)	IMULA0524KLT
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	IMUL-A-0524 KLT
e	Photo	Yes, see Appendix I
f	Call Sign (previous call sign, if any)	UNK
g	Owner (previous Owner/s, if any)	S.A.A.D. Kumari. Bubulalanda, Karadagoda, Beruwala
h	Operator (previous Operator/s, if any) and Master/Fishing Master	UNK
i	Date of alleged IUU fishing activities	03/02/2022
j	Position of alleged IUU fishing activities	-04°46.53'S, 072°28.23'E
k	Summary of alleged IUU activities (see section B for more detail)	F/V reg only (IMUL-A-0524 KLT) clearly visible. No vessel name or IRCS.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	F/V given verbal warning on BIOT fisheries law and instructed to leave BIOT waters.
m	Outcome of actions taken	F/V observed heading N/NE towards Sri Lanka (Northern BIOT boundary).



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 transhipments 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	
k.	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	X



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

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	

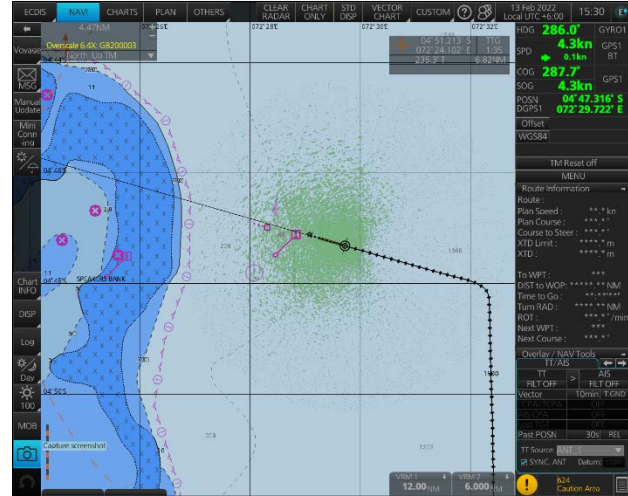
Appendix I – Photographs

Figure 1:



F/V Position when inspected by SFPO

Figure 2:



F/V and BPV position when inspected by SFPO (ECDIS)

Figure 3:



F/V Starboard

Figure 4:



F/V Bow

Figure 5:



F/V Stern

Figure 6:



F/V Port

Figure 7:



F/V Registration

Figure 8:



F/V Crew with unmarked fishing gear (buoys/DAN flags)

Appendix II – Inspection Report

BIOT INSPECTION REPORT – RD018

1. SUMMARY

Date of boarding	13/02/2022
Patrol type and number	OISP 41
Vessel name	IMULA0524KLT
Vessel type	Multi-purpose
Vessel flag and port of reg.	Sri Lanka, Unk
Vessel Registration No.	IMUL-A-0524 KLT
IOTC# (if registered)	14365 (Expired 31/12/2019)
Vessel Captain's name	Unk
SFPO	Rhys Diplock
BPV crew assisting	Jerzy Szostek (D/C Boatman)

Action Taken: (All times in UTC+6)

Target picked up on radar (~12.6nm) at 13:32 on 13/02/2022 on the Eastern edge of Speakers Bank. They were in close proximity (<10nm) to another radar target (F/V 'LITTLESHA'), both of which were travelling N/NE prior to interception.

As the BPV was on OISP tasking the SFPO requested the use of the OISP team to intercept one target (IMULA0524KLT) whilst he intercepts the other. The OISP team was deployed at 13:55 and went after F/V 'IMULA0524KLT' to keep him on location until the SFPO arrived. The SFPO onboard WB232 was launched at 1405 ~6nm from the targets and first chased down F/V 'LITTLESHA', intercepting at 14:40.

Following this interception (Inspection Report **RD017**), the SFPO approached LKA Multi-purpose F/V 'IMULA0524KLT' at 1530 on 13/02/2022 also on the Eastern edge of Speakers Bank.

This F/V Master was also queried on his activity, and he explained that they had been fishing down at Saya de Malha Banks, W/SW of BIOT. No fishing gear was sighted in the vicinity and due to current Covid-19 boarding restrictions the vessel could not be inspected fully, however the SFPO instructed that the F/V crew uncover their longline drums on deck to check if they were accounted for – they were. There were also enough buoys/DAN flags that suggested their fishing gear was all accounted for. The Master was given a verbal warning on BIOT fisheries law and instructed to continue N/NE and exit BIOT waters – he complied.

Inspection concluded at 1540 when the SFPO onboard WB232 returned to the BPV. F/Vs 'IMULA0524KLT' and 'LITTLESHA' were observed both heading N/NE when the BPV altered course and resumed patrol along Speakers Bank Western edge.

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

Date and time of first sighting	13/02/2022 13:32	(DD/MM/YY HH:MM)
---------------------------------	------------------	------------------



Sighted by: <i>(insert name)</i>	<i>Rhys Diplock (SFPO)</i>	Radar	Yes	Visual
Position of target	<i>-04°49.37'S, 072°27.97'E</i>			
Course	<i>039°</i>			
Speed	<i>5.4kts</i>			
Range	<i>12.60nm</i>			
Bearing	<i>345°</i>			
<p><u>Comments:</u> F/V heading N/NE at 5-6kts away from Speakers Bank and towards Sri Lanka when sighted. A second radar target was identified <10nm when closing the distance (F/V 'LITTLESHA'). Initial assumptions were that these two vessels were operating together but given their different flag states, their proximity was likely just a coincidence. Weak smell of fish coming from the vessel on approach but all fishing gear tied down and stowed away. Sufficient number of buoys/DAN flags to suggest fishing gear is accounted for.</p>				
Fisheries Pennant and Sierra Quebec 3 Raised	13/02/22 12:30	(DD/MM/YY HH:MM)		
Vessel called on VHF CH16 and MF 2182.0	13/02/22 14:30 (BPV bridge on VHF CH16)	(DD/MM/YY HH:MM)		
Target requested to stop and prepare for boarding	13/02/22 14:30	(DD/MM/YY HH:MM)		
Response to request for boarding	<i>No response</i>			



3. LAUNCHING OF RHIB

Time RHIB launched	13/02/22 14:05 (DD/MM/YY HH:MM)	
RHIB Crew (<i>names</i>)	Stephen Cullen (D/C Coxswain) and Jerzy Szostek (D/C Boatman)	
<u>Comments on the approach to the FV:</u> FV was underway at 5-6kts until OISP team on PACs alongside. Weak smell of fish on approach however all fishing gear appeared accounted for – tied down and stowed away.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	Yes
	Other	No

4. BOARDING DETAILS

Date and time vessel boarded	13/02/22 15:30 (A/S) (DD/MM/YY HH:MM)		
Position vessel boarded	N/A		
BPV crew assisting	Jerzy Szostek (D/C Boatman)		
Language spoken	Unk		
Language Cards used Y/N	N	Numbers used	N/A

5. CREW DETAILS

Captain's name	Unk		
Captain's nationality	Unk		
Captain's address	Unk		
Captain's D.o.B	Unk (DD/MM/YY)		
Number of crew (inc. Captain)	6		
Nationality of Crew	Sri Lankan		
Are any crew under 18 (Y/N), if 'Y' provide details below	Unk		
Do any crew have health issues (Y/N), if 'Y' provide details below.	Unk		
<u>Health issue details:</u> No obvious health issues.			
Photographic Evidence Collected (See Annex 1).	Captain ID	No	
	Other crew ID	No	
	Other	No	



6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	IMULA0524KLT		
International Callsign	Unk		
Flag State	Sri Lanka		
Authorisation to Fish/Fishing Licence No.	21EEZIMUL4463KLT (EEZ License)		
Valid from / to (dd/mm/yyyy)	Unk		
Port of Registration	Unk		
Registration Number	IMUL-A-0524 KLT		
FV owner name and details (as per licence)	S.A.A.D. Kumari		
Fishing logbook No.	LB191084		
Issuing Authority	Unk		
Date of last entry (dd/mm/yyyy)	Unk		
Position of last entry	Unk		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	Unk		
Insurance documentation (Y/N)	Unk		
Names and addresses of owners	S.A.A.D. Kumari. Bubulalanda, Karadagoda, Beruwala.		
Overall length (ft/m)	Unk	Engine Power (KW/hp)	Unk
Other paperwork:	No		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	No	

7. INTERVIEW WITH CAPTAIN

Time of interview	15:30 (HH:MM)
Travelling to or from fishing grounds?	From (Saya de Malha Banks) – heading home to Sri Lanka
Port and date of departure	Unk
Total amount of fish onboard (t)	Unk
If fish onboard where caught?	Unk
If fish onboard when caught?	Unk
If fish onboard how caught?	Longline & Gillnet
Destination	Sri Lanka
Next port of call	Unk
ETA	Unk (DD/MM/YY)
<u>Comments:</u> Current boarding restrictions due to Covid-19 meant no documentation or fish holds could be checked. F/V Master given a verbal warning on BIOT fisheries law and instructed to leave BIOT waters.	

8. VESSEL INSPECTION

Fishing gear type	Unk		
<u>Comments</u> Four drums full of longline and wiretrace hook-lines observed on deck. Number of buoys/DAN flags suggested fishing gear was accounted for. All longlines were stowed away and tied down on approach. Visual obstructions meant gillnet holds could not be observed so unknown if present.			
Catch onboard (estimated/reported t)	Unk		
IOTC species onboard (Y/N)	Unk	Endangered species onboard (Y/N)	Unk
Description of catch	Unk		
<u>Comments</u> No fishing observed and fish holds unable to be checked.			
Photographic Evidence Collected (See Annex 1).	Gear	No	
	Catch	No	
	Hold	No	
	Other	No	



9. BIOT ORDINANCE NON-COMPLIANCE (use comments to expand where necessary)

Ordinance Section	Yes/No	Non-Compliant (X)
Section 5 (1(c)). Are there any sea cucumbers or molluscs on board?	Unk	
Section 6 (1(a)). Is the vessel fishing using prohibited fishing gear?	Unk	
Section 6 (2). Is the vessel in possession of prohibited fishing gear?	Unk	
Section 7 (1). Is the vessel fishing without a license?	Unk	
Section 9 (1). Is all fishing gear stowed and not readily available for use for fishing?	Yes	All stowed away and tied down
Section 16. Has the Fisheries Protection Officer been obstructed in his/her duties by person(s) on the vessel or has that person(s) refused or neglected to comply with any order, direction or requirement given by a Fisheries Protection officer?	No	
Other:	No	
<u>Comments</u> No fishing gear observed on deck.		

10. IOTC CMM NON-COMPLIANCE (use comments to expand where necessary)

Note: AFV (Authorised Fishing Vessel-licenced to operate in the IOTC area of competence)

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 2. Is the vessel authorised to fish in the IOTC area of competence?	No	License expired 31/12/2019
19/04 11. c) For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?	N/A	
19/04 11. d) Is the AFV engaged in or associated with IUU fishing?	N/A	
19/04 11. e) Is the AFV engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence?	N/A	
19/04 17. a) (i). Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	Unk	
19/04 17. a) (ii). Does the vessel carry documents with the vessel name?	Unk	
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Unk	



IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	Unk	
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Unk	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Unk	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	Unk	
19/04 18. Is the vessel readily identified with markings indicating vessel name and/or callsign? (See FOA Standard Specification for the Marking and Identification of Fishing vessels).	Yes	Vessel registration only marked
19/04 19. b) Are marker buoys and similar floats marked with the letter(s) and/or number(s) of the vessel (e.g., name or callsign)?	No	No fishing gear identifiably marked
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	Unk	
15/01 3. Does the logbook record data that meets the minimum requirement for data and information set out in Annex I, II and III?	Unk	
15/03 1: Does the vessel have VMS on board?	Unk	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	Unk	
15/03 8. and 9. (see Annex 1) Is the VMS tamper resistant (not capable of being over-ridden – see 15/03 Paras 8 a) and b))	Unk	
15/03 9. Is the VMS not working due to technical failure?	Unk	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	Unk	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	Unk	
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	Unk	
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	Unk	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	Unk	



IOTC Resolution	Yes/No	Non-Compliant (X)
17/05 2. and 3 a) For sharks fresh (on ice) has the vessel retained all parts of the shark except heads, guts and skins, with the exception of species prohibited by IOTC?	Unk	
17/05 2 and 3 b) For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?	Unk	
17/05 5. Have shark fins been removed from the carcass?	Unk	
12/09 2. Are there any parts or whole carcass of thresher sharks on board?	Unk	
19/04 11. b) Does the AFV comply with all relevant IOTC CMMs?	N/A	
<u>Comments</u> IOTC license (14365) expired on 31/12/2019. No fishing gear identifiably marked (buoys/floats).		

11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	No
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed	No
Master given verbal warning and released	Yes
No further action, vessel released	No
<u>Comments:</u> The SFPO instructed the F/V Master to leave BIOT waters to the N/NE – he complied. The vessel was observed heading N/NE before the BPV altered course West to resume patrol of Speakers Bank Western edge.	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	15:40 (conclude interaction)	(HH:MM)
Time RHIB recovered to the BPV	15:50	(HH:MM)
<u>Comments:</u> F/V not boarded due to current Covid-19 boarding restrictions.		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Yes	IOTC number	14365
Date authorised from	01/05/2019	Date authorised to	31/12/2019
Vessel currently authorised to fish in IOTC area of competence (Y/N)	No		



Version of IOTC database referenced:			Historical Record (2022)
Vessel previously boarded (Y/N)	Unk	Inspection report ID	
Master previously boarded (Y/N)	Unk	Inspection report ID	
Owner previously boarded (Y/N)	Unk	Inspection report ID	
Crew previously boarded (Y/N)	Unk	Inspection report ID	
<u>Comments:</u>			
From the records available there is no previous boarding for this vessel Master or owner.			
IOTC license (14365) expired on 31/12/2019:			
https://iotc.org/vessels/history/122919/14365			
Vessel and licensing details pulled from DFAR Vessel Records:			
https://www.fisheriesdept.gov.lk/web/images/division/highseas/ALL-LOG-BOOK.pdf			

Rhys Diplock
BIOT Senior Fisheries Protection Officer
13/02/2021



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@mrags.co.uk
Internet: www.mrag.co.uk

Mr. Susantha Kahawatta
Director General
Department of Fisheries and Natural Resources
No. 10 New Secretariat
Maligawatta, Colombo 10

16 February 2022

E-Mail: dgdgar@gmail.com; sjksusantha@yahoo.com
cc. Kalyani Hewapathirana, Director Operations hewakal2012@gmail.com
Ms. Kumari Vithana (Legal Officer DFAR) kumari.n.vithana@gmail.com
Mr. Jayakody (Director Investigation DFAR) hsfuinvestigation@gmail.com

Dear Mr Kahawatta,

Notification of vessel inspection on Sri Lankan Flagged vessel in BIOT waters: IMULA-0524-KLT

You have previously requested that BIOTA 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 13 February 2022 the Senior Fisheries Protection Officer inspected the vessel IMULA-0524-KLT.

- This vessel was not on the IOTC authorised fishing vessel list (and has no high seas fishing licence)
- The vessel had not submitted a Transit Report
- The vessel indicated it had been fishing in the IOTC Area on the Saya de Mahla Bank
- There was no evidence of illegal fishing in BIOT waters
- Due to the current situation with Coronavirus the vessel was not boarded and we were therefore unable to conduct a full investigation of the vessel's activities

An inspection report for the vessel is attached.

We would be grateful if you could investigate the activities of this unauthorised vessel regarding any fishing outside Sri Lankan waters. Following your investigation, we would also 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.

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

Yours Sincerely

Dr C.C. Mees
UK Delegate to IOTC
Attachment: Inspection Report for vessel IMULA-0524-KLT.

Christopher (Kit) Pyman
BIOT Administrator

Table 2 - Status of legal actions taken against the Sri Lanka vessels reported in BIOT waters after 27.02.2022 (Before 70 days reporting)

S/N	Reg. Number / Vessel Name	Date of arrested /inspected	Date of arrival to SL	Initial Actions taken by DFAR	Legal Actions taken	Current Status
01	IMUL A 0248 KLT DILSHANTHA	08 th Feb 2022	27 th March 2022	<p>(i)Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 65793/5/22</p> <p>(ii)Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii)Skipper license has suspended for 6 months and informed to harbour Operation Officers.</p>	<p>(i)Accused accept the guilty and request for settlement under 52(B)sentence of FARA No.02 of 1996</p> <p>(ii)Next trial date 04.05.2022</p>

02	IMUL A 0947 MTR CHUTI KUMARI	10 th Feb 2022	21 st March 2022	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 65794/5/22</p> <p>(ii) Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii) Skipper license has suspended for 6 months and informed to harbour Operation Officers.</p>	<p>(i) Accused accept the guilty and request for settlement under 52(B) sentence of FARA No.02 of 1996</p> <p>(ii) Next trial date 04.05.2022</p>
03	IMUL A 0524 KLT	13 th Feb 2022	23 rd Feb 2022	<p>(i) Detained the vessel after arrival to the port of SL and keep under the supervision of Department of Coast Guard (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 A sentences of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 65795/5/22</p> <p>(ii) Magistrate summoned to detain the vessel under the Department of Coast Guard.</p> <p>(iii) Skipper license has suspended for 6 months and informed harbour Operation Officers..to all harbour operation officers.</p> <p>(iv) Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p>	<p>i) Administrative penalty SLR 500,000LKR has imposed for owner</p> <p>ii) Administrative penalty SLR 500,000LKR is paid.</p> <p>iii) Case is over. Suspensions lifted</p> <p>iv) The vessel is detained and the owner is in the pending list of VMS installation.</p> <p>v) Added to the risk vessel list of DFAR</p>

Attachment 5



British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

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

25 February 2022

cc. Ms Anne-France Mattlet, Chair of the Compliance Committee; Dr Indra Jaya Vice Chair CoC
Mr IA Siddique; Dr P. Pandian; Mr J. Balaji, Ministry of Fisheries, Government of India

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: Indian Flagged Vessels IND.TN.15.MM.4569 (NOVA)

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 presumed contrary to Indian fisheries law and to IOTC Conservation Management Measures for the Indian flagged vessel IND.TN.15.MM.4569 (NOVA). This vessel was reported to Indian Authorities.

The attached evidence shows that:

- The vessel was not on the current IOTC Record of Authorised Vessels; we have requested clarification of the authorisation for this vessel to fish beyond the Indian EEZ;
- The longline vessel was fishing illegally without IOTC authorisation in the IOTC Area of Competence (West of BIOT) – it was inspected on 14 February 2022.
- There was no evidence of illegal fishing in BIOT waters; the vessel had not submitted a Transit Report
- Due to the current situation with Coronavirus the vessel was not boarded and the BIOT Authorities were unable to conduct a full investigation of the vessel's activity; India was requested to investigate the activities of the vessel.
- At the time of writing no response from India has been received regarding the actions it intends to take

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 the following context:

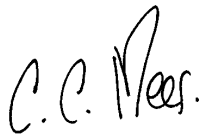
- The vessel was inspected only 14 days prior to submission of vessels for consideration on the draft IUU vessels List and this may be insufficient time for the case to be concluded by the Indian Authorities by the time of the Compliance Committee in 2022.
- We have requested an investigation into the activities of this vessel and an indication of any action that the Indian Authorities plan to implement. We request that India makes these details available to the Compliance Committee in 2022. We anticipate that this vessel will remain detained until the case is concluded if it did not possess the appropriate authorisation to fish beyond the Indian EEZ.
- Noting
 - that this longline vessel was fishing in the IOTC Area without IOTC Authorisation,

o that Resolution 18/03 Paragraph 5 enables vessels engaged in IUU fishing activities within a 24-month period prior to the meeting of the Compliance Committee to be reported, CPCs / the Compliance Committee should consider whether to present this vessel for inclusion on the draft IUU vessels list in 2023 if India has not demonstrated that effective action has been taken, including prosecution and imposition of sanctions of adequate severity (Resolution 18/03 para 14d).

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee and that the details are discussed during the annual meeting of the Compliance Committee to make appropriate recommendations on reporting by the flag State intersessionally.

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read "C.C. Mees". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

Dr C.C. Mees
UK Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, IND.TN.15.MM.4569 (NOVA).

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 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)	NOVA
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IND.TN.15.MM.4569
e	Photo	Yes, see Appendix I
f	Call Sign (previous call sign, if any)	UNK
g	Owner (previous Owner/s, if any)	UNK
h	Operator (previous Operator/s, if any)	UNK
i	Date of alleged IUU fishing activities	14/02/2022
j	Position of alleged IUU fishing activities	-05°06.12'S, 071°53.3'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing in the IOTC area without authorisation
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	F/V Master given a verbal warning on BIOT fisheries law and instructed to leave BIOT waters.
m	Outcome of actions taken	The vessel was observed heading North before the BPV altered course East and resumed patrol to the Salomon Islands.

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 transhipments 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	
k.	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	X



C. Associated Documents

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

Appendix I – Photographs.

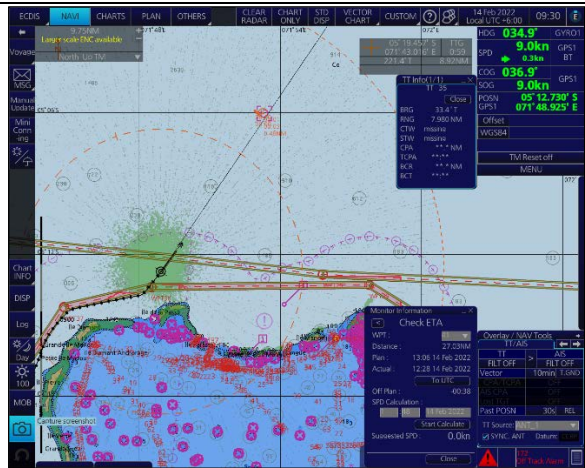
Appendix II – Inspection Report

Appendix III – Notification of Investigation and Request for Cooperation

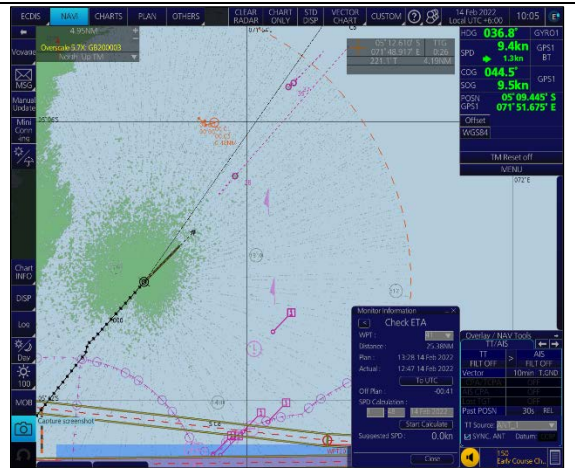
D. Recommended Actions

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



[Fig.1] Initial position of radar targets and BPV when targets fixed ~10nm North of Peros Banhos on BPV ECDIS (14/02/22 09:30).



[Fig.2] Position of BPV and FV targets (two) when WB232 with SFPO approaching for interception (14/02/22 10:05).



[Fig.3] Position of BPV and FV targets when SFPO onboard WB232 intercepted Indian FVs 'NOVA' and 'YONA' ~10nm North of Peros Banhos atoll (14/02/22 10:12).



[Fig.4] Position and time FVs 'NOVA' and 'YONA' intercepted by SFPO onboard WB232; -05°04.54'S, 071°55.51'E (14/02/22 10:16).



[Fig.5] FV 'NOVA' and FV 'YONA' (background) intercepted by SFPO onboard WB232 – Stern (14/02/22 10:16).



[Fig.6] FV 'NOVA' intercepted by SFPO onboard WB232 - Portside (14/02/22 10:16).



[Fig.7] FV 'NOVA' intercepted by SFPO onboard WB232 - Bow (14/02/22 10:17).



[Fig.8] FV 'NOVA' intercepted by SFPO onboard WB232 - Starboard (14/02/22 10:17).



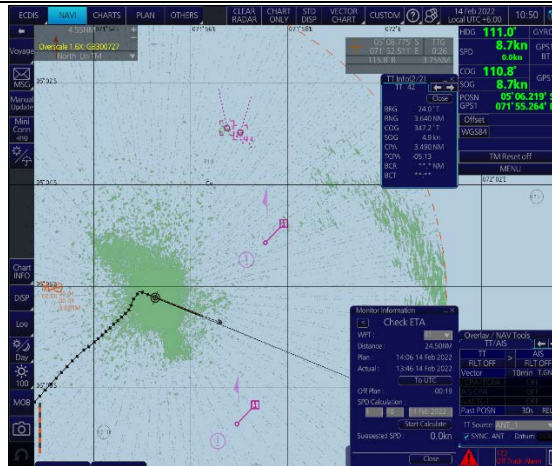
[Fig.9] Vessel name 'NOVA' marked on FV bow (14/02/22 10:17).



[Fig.10] Vessel registration 'IND.TN.15.MM.4569' marked on FV Starboard (14/02/22 10:17).



[Fig.11] Position of BPV and WB212 (showing on AIS) when SFPO completed inspection of FVs 'NOVA' and 'YONA' (14/02/22 10:28).



[Fig.12] FVs 'NOVA' and 'YONA' observed heading North towards the Northern BIOT Boundary as BPV resumed patrol SE (14/02/22 10:50).

Appendix II – Inspection Report

BIOT INSPECTION REPORT – RD019

1. SUMMARY

Date of boarding	14/02/2022
Patrol type and number	OISP 41
Vessel name	NOVA
Vessel type	Longliner
Vessel flag and port of reg.	India, Unk
Vessel Registration No.	IND.TN.15.MM.4569
IOTC# (if registered)	No record under vessel name
Vessel Captain's name	Unk
SFPO	Rhys Diplock
BPV crew assisting	Jerzy Szostek (D/C Boatman)

Action Taken: (All times in UTC+6)

Two targets picked up on radar (9.5nm) at 09:16 on 14/02/2022, ~10nm North of Peros Banhos atoll. They were both travelling NE together towards Speakers Bank prior to interception.

The SFPO onboard WB232 was launched at 09:50 ~5nm from the targets for interception. Indian longliners 'NOVA' and 'YONA' were subsequently intercepted at 10:12.

Both vessels were requested to stop during inspection – both complied. F/V 'NOVA' was inspected first. The Master was queried on his activity and was asked where they had come from. He explained that they had been fishing West of BIOT and were now on their way back to India. No fishing gear was sighted in the vicinity and due to current Covid-19 boarding restrictions the SFPO was not able to ascertain whether gear was missing from the vessel. There was no observable fishing gear on deck and only marker buoys on the vessel roof.

The Master was given a verbal warning on BIOT fisheries law and instructed to alter course North as to avoid Speakers Bank and exit BIOT waters – he complied.

The SFPO onboard WB232 then commenced inspection of F/V 'YONA' (Inspection Report **RD020**). Inspection of both vessels was completed at 1028 when the SFPO onboard WB232 returned to the BPV. F/Vs 'NOVA' and 'YONA' were then monitored heading North towards the BIOT Northern boundary before altering course and resuming patrol to the Salomon Islands.

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

Date and time of first sighting	14/02/2022 09:16	(DD/MM/YY HH:MM)		
Sighted by: (insert name)	Rhys Diplock (SFPO)	Radar	Yes	Visual
Position of target	-05°06.12'S, 071°53.3'E			
Course	093°			



Speed	7.4kts	
Range	9.47nm	
Bearing	025°	
<u>Comments:</u>		
F/V heading NE at 6-7kts North of Peros Banhos and heading towards Speakers Bank Western edge with a second radar target (IND F/V 'YONA'). No smell of fish coming from the vessel on approach and no observable fishing gear on deck. Several marker buoys on vessel roof only.		
Fisheries Pennant and Sierra Quebec 3 Raised	14/02/22 09:30	(DD/MM/YY HH:MM)
Vessel called on VHF CH16 and MF 2182.0	14/02/22 09:56 (BPV Bridge on VHF CH16 and MF 2182)	(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	14/02/22 09:56	(DD/MM/YY HH:MM)
Response to request for boarding	<i>No response</i>	



3. LAUNCHING OF RHIB

Time RHIB launched	14/02/22 09:50 (DD/MM/YY HH:MM)	
RHIB Crew (names)	David Stachula (D/C Coxswain) and Jerzy Szostek (D/C Boatman)	
Comments on the approach to the FV: FV was underway at 6-7kts until SFPO and WB232 alongside. No fishing gear observed on deck, only a few marker buoys on vessel roof. No smell of fish on approach.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	No
	Other	No

4. BOARDING DETAILS

Date and time vessel boarded	14/02/22 10:12 (A/S) (DD/MM/YY HH:MM)		
Position vessel boarded	N/A		
BPV crew assisting	Jerzy Szostek (D/C Boatman)		
Language spoken	Unk		
Language Cards used Y/N	N	Numbers used	N/A

5. CREW DETAILS

Captain's name	Unk		
Captain's nationality	Unk		
Captain's address	Unk		
Captain's D.o.B	Unk	(DD/MM/YY)	
Number of crew (inc. Captain)	14		
Nationality of Crew	Unk		
Are any crew under 18 (Y/N), if 'Y' provide details below		Unk	
Do any crew have health issues (Y/N), if 'Y' provide details below.		Unk	
<u>Health issue details:</u> No obvious health issues.			
Photographic Evidence Collected (See Annex 1).	Captain ID	No	
	Other crew ID	No	
	Other	No	



6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	NOVA		
International Callsign	Unk		
Flag State	India		
Authorisation to Fish/Fishing Licence No.	Unk		
Valid from / to (dd/mm/yyyy)	Unk		
Port of Registration	Unk		
Registration Number	IND.TN.15.MM.4569		
FV owner name and details (as per licence)	Unk		
Fishing logbook No.	Unk		
Issuing Authority	Unk		
Date of last entry (dd/mm/yyyy)	Unk		
Position of last entry	Unk		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	Unk		
Insurance documentation (Y/N)	Unk		
Names and addresses of owners	Unk		
Overall length (ft/m)	Unk	Engine Power (KW/hp)	Unk
Other paperwork:	No		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	No	

7. INTERVIEW WITH CAPTAIN

Time of interview	10:14	(HH:MM)
Travelling to or from fishing grounds?	From West of BIOT – heading home to India	
Port and date of departure	Unk	
Total amount of fish onboard (t)	Unk	
If fish onboard where caught?	West of BIOT	
If fish onboard when caught?	48/72hrs prior	
If fish onboard how caught?	Unk	
Destination	India	
Next port of call	Unk	
ETA	Unk	(DD/MM/YY)
<u>Comments:</u> Current boarding restrictions due to Covid-19 meant no documentation or fish holds could be checked. F/V Master given a verbal warning on BIOT fisheries law and instructed to leave BIOT waters.		

8. VESSEL INSPECTION

Fishing gear type	Unk		
<u>Comments</u> Unknown fishing gear and quantity as all stored in holds under the deck. No other visible fishing gear. Several marker buoys on vessel roof.			
Catch onboard (estimated/reported t)	Unk		
IOTC species onboard (Y/N)	Unk	Endangered species onboard (Y/N)	Unk
Description of catch	Unk		
<u>Comments</u> No fishing observed and fish holds unable to be checked.			
Photographic Evidence Collected (See Annex 1).	Gear	No	
	Catch	No	
	Hold	No	
	Other	No	

9. BIOT ORDINANCE NON-COMPLIANCE (use comments to expand where necessary)

Ordinance Section	Yes/No	Non-Compliant (X)
Section 5 (1(c)). Are there any sea cucumbers or molluscs on board?	Unk	
Section 6 (1(a)). Is the vessel fishing using prohibited fishing gear?	Unk	
Section 6 (2). Is the vessel in possession of prohibited fishing gear?	Unk	
Section 7 (1). Is the vessel fishing without a license?	Unk	
Section 9 (1). Is all fishing gear stowed and not readily available for use for fishing?	Yes	
Section 16. Has the Fisheries Protection Officer been obstructed in his/her duties by person(s) on the vessel or has that person(s) refused or neglected to comply with any order, direction or requirement given by a Fisheries Protection officer?	No	
Other:	No	
<u>Comments</u> No fishing gear observed on deck.		

10. IOTC CMM NON-COMPLIANCE (use comments to expand where necessary)

Note: AFV (Authorised Fishing Vessel-licenced to operate in the IOTC area of competence)

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 2. Is the vessel authorised to fish in the IOTC area of competence?	Unk	
19/04 11. c) For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?	N/A	
19/04 11. d) Is the AFV engaged in or associated with IUU fishing?	N/A	
19/04 11. e) Is the AFV engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence?	N/A	
19/04 17. a) (i). Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	Unk	
19/04 17. a) (ii). Does the vessel carry documents with the vessel name?	Unk	
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Unk	



IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	Unk	
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Unk	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Unk	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	Unk	
19/04 18. Is the vessel readily identified with markings indicating vessel name and/or callsign? (See FOA Standard Specification for the Marking and Identification of Fishing vessels).	Yes	
19/04 19. b) Are marker buoys and similar floats marked with the letter(s) and/or number(s) of the vessel (e.g., name or callsign)?	Unk	
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	Unk	
15/01 3. Does the logbook record data that meets the minimum requirement for data and information set out in Annex I, II and III?	Unk	
15/03 1: Does the vessel have VMS on board?	Unk	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	Unk	
15/03 8. and 9. (see Annex 1) Is the VMS tamper resistant (not capable of being over-ridden – see 15/03 Paras 8 a) and b))	Unk	
15/03 9. Is the VMS not working due to technical failure?	Unk	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	Unk	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	Unk	
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	Unk	
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	Unk	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	Unk	

IOTC Resolution	Yes/No	Non-Compliant (X)
17/05 2. and 3 a) For sharks fresh (on ice) has the vessel retained all parts of the shark except heads, guts and skins, with the exception of species prohibited by IOTC?	Unk	
17/05 2 and 3 b) For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?	Unk	
17/05 5. Have shark fins been removed from the carcass?	Unk	
12/09 2. Are there any parts or whole carcass of thresher sharks on board?	Unk	
19/04 11. b) Does the AFV comply with all relevant IOTC CMMs?	N/A	
<u>Comments</u> No fishing gear observed and no record of IOTC license under vessel name.		

11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	No
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed	No
Master given verbal warning and released	Yes
No further action, vessel released	No
<u>Comments:</u> The SFPO instructed the F/V Master to exit BIOT waters to the North – he complied. The vessel was observed heading North before the BPV altered course East and resumed patrol to the Salomon Islands.	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	10:22 (conclude interaction)	(HH:MM)
Time RHIB recovered to the BPV	10:45	(HH:MM)
<u>Comments:</u> F/V not boarded due to current Covid-19 boarding restrictions.		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Unk	IOTC number	Unk
Date authorised from	Unk	Date authorised to	Unk
Vessel currently authorised to fish in IOTC area of competence (Y/N)			Unk



Version of IOTC database referenced:			N/A
Vessel previously boarded (Y/N)	Unk	Inspection report ID	
Master previously boarded (Y/N)	Unk	Inspection report ID	
Owner previously boarded (Y/N)	Unk	Inspection report ID	
Crew previously boarded (Y/N)	Unk	Inspection report ID	
<u>Comments:</u>			
From the records available there is no previous boarding for this vessel Master or owner.			
No record of IOTC license under vessel name.			

Rhys Diplock
BIOT Senior Fisheries Protection Officer
14/02/2021



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@mrag.co.uk
Internet: www.mrag.co.uk

Mr I.A. Siddiqui
Fisheries Development Commissioner (i/c)

16 February 2022

Cc: Dr.P.Paul Pandian
Fisheries Development Commissioner, Government of India

Mr. J. Balaji
Ministry of Fisheries, Animal Husbandry and Dairying

E-Mail: ia.siddiqui@gov.in; jsfy@nic.in; pl_pndn@yahoo.com

Dear Mr Siddiqui,

Notification of vessel inspections on two Indian flagged longline vessels in BIOT waters: IND.TN.15.MM.4569 (NOVA) and IND.TN.15.MM.5707 (YONA) and request for an investigation into their activities and verification of their authorisation to fish on the high seas.

On 14 February the Senior Fisheries Protection Officer inspected the two above referenced vessels which were travelling together towards Speakers Bank in BIOT waters.

- Neither vessel was on the IOTC Authorised Fishing Vessel list
- Neither vessel had submitted a transit report through BIOT waters
- Both vessels indicated they had been fishing west of BIOT and were now returning to India
- There was no evidence of illegal fishing in BIOT waters
- Due to the current situation with Coronavirus neither vessel was boarded and we were therefore unable to conduct a full investigation of the vessels' activities

Inspection reports for both vessels are attached.

We would be grateful if you could investigate the activities of these vessel regarding any fishing outside Indian waters and if VMS is present confirm any activity within BIOT waters. Furthermore, noting that neither longline vessel is on the IOTC Authorised Fishing Vessel List yet have confirmed they were fishing in the IOTC area west of BIOT, please confirm the details of their authorisation to fish beyond the Indian EEZ. Following your investigation, we would also be grateful for an early indication of whether you plan to request that Indian authorities deal with these vessels if they are confirmed to be in violation of the fisheries regulations of India.

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

Yours Sincerely

Dr C.C. Mees
UK Delegate to IOTC

Attachment: Inspection Reports for vessels IND.TN.15.MM.4569 (NOVA) and IND.TN.15.MM.5707 (YONA)

Christopher (Kit) Pyman
BIOT Administrator



British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

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

12 April 2022

cc. Dr Indra Jaya Vice Chair CoC
Mr IA Siddique; Dr P. Pandian; Mr J. Balaji, Ministry of Fisheries, Government of India

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: Indian Flagged Vessel IND.TN.15.MM.4569 (NOVA)

Further to our submission on 25th February 2022 of the above referenced vessel with recommendation b) '*Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.*', and pursuant to paragraph 12 of Resolution 18/03 we submit additional information regarding this vessel. We attach a letter to the Indian Authorities dated 4 April 2022 and a vessel Inspection Report from 27 March 2022. At the time of writing no response has been received from India.

India responded to our communication to the Secretariat dated 25 February 2022 by email on 08/03/22 indicating that 'the matter is being investigated by the concerned authorities and further information shall be shared at the earliest'. However, the attachment shows that the same vessel, IND.TN.15.MM.4569 (NOVA) was inspected a second time in BIOT waters on 27 March 2022.

- The vessel is not on the IOTC authorised fishing vessel list
- The vessel had not yet been detained by the Indian Authorities.
- The Master of the vessel admitted to illegally fishing in BIOT waters
- Baited handlines were in use.
- The vessel was fishing as part of a group of 5 vessels representing coordinated IUU.

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
UK Delegation to IOTC

Enclosed: Letter to India dated 4 April 2022; vessel Inspection Report dated 27 March 2022



British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

Mr I.A. Siddiqui
Fisheries Development Commissioner (i/c)

4 April 2022

Cc: Dr.P.Paul Pandian
Fisheries Development Commissioner, Government of India

Mr. J. Balaji
Ministry of Fisheries, Animal Husbandry and Dairying

E-Mail: ia.siddiqui@gov.in; jsfy@nic.in; pl_pndn@yahoo.com

Dear Mr Siddiqui,

Notification of vessel inspection of the Indian flagged multipurpose vessel IND.TN.15.MM.4569 (NOVA) in BIOT waters and request for an investigation into its activities.

On 27 March 2022 the Senior Fisheries Protection Officer inspected the above referenced vessel on suspicion of illegal fishing activity Bank in BIOT waters. The same vessel was reported to you on 16 February 2022 and by email (Dr Pandian, 8/2/22) you indicated 'the matter is being investigated by the concerned authorities and further information shall be shared at the earliest' – unfortunately it appears that this vessel has neither been recalled to port nor detained. An Inspection Report for the vessel is attached.

- The vessel was not on the IOTC Authorised Fishing Vessel list
- The vessel had not submitted a transit report through BIOT waters
- The vessel was illegally fishing with baited handlines
- The Master indicated he had been fishing for the past 3 days in BIOT waters
- The vessel was fishing as part of a coordinated (IUU) group of 5 vessels
- Due to the current situation with Coronavirus neither vessel was boarded and we were therefore unable to conduct a full investigation of the vessels' activities

We would be grateful if you could investigate the activities of this vessel regarding any fishing outside Indian waters and if VMS is present confirm any activity within BIOT waters. Following your investigation, we would also be grateful for an early indication of whether you plan to request that Indian authorities deal with this vessel if it is confirmed to be in violation of the fisheries regulations of India.

This vessel was notified to the IOTC Secretariat on 25 February 2022 and we shall be providing an update including these details and any feedback that you are able to share with us.

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

Yours Sincerely

Dr C.C. Mees

UK Delegate to IOTC
Attachment: Inspection Report for IND.TN.15.MM.4569 (NOVA)

Christopher (Kit) Pyman

BIOT Administrator

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

1. SUMMARY

Date of boarding	27/03/2022
Patrol type and number	FIPA119
Vessel name	NOVA
Vessel type	Gill-netter
Vessel flag and port of reg.	Indian, Colachel. Base of operation: Eraviputhenthurai.
Vessel Registration No.	INDTN15MM4569
IOTC# (if registered)	
Vessel Captain's name	
SFPO	Caradoc Jones
BPV crew assisting	Stephen Tredigo, Michael Dalton

Action Taken:

Nova: No evidence of fish or fishing except crew of this vessel (Nova) volunteered they had been fishing here for 3 days. All dan- buoys and Floats seemed to be on-board, stowed on the wheelhouse roof. Nets stowed forward of the wheelhouse. Net hauler was dismantled. Hand lines in use, one photographed baited being set. This vessel has previously been inspected (RD019 14/02/2022).

These Nova was part of a group of five vessels grouped together at the Three Brothers. They volunteered that they had between them been fishing in the area for between two and eight days. They were given both written and verbal simple instructions that were acknowledged as clearly understood: - No Fishing for 200 miles, leave area now / go to India, switch on AIS for three days. All agreed to the instructions and proceeded to leave the area. No major gear deployments were apparent at the time of inspection apart from a typical array of floats with tangled attached lines as we returned to the BPV. A small number of hand lines were observed on some of the vessels. No fish were observed or recorded on the decks of any of the vessels. It is likely they are hand-lining whilst in shallow water of lagoons, reef-fringes and banks.

The five vessels were identified as:

INDTN15MM4783 - LIVING GOD

INDTN15MM4594 - ALFA

INDTN15MM5176 - SALVE REGINA

INDTN15MM5707 – YONA

INDTN15MM4569 - NOVA

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

Date and time of first sighting	27/03/2022 – 05:10	(DD/MM/YY HH:MM)
---------------------------------	--------------------	------------------

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

Sighted by: <i>(insert name)</i>	OOW	Radar	X	Visual
Position of target	06°10.6'S 71°29.5'E			
Course				
Speed				
Range	8.8nm			
Bearing	112°			
<u>Comments:</u>				
Fisheries Pennant and Sierra Quebec 3 Raised	27/03/2022 08:50			(DD/MM/YY HH:MM)
Vessel called on VHF CH16 and MF 2182.0	27/03/2022 08:53			(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	27/03/2022 08:57			(DD/MM/YY HH:MM)
Response to request for boarding	Unidentified respondent among the 5 vessel group responded and whole group came to a stop, allowing each to be inspected in turn.			

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

3. LAUNCHING OF RHIB

Time RHIB launched	27/03/2022 09:01		(DD/MM/YY HH:MM)
RHIB Crew (<i>names</i>)	Stephen Tredigo, Michael Dalton, x1 RM		
<u>Comments on the approach to the FV:</u>			
Photographic Evidence Collected (See Annex 1).	Port	3	
	Starboard	3	
	Stern	2	
	Fishing gear	2	
	Other	6 GIS, ECDIS, BPV logbook, sighting sheet.	

4. BOARDING DETAILS

Date and time vessel boarded	27/03/2022 10:02		(DD/MM/YY HH:MM)
Position vessel boarded	6° 6.751'S 71° 34.809'E		
BPV crew assisting	Stephen Tredigo, Michael Dalton, x1 RM		
Language spoken	English		
Language Cards used Y/N	N	Numbers used	N

5. CREW DETAILS

Captain's name	unk		
Captain's nationality	unk		
Captain's address	unk		
Captain's D.o.B	unk		(DD/MM/YY)
Number of crew (inc. Captain)	16 as told by crew and counted. (12 on reg. cert.)		
Nationality of Crew	Assumed Indian		
Are any crew under 18 (Y/N), if 'Y' provide details below	unk		
Do any crew have health issues (Y/N), if 'Y' provide details below.	unk		
<u>Health issue details:</u>			
Photographic Evidence Collected (See Annex 1).	Captain ID		
	Other crew ID		
	Other	General crew photos	

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	NOVA		
International Callsign	unk		
Flag State	India		
Authorisation to Fish/Fishing Licence No.			
Valid from / to (dd/mm/yyyy)			
Port of Registration	Colachel in Kanyakumari district.		
Registration Number	IND-TN-15-MM-4569		
FV owner name and details (as per licence)	Baiju S/O Alby		
Fishing logbook No.	No logbook provided despite request.		
Issuing Authority			
Date of last entry (dd/mm/yyyy)			
Position of last entry			
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	N		
Insurance documentation (Y/N)	N		
Names and addresses of owners	1-25C, Convent Vilgam, Eraviputhenthurai Aadhaar (UID): 881408405096		
Overall length (ft/m)	18.1m	Engine Power (KW/hp)	122hp
Other paperwork:			
Photographic Evidence Collected (See Annex 1).	Licence		
	Logbook		
	Boat Departure/Exit		
	Other	Cert. of Reg. of a Fishing Boat.	

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

7. INTERVIEW WITH CAPTAIN

Time of interview	(HH:MM)
Travelling to or from fishing grounds?	
Port and date of departure	
Total amount of fish onboard (t)	
If fish onboard where caught?	
If fish onboard when caught?	
If fish onboard how caught?	
Destination	
Next port of call	
ETA	(DD/MM/YY)
<u>Comments:</u> No interview with Captain	

8. VESSEL INSPECTION

Fishing gear type			
<u>Comments</u> Likely mainly using handlines. One in use during inspection. Gillnet hauler was dismantled. All dan-buoys and floats seemed present and correct on board. Nets stowed forward of wheelhouse.			
Catch onboard (estimated/reported t)		unk	
IOTC species onboard (Y/N)	unk	Endangered species onboard (Y/N)	unk
Description of catch	unk		
<u>Comments</u> No catch observed on board			
Photographic Evidence Collected (See Annex 1).	Gear	3	
	Catch		
	Hold		
	Other	15	

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

9. BIOT ORDINANCE NON-COMPLIANCE (use comments to expand where necessary)

Ordinance Section	Yes/No	Non-Compliant (X)
Section 5 (1(c)). Are there any sea cucumbers or molluscs on board?	unk	
Section 6 (1(a)). Is the vessel fishing using prohibited fishing gear?	Yes (hand lines)	X
Section 6 (2). Is the vessel in possession of prohibited fishing gear?	Yes (all gear is prohibited)	X
Section 7 (1). Is the vessel fishing without a license?	Yes (non are being issued and they volunteered they were fishing)	X
Section 9 (1). Is all fishing gear stowed and not readily available for use for fishing?	NO (Heavy gear was stowed. BUT a hand line was in use)	X
Section 16. Has the Fisheries Protection Officer been obstructed in his/her duties by person(s) on the vessel or has that person(s) refused or neglected to comply with any order, direction or requirement given by a Fisheries Protection officer?	No. (Generally cooperative, but could / would not provide logbook.)	
Other:		
<u>Comments</u>		

10. IOTC CMM NON-COMPLIANCE (use comments to expand where necessary)

Note: AFV (Authorised Fishing Vessel-licenced to operate in the IOTC area of competence)

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 2. Is the vessel authorised to fish in the IOTC area of competence?	No	X
19/04 11. c) For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?	No (Sec 9 of its licence says 'As prescribed in the MFR act')	X
19/04 11. d) Is the AFV engaged in or associated with IUU fishing?	Yes (The crew volunteered that they had been fishing for 5 days)	X
19/04 11. e) Is the AFV engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence?	unk	

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 17. a) (i). Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	No	X
19/04 17. a) (ii). Does the vessel carry documents with the vessel name?	Yes	
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Yes	
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	No	X
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Yes	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Yes	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	Yes	
19/04 18. Is the vessel readily identified with markings indicating vessel name and/or callsign? (see FOA Standard Specification for the Marking and Identification of Fishing vessels).	Yes	
19/04 19. b) Are marker buoys and similar floats marked with the letter(s) and/or number(s) of the vessel (e.g. name or callsign)?	Unk <small>(could not board or get close enough to examine)</small>	
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	No <small>(could not provide one despite requests)</small>	X
15/01 3. Does the logbook record data that meets the minimum requirement for data and information set out in Annex I, II and III.		
15/03 1: Does the vessel have VMS on board?	unk	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	unk	
15/03 8. and 9. (see Annex 1) Is the VMS tamper resistant (not capable of being over-ridden – see 15/03 Paras 8 a) and b))	unk	
15/03 9. Is the VMS not working due to technical failure?	unk	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	unk	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	unk	
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	unk	

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

IOTC Resolution	Yes/No	Non-Compliant (X)
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	unk	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	unk	
17/05 2. and 3 a) For sharks fresh (on ice) has the vessel retained all parts of the shark except heads, guts and skins, with the exception of species prohibited by IOTC?	unk	
17/05 2 and 3 b) For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?	unk	
17/05 5. Have shark fins been removed from the carcass?	unk	
12/09 2. Are there any parts or whole carcass of thresher sharks on board?	unk	
19/04 11. b) Does the AFV comply with all relevant IOTC CMMs?	No	X
Comments 19/04 2. – no evidence of authorization could be provided to the SFPO.		

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	X
Master given verbal warning and released	X
No further action, vessel released	
<u>Comments:</u>	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	10:17	(HH:MM)
Time RHIB recovered to the BPV	10:48	(HH:MM)
<u>Comments:</u>		

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	N	IOTC number	
Date authorised from		Date authorised to	
Vessel currently authorised to fish in IOTC area of competence (Y/N)			
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	Y	Inspection report ID	RD019 (14/02/2022)
Master previously boarded (Y/N)		Inspection report ID	
Owner previously boarded (Y/N)		Inspection report ID	
Crew previously boarded (Y/N)		Inspection report ID	
<u>Comments:</u>			

[NAME].....Caradoc Jones.....

[DATE].....03/04/2022.....

BIOT Senior Fisheries Protection Officer

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

ANNEX 1: PHOTOGRAPH LOG

Stage of Boarding / Inspection		Type of Photograph	Number of photos
Prior to Boarding		Portside	
		Starboard side	
		Vessel name and identification	
		Bow	
		Stern	
		Evidence of fishing	
		FV with BPV	
		Other	
Wheel house		Radar	
		GPS	
		SFPO GPS	
		Radio equipment	
		VMS	
		Plotter	
Documents		License	
		Logbook	
		Boat departure form	
		Insurance	
		Other documents	
Crew identification		Captain photos	
		Crew member photo	
		Captain identification	
		Crew identification	
Fishing activity	Fishing equipment	Nets	
		Longline	
		Wire trace	
		Hand line	
		Harpoon	
		Pots / traps / cages	
		Marker buoys	
		Fishing equipment in water	
		Other	
	Evidence of fishing	Blood on deck	
		Catch in water	
		Catch released alive	
		Hauling	
		Position Gear (start)	
		Position Gear (end)	
	Holds and catch storage	Hold lid on	
		Hold lid off	
		Catch in hold	
		Bridge deckhead	
		Catch on deck	
Security seals			
Other (list)			

INSPECTION REPORT – INDTN15MM4569 NOVA 27/03/2022

IOTC Resolutions References:

Resolution 15/01 On the recording of catch and effort data by fishing vessels in the IOTC area of competence.

See.....

Annex I Record once per trip (unless gear configuration changes)

Annex II Record once per set/shot/operation

Annex III Specifications for handline and trolling

Resolution 15/03 On the vessel monitoring system (VMS) programme.

See Paras 8 a) and 8 b)

8. Each CPC as a Flag State shall ensure that the vessel monitoring device(s) on board its vessels are tamper resistant, that is, are of a type and configuration that prevent the input or output of false positions, and that they are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the on-board satellite monitoring device must:

- a) be located within a sealed unit; and
- b) be protected by official seals (or mechanisms) of a type that will indicate whether the unit has been accessed or tampered with.

See Annex I Responsibilities concerning the satellite-tracking devices and requirements in case of technical failure or non-functioning of the satellite-tracking devices.



[Fig.1] Position of Nova at boarding and x4 other FVs that were in the vicinity – NE of the Three Brothers

North Star Shipping
ERRV Deck Log
 Grampian
 Date: 27/03/2022
 Location: 56°15'N 071°47'W

Time	Event	Remarks
05:10	Initial target sighting	Small chunk of RV's discarded in this position. Possibly sock
05:15	Call SFPO to the bridge	
05:20	Hail FV on VHF 16 & MF 2182 kHz	RECORD IN LOGBOOK.
05:25	Confirmed target	RAISE SQ3/ FISHERIES PENNANT (RECORD IN LOGBOOK / TAKE ECDIS SCREEN SHOT)
05:30	Continually detail vessels actions	(Running without Nav lights, change of speed, course etc)
05:35	Beware of any other contacts	in the area (i.e., another target, possible abandoned gear)

[Fig 2] BPV Logbook

Initial Target sighting actions

1. ON ACQUIRING A TARGET ON THE RADAR, THE FOLLOWING SHOULD BE DETAILED IMMEDIATELY:

	Target	Grampian Frontier
DATE AND TIME	27/03/22 05:10	
POSITION	06° 10.6'S 71° 29.5'E	06° 09.1'S 71° 21.1'E
COURSE	- °	119 °
SPEED	- Knots	5 Knots
BEARING	112 °	
RANGE	8.8 nm	
ECDIS SCREEN SHOT TIME	05:10	

2. CALL SFPO TO THE BRIDGE

3. HAIL FV ON VHF 16 & MF 2182 kHz - RECORD IN LOGBOOK.

4. CONFIRMED TARGET - RAISE SQ3/ FISHERIES PENNANT (RECORD IN LOGBOOK / TAKE ECDIS SCREEN SHOT)

5. CONTINUALLY DETAIL VESSELS ACTIONS (Running without Nav lights, change of speed, course etc)

6. BEWARE OF ANY OTHER CONTACTS IN THE AREA (i.e., another target, possible abandoned gear)

s:\voyage reports\biof\2022\sfpo\bridge target guide for fv intercept_v002.docx

[Fig.4] Target sighting 3.



[Fig.5] Initial sighting of targets W of Three Brothers at 03:40 hrs.



[Fig.6] Targets having moved NE of Three Brothers by 09:15 hours.



[Fig.7] 09:43 hrs the NS232 workboat intercepting targets.



[Fig.8] 10:14 Fishing vessels moving off to NE as instructed.



[Fig.9] Starboard. Nets stowed? On foredeck.



[Fig.10] Handline in use at stern



[Fig.11] Detail – baited handline



[Fig.12] Bow + see handlines on frame.



[Fig.13] Port side



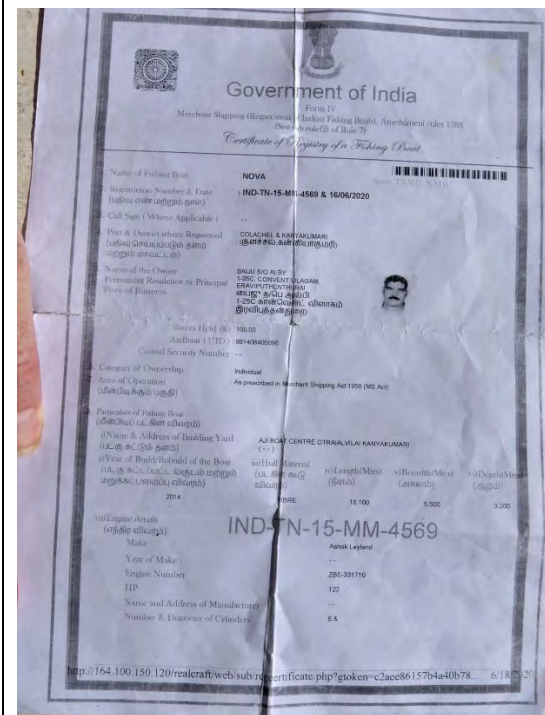
[Fig.14]Port: ID many floats and dan-buoys stowed on roof



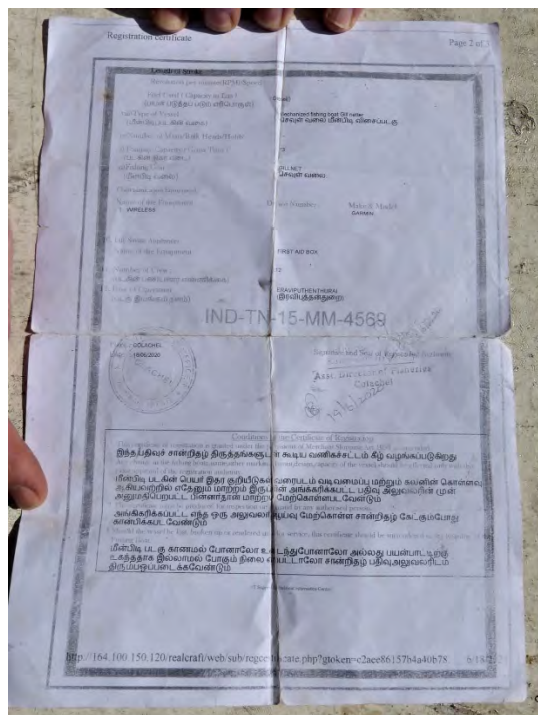
[Fig.15] Port side, fore deck and x16 crew(12 on cert)



[Fig.16]



[Fig. 17] Certificate of Registry of a Fishing Boat p1



[Fig. 18] Certificate of Registry of a Fishing Boat p2



Attachment 6

British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

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

25 February 2022

cc. Ms Anne-France Mattlet, Chair of the Compliance Committee; Dr Indra Jaya Vice Chair CoC
Mr IA Siddique; Dr P. Pandian; Mr J. Balaji, Ministry of Fisheries, Government of India

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: Indian Flagged Vessel IND.TN.15.MM.5707 (YONA)

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 presumed contrary to Indian fisheries law and to IOTC Conservation Management Measures for the Indian flagged vessel IND.TN.15.MM.5707 (YONA). This vessel was reported to Indian Authorities.

The attached evidence shows that:

- The vessel was not on the current IOTC Record of Authorised Vessels; we have requested clarification of the authorisation for this vessel to fish beyond the Indian EEZ;
- The longline vessel was fishing illegally without IOTC authorisation in the IOTC Area of Competence (West of BIOT) – it was inspected on 14 February 2022.
- There was no evidence of illegal fishing in BIOT waters; the vessel had not submitted a Transit Report
- Due to the current situation with Coronavirus the vessel was not boarded and the BIOT Authorities were unable to conduct a full investigation of the vessel's activity; India was requested to investigate the activities of the vessel.
- At the time of writing no response from India has been received regarding the actions it intends to take

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 the following context:

- The vessel was inspected only 14 days prior to submission of vessels for consideration on the draft IUU vessels List and this may be insufficient time for the case to be concluded by the Indian Authorities by the time of the Compliance Committee in 2022.
- We have requested an investigation into the activities of this vessel and an indication of any action that the Indian Authorities plan to implement. We request that India makes these details available to the Compliance Committee in 2022. We anticipate that this vessel will remain detained until the case is concluded if it did not possess the appropriate authorisation to fish beyond the Indian EEZ.
- Noting
 - that this longline vessel was fishing in the IOTC Area without IOTC Authorisation,

- that Resolution 18/03 Paragraph 5 enables vessels engaged in IUU fishing activities within a 24-month period prior to the meeting of the Compliance Committee to be reported, CPCs / the Compliance Committee should consider whether to present this vessel for inclusion on the draft IUU vessels list in 2023 if India has not demonstrated that effective action has been taken, including prosecution and imposition of sanctions of adequate severity (Resolution 18/03 para 14d).

I would be grateful if you could circulate this material for the information and consideration of the Compliance Committee and that the details are discussed during the annual meeting of the Compliance Committee to make appropriate recommendations on reporting by the flag State intersessionally.

Thank you.

Yours sincerely

A handwritten signature in black ink, appearing to read "C.C. Mees". The signature is written in a cursive, slightly slanted style.

Dr C.C. Mees

UK Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, IND.TN.15.MM.5707 (YONA)

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 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)	YONA
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IND.TN.15.MM.5707
e	Photo	Yes, see Appendix I
f	Call Sign (previous call sign, if any)	UNK
g	Owner (previous Owner/s, if any)	UNK
h	Operator (previous Operator/s, if any) and Master/Fishing Master	UNK
i	Date of alleged IUU fishing activities	14/02/2022
j	Position of alleged IUU fishing activities	-05°06.01'S, 071°53.05'E
k	Summary of alleged IUU activities (see section B for more detail)	Fishing in IOTC Area without authorisation
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	F/V Master given a verbal warning on BIOT fisheries law and instructed to leave BIOT waters.
m	Outcome of actions taken	The vessel was observed heading North before the BPV altered course East and resumed patrol to the Salomon Islands.

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 transhipments 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	
k.	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	X



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

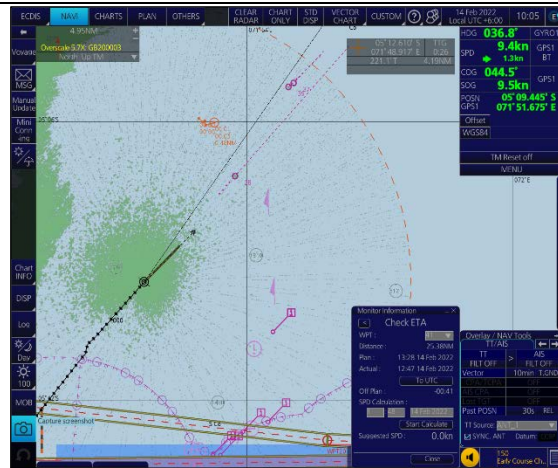
D. Recommended Actions

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



[Fig.1] Initial position of radar targets and BPV when targets fixed ~10nm North of Peros Banhos on BPV ECDIS (14/02/22 09:30).



[Fig.2] Position of BPV and FV targets (two) when WB232 with SFPO approaching for interception (14/02/22 10:05).



[Fig.3] Position of BPV and FV targets when SFPO onboard WB232 intercepted Indian FVs 'NOVA' and 'YONA' ~10nm North of Peros Banhos atoll (14/02/22 10:12).



[Fig.4] Position and time FVs 'NOVA' and 'YONA' intercepted by SFPO onboard WB232; -05°04.54'S, 071°55.51'E (14/02/22 10:16).



[Fig.5] FV 'YONA' intercepted by SFPO onboard WB232 – Portside (14/02/22 10:24).



[Fig.6] FV 'YONA' intercepted by SFPO onboard WB232 - Bow (14/02/22 10:26).



[Fig.7] FV 'YONA' intercepted by SFPO onboard WB232 - Starboard (14/02/22 10:26).



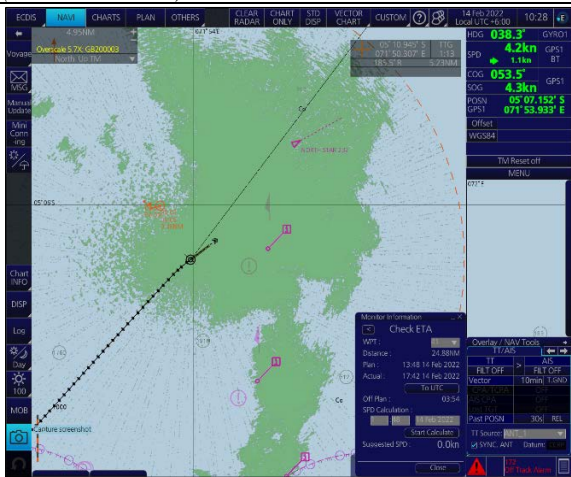
[Fig.8] FV 'YONA' intercepted by SFPO onboard WB232 - Stern (14/02/22 10:27).



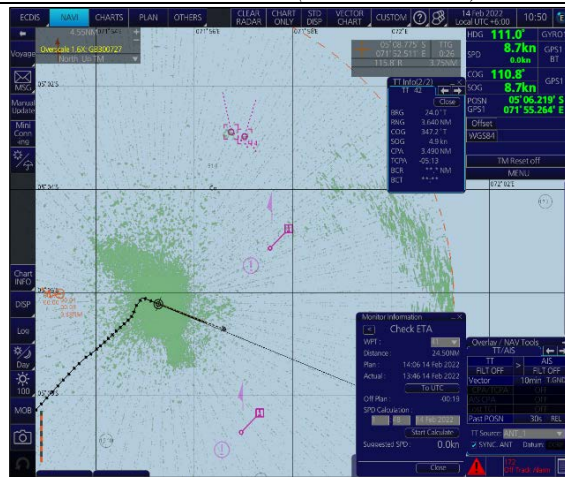
[Fig.9] Vessel name 'YONA' marked on FV bow (14/02/22 10:26).



[Fig.10] Vessel registration 'IND.TN.15.MM.5707' marked on FV wheelhouse (14/02/22 10:27).



[Fig.11] Position of BPV and WB212 (showing on AIS) when SFPO completed inspection of FVs 'NOVA' and 'YONA' (14/02/22 10:28).



[Fig.12] FVs 'NOVA' and 'YONA' observed heading North towards the Northern BIOT Boundary as BPV resumed patrol SE (14/02/22 10:50).

Appendix II – Inspection Report

BIOT INSPECTION REPORT – RD020

1. SUMMARY

Date of boarding	14/02/2022
Patrol type and number	OISP 41
Vessel name	YONA
Vessel type	Longliner
Vessel flag and port of reg.	India, Unk
Vessel Registration No.	IND. TN.15.MM.5707
IOTC# (if registered)	No record under vessel name
Vessel Captain's name	Unk
SFPO	Rhys Diplock
BPV crew assisting	Jerzy Szostek (D/C Boatman)

Action Taken: (All times in UTC+6)

Two targets picked up on radar (9.5nm) at 09:16 on 14/02/2022, ~10nm North of Peros Banhos atoll. They were both travelling NE together towards Speakers Bank prior to interception.

The SFPO onboard WB232 was launched at 09:50 ~5nm from the targets for interception. Indian longliners 'NOVA' and 'YONA' were subsequently intercepted at 10:12.

Both vessels were requested to stop during inspection – both complied. F/V 'NOVA' was inspected first (Inspection Report **RD019**). The SFPO onboard WB232 then commenced inspection of F/V 'YONA'. The Master was queried on his activity and was asked where they had come from. As with F/V 'NOVA', he also explained that they had been fishing West of BIOT and were now on their way back to India. No fishing gear was sighted in the vicinity and due to current Covid-19 boarding restrictions the SFPO was not able to ascertain whether gear was missing from the vessel. There was no observable fishing gear on deck and only marker buoys on the vessel roof.

Inspection of both vessels was completed at 1028 when the SFPO onboard WB232 returned to the BPV. F/Vs 'NOVA' and 'YONA' were then monitored heading North towards the BIOT Northern boundary before altering course and resuming patrol to the Salomon Islands.

The Master was given a verbal warning on BIOT fisheries law and instructed to alter course North as to avoid Speakers Bank and exit BIOT waters – he complied.

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

Date and time of first sighting	14/02/2022 09:16	(DD/MM/YY HH:MM)		
Sighted by: (insert name)	Rhys Diplock (SFPO)	Radar	Yes	Visual
Position of target	-05°06.01'S, 071°53.05'E			



Course	095°	
Speed	6.8kts	
Range	9.55nm	
Bearing	025°	
<u>Comments:</u>		
F/V heading NE at 6-7kts North of Peros Banhos and heading towards Speakers Bank Western edge with a second radar target (IND F/V 'NOVA'). No smell of fish coming from the vessel on approach and no observable fishing gear on deck. Several marker buoys on vessel roof only.		
Fisheries Pennant and Sierra Quebec 3 Raised	14/02/22 09:30	(DD/MM/YY HH:MM)
Vessel called on VHF CH16 and MF 2182.0	14/02/22 09:56 (BPV Bridge on VHF CH16 and MF 2182)	(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	14/02/22 09:56	(DD/MM/YY HH:MM)
Response to request for boarding	No response	



3. LAUNCHING OF RHIB

Time RHIB launched	14/02/22 09:50 (DD/MM/YY HH:MM)	
RHIB Crew (<i>names</i>)	David Stachula (D/C Coxswain) and Jerzy Szostek (D/C Boatman)	
<u>Comments on the approach to the FV:</u> FV was underway at 6-7kts until SFPO and WB232 alongside. No fishing gear observed on deck, only a few marker buoys on vessel roof. No smell of fish on approach.		
Photographic Evidence Collected (See Annex 1).	Port	Yes
	Starboard	Yes
	Stern	Yes
	Fishing gear	No
	Other	No

4. BOARDING DETAILS

Date and time vessel boarded	14/02/22 10:12 (A/S) (DD/MM/YY HH:MM)	
Position vessel boarded	N/A	
BPV crew assisting	Jerzy Szostek (D/C Boatman)	
Language spoken	Unk	
Language Cards used Y/N	N	Numbers used N/A

5. CREW DETAILS

Captain's name	Unk	
Captain's nationality	Unk	
Captain's address	Unk	
Captain's D.o.B	Unk (DD/MM/YY)	
Number of crew (inc. Captain)	14	
Nationality of Crew	Unk	
Are any crew under 18 (Y/N), if 'Y' provide details below	Unk	
Do any crew have health issues (Y/N), if 'Y' provide details below.	Unk	
<u>Health issue details:</u> No obvious health issues.		
Photographic Evidence Collected (See Annex 1).	Captain ID	No
	Other crew ID	No
	Other	No



6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	YONA		
International Callsign	Unk		
Flag State	India		
Authorisation to Fish/Fishing Licence No.	Unk		
Valid from / to (dd/mm/yyyy)	Unk		
Port of Registration	Unk		
Registration Number	IND.TN.15.MM.5707		
FV owner name and details (as per licence)	Unk		
Fishing logbook No.	Unk		
Issuing Authority	Unk		
Date of last entry (dd/mm/yyyy)	Unk		
Position of last entry	Unk		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	Unk		
Insurance documentation (Y/N)	Unk		
Names and addresses of owners	Unk		
Overall length (ft/m)	Unk	Engine Power (KW/hp)	Unk
Other paperwork:	No		
Photographic Evidence Collected (See Annex 1).	Licence	No	
	Logbook	No	
	Boat Departure/Exit	No	
	Other	No	



7. INTERVIEW WITH CAPTAIN

Time of interview	10:21	(HH:MM)
Travelling to or from fishing grounds?	From West of BIOT – heading home to India	
Port and date of departure	Unk	
Total amount of fish onboard (t)	Unk	
If fish onboard where caught?	West of BIOT	
If fish onboard when caught?	48/72hrs prior	
If fish onboard how caught?	Unk	
Destination	India	
Next port of call	Unk	
ETA	Unk	(DD/MM/YY)
<u>Comments:</u> Current boarding restrictions due to Covid-19 meant no documentation or fish holds could be checked. F/V Master given a verbal warning on BIOT fisheries law and instructed to leave BIOT waters.		

8. VESSEL INSPECTION

Fishing gear type	Unk		
<u>Comments</u>			
Unknown fishing gear and quantity as all stored in holds under the deck. No other visible fishing gear. Several marker buoys on vessel roof.			
Catch onboard (estimated/reported t)	Unk		
IOTC species onboard (Y/N)	Unk	Endangered species onboard (Y/N)	Unk
Description of catch	Unk		
<u>Comments</u>			
No fishing observed and fish holds unable to be checked.			
Photographic Evidence Collected (See Annex 1).	Gear	No	
	Catch	No	
	Hold	No	
	Other	No	

9. BIOT ORDINANCE NON-COMPLIANCE (use comments to expand where necessary)

Ordinance Section	Yes/No	Non-Compliant (X)
Section 5 (1(c)). Are there any sea cucumbers or molluscs on board?	Unk	
Section 6 (1(a)). Is the vessel fishing using prohibited fishing gear?	Unk	
Section 6 (2). Is the vessel in possession of prohibited fishing gear?	Unk	
Section 7 (1). Is the vessel fishing without a license?	Unk	
Section 9 (1). Is all fishing gear stowed and not readily available for use for fishing?	Yes	
Section 16. Has the Fisheries Protection Officer been obstructed in his/her duties by person(s) on the vessel or has that person(s) refused or neglected to comply with any order, direction or requirement given by a Fisheries Protection officer?	No	
Other:	No	
<u>Comments</u> No fishing gear observed on deck.		

10. IOTC CMM NON-COMPLIANCE (use comments to expand where necessary)

Note: AFV (Authorised Fishing Vessel-licensed to operate in the IOTC area of competence)

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 2. Is the vessel authorised to fish in the IOTC area of competence?	Unk	
19/04 11. c) For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?	N/A	
19/04 11. d) Is the AFV engaged in or associated with IUU fishing?	N/A	
19/04 11. e) Is the AFV engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence?	N/A	
19/04 17. a) (i). Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	Unk	
19/04 17. a) (ii). Does the vessel carry documents with the vessel name?	Unk	
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Unk	



IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	Unk	
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Unk	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Unk	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	Unk	
19/04 18. Is the vessel readily identified with markings indicating vessel name and/or callsign? (See FOA Standard Specification for the Marking and Identification of Fishing vessels).	Yes	
19/04 19. b) Are marker buoys and similar floats marked with the letter(s) and/or number(s) of the vessel (e.g., name or callsign)?	Unk	
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	Unk	
15/01 3. Does the logbook record data that meets the minimum requirement for data and information set out in Annex I, II and III?	Unk	
15/03 1: Does the vessel have VMS on board?	Unk	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	Unk	
15/03 8. and 9. (see Annex 1) Is the VMS tamper resistant (not capable of being over-ridden – see 15/03 Paras 8 a) and b))	Unk	
15/03 9. Is the VMS not working due to technical failure?	Unk	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	Unk	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	Unk	
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	Unk	
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	Unk	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	Unk	

IOTC Resolution	Yes/No	Non-Compliant (X)
17/05 2. and 3 a) For sharks fresh (on ice) has the vessel retained all parts of the shark except heads, guts and skins, with the exception of species prohibited by IOTC?	Unk	
17/05 2 and 3 b) For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?	Unk	
17/05 5. Have shark fins been removed from the carcass?	Unk	
12/09 2. Are there any parts or whole carcass of thresher sharks on board?	Unk	
19/04 11. b) Does the AFV comply with all relevant IOTC CMMs?	N/A	
<u>Comments</u> No fishing gear observed and no record of IOTC license under vessel name.		

11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	No
FPN issued and catch and gear seized	No
IOTC Reporting Form to be completed	No
Master given verbal warning and released	Yes
No further action, vessel released	No
<u>Comments:</u> The SFPO instructed the F/V Master to exit BIOT waters to the North – he complied. The vessel was observed heading North before the BPV altered course East and resumed patrol to the Salomon Islands.	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	10:28 (conclude interaction)	(HH:MM)
Time RHIB recovered to the BPV	10:45	(HH:MM)
<u>Comments:</u> F/V not boarded due to current Covid-19 boarding restrictions.		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Unk	IOTC number	Unk
Date authorised from	Unk	Date authorised to	Unk
Vessel currently authorised to fish in IOTC area of competence (Y/N)			Unk



Version of IOTC database referenced:			N/A
Vessel previously boarded (Y/N)	Unk	Inspection report ID	
Master previously boarded (Y/N)	Unk	Inspection report ID	
Owner previously boarded (Y/N)	Unk	Inspection report ID	
Crew previously boarded (Y/N)	Unk	Inspection report ID	
<u>Comments:</u>			
From the records available there is no previous boarding for this vessel Master or owner.			
No record of IOTC license under vessel name.			

Rhys Diplock
BIOT Senior Fisheries Protection Officer
14/02/2021



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@mrag.co.uk
Internet: www.mrag.co.uk

Mr I.A. Siddiqui
Fisheries Development Commissioner (i/c)

16 February 2022

Cc: Dr.P.Paul Pandian
Fisheries Development Commissioner, Government of India

Mr. J. Balaji
Ministry of Fisheries, Animal Husbandry and Dairying

E-Mail: ia.siddiqui@gov.in; jsfy@nic.in; pl_pndn@yahoo.com

Dear Mr Siddiqui,

Notification of vessel inspections on two Indian flagged longline vessels in BIOT waters: IND.TN.15.MM.4569 (NOVA) and IND.TN.15.MM.5707 (YONA) and request for an investigation into their activities and verification of their authorisation to fish on the high seas.

On 14 February the Senior Fisheries Protection Officer inspected the two above referenced vessels which were travelling together towards Speakers Bank in BIOT waters.

- Neither vessel was on the IOTC Authorised Fishing Vessel list
- Neither vessel had submitted a transit report through BIOT waters
- Both vessels indicated they had been fishing west of BIOT and were now returning to India
- There was no evidence of illegal fishing in BIOT waters
- Due to the current situation with Coronavirus neither vessel was boarded and we were therefore unable to conduct a full investigation of the vessels' activities

Inspection reports for both vessels are attached.

We would be grateful if you could investigate the activities of these vessel regarding any fishing outside Indian waters and if VMS is present confirm any activity within BIOT waters. Furthermore, noting that neither longline vessel is on the IOTC Authorised Fishing Vessel List yet have confirmed they were fishing in the IOTC area west of BIOT, please confirm the details of their authorisation to fish beyond the Indian EEZ. Following your investigation, we would also be grateful for an early indication of whether you plan to request that Indian authorities deal with these vessels if they are confirmed to be in violation of the fisheries regulations of India.

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

Yours Sincerely

Dr C.C. Mees
UK Delegate to IOTC

Christopher (Kit) Pyman
BIOT Administrator

Attachment: Inspection Reports for vessels IND.TN.15.MM.4569 (NOVA) and IND.TN.15.MM.5707 (YONA)



British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

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

12 April 2022

cc. Ms Anne-France Mattlet, Chair of the Compliance Committee; Dr Indra Jaya Vice Chair CoC
Mr IA Siddique; Dr P. Pandian; Mr J. Balaji, Ministry of Fisheries, Government of India

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: Indian Flagged Vessel IND.TN.15.MM.5707 (YONA)

Further to our submission on 25th February 2022 of the above referenced vessel with recommendation b) '*Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.*', and pursuant to paragraph 12 of Resolution 18/03 we submit additional information regarding this vessel. We attach a letter to the Indian Authorities dated 4 April 2022 and a vessel Inspection Report from 27 March 2022. At the time of writing no response has been received from India.

India responded to our communication to the Secretariat dated 25 February 2022 by email on 08/03/22 indicating that 'the matter is being investigated by the concerned authorities and further information shall be shared at the earliest'. However, the attachment shows that the same vessel, IND.TN.15.MM.5707 (YONA) was inspected a second time in BIOT waters on 27 March 2022.

- The vessel is not on the IOTC authorised fishing vessel list
- The vessel had not yet been detained by the Indian Authorities.
- The Master of the vessel admitted to illegally fishing in BIOT waters
- The vessel was fishing as part of a group of 5 vessels representing coordinated IUU.

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
UK Delegation to IOTC

Enclosed: Letter to India dated 4 April 2022; vessel Inspection Report dated 27 March 2022



British Indian Ocean Territory Administration
Foreign, Commonwealth and Development Office
London SW1A 2AH

Mr I.A. Siddiqui
Fisheries Development Commissioner (i/c)

4 April 2022

Cc: Dr.P.Paul Pandian
Fisheries Development Commissioner, Government of India

Mr. J. Balaji
Ministry of Fisheries, Animal Husbandry and Dairying

E-Mail: ia.siddiqui@gov.in; jsfy@nic.in; pl_pndn@yahoo.com

Dear Mr Siddiqui,

Notification of vessel inspection of the Indian flagged multipurpose vessel IND.TN.15.MM.5707 (YONA) in BIOT waters and request for an investigation into its activities.

On 27 March 2022 the Senior Fisheries Protection Officer inspected the above referenced vessel on suspicion of illegal fishing activity Bank in BIOT waters. The same vessel was reported to you on 16 February 2022 and by email (Dr Pandian, 8/2/22) you indicated 'the matter is being investigated by the concerned authorities and further information shall be shared at the earliest' – unfortunately it appears that this vessel has neither been recalled to port nor detained. An Inspection Report for the vessel is attached.

- The vessel was not on the IOTC Authorised Fishing Vessel list
- The vessel had not submitted a transit report through BIOT waters
- The vessel had its gear deployed (net-hauler) and not correctly stowed
- The Master indicated he had been fishing for the past 5 days in BIOT waters
- The vessel was fishing as part of a coordinated (IUU) group of 5 vessels
- Due to the current situation with Coronavirus neither vessel was boarded and we were therefore unable to conduct a full investigation of the vessels' activities

We would be grateful if you could investigate the activities of this vessel regarding any fishing outside Indian waters and if VMS is present confirm any activity within BIOT waters. Following your investigation, we would also be grateful for an early indication of whether you plan to request that the Indian authorities deal with this vessel if it is confirmed to be in violation of the fisheries regulations of India.

This vessel was notified to the IOTC Secretariat on 25 February 2022 and we shall be providing an update including these details and any feedback that you are able to share with us.

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 in combatting IUU.

Yours Sincerely

Dr C.C. Mees

UK Delegate to IOTC
Attachment: Inspection Report for IND.TN.15.MM.5707 (YONA)

Christopher (Kit) Pyman

BIOT Administrator

Inspection_Report_INDTN15MM5707_YONA_27_03_2022

1. SUMMARY

Date of boarding	27/03/2022
Patrol type and number	FIPA 119
Vessel name	Yona
Vessel type	Gill Netter
Vessel flag and port of reg.	Indian, Colachel (as per fishing licence)
Vessel Registration No.	IND-TN-15-MM-5707
IOTC# (if registered)	
Vessel Captain's name	Fishing Licence issued to John Britto S/O Ronimus (either captain or owner)
SFPO	John Caradoc Jones
BPV crew assisting	Stephen Tredigo, Michael Dalton

Action Taken:

Overnight passage N up outside of GCB to Eagle Island. Numerous fishing vessels spotted overnight around Three Brothers and still apparent at first light. The Chief Scientific Advisor kindly reversed his plan for the day so he would visit Middle Brother first. This allowed us to intercept x5 Indian fishing vessels during the morning. All were inspected from alongside, identified, photographed and questioned. They had been fishing in the area for between two and eight days. They were given both written and verbal instructions: - No Fishing for 200 miles, leave area now / go to India, switch on AIS for three days. All agreed to the instructions and proceeded to leave the area. No major gear deployments were apparent at the time of inspection though we did recover a typical array of floats with tangled attached lines as we returned to the BPV. A small number of hand lines were observed on some of the vessels. No fish were observed or recorded on the decks of any of the vessels. They were identified as:

INDTN15MM4783 - LIVING GOD

INDTN15MM4594 - ALFA

INDTN15MM5176 - SALVE REGINA

INDTN15MM5707 – YONA

INDTN15MM4569 - NOVA

Yona: No direct evidence of fish or fishing except that the crew volunteered that they had been for five days. Missing floats and only small number of Dan buoys on roof indicative they may have been deployed. Net hauler was mounted, not stowed away.

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

Inspection_Report_IND TN15MM5707_YONA_27_03_2022

Date and time of first sighting	27/03/2022 – 05:10 (DD/MM/YY HH:MM)			
Sighted by: (<i>insert name</i>)	OOW	Radar	X	Visual
Position of target	06°10.6'S 71°29.5'E			
Course				
Speed				
Range	8.8nm			
Bearing	112°			
<u>Comments:</u>				
Fisheries Pennant and Sierra Quebec 3 Raised	27/03/2022 08:50			(DD/MM/YY HH:MM)
Vessel called on VHF CH16 and MF 2182.0	27/03/2022 08:53			(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	27/03/2022 08:57			(DD/MM/YY HH:MM)
Response to request for boarding	Unidentified respondent among the 5 vessel group responded and whole group came to a stop, allowing each to be inspected in turn.			

Inspection_Report_INDTN15MM5707_YONA_27_03_2022

3. LAUNCHING OF RHIB

Time RHIB launched	27/03/2022 09:01		(DD/MM/YY HH:MM)
RHIB Crew (<i>names</i>)	Stephen Tredigo, Michael Dalton, x1 RM		
<u>Comments on the approach to the FV:</u>			
Photographic Evidence Collected (See Annex 1).	Port	9	
	Starboard	6	
	Stern	1	
	Fishing gear	3	
	Other	8 (licence, ECDIS, GIS, detection)	

4. BOARDING DETAILS

Date and time vessel boarded	27/03/2022 09:26		(DD/MM/YY HH:MM)
Position vessel boarded	6° 6.751'S 71° 34.809'E		
BPV crew assisting	Stephen Tredigo, Michael Dalton		
Language spoken	English		
Language Cards used Y/N	No	Numbers used	No

5. CREW DETAILS

Captain's name	unk		
Captain's nationality	Unk assumed Indian		
Captain's address	unk		
Captain's D.o.B	unk	(DD/MM/YY)	
Number of crew (inc. Captain)	12		
Nationality of Crew	Unk assumed Indian		
Are any crew under 18 (Y/N), if 'Y' provide details below			
No			
Do any crew have health issues (Y/N), if 'Y' provide details below.			
<u>Health issue details:</u>			
Photographic Evidence Collected (See Annex 1).	Captain ID		
	Other crew ID		
	Other		

Inspection_Report_IND TN15MM5707_YONA_27_03_2022

6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	Yona		
International Callsign			
Flag State	India		
Authorisation to Fish/Fishing Licence No.	TN-L160158/21 & 01/02/2021		
Valid from / to (dd/mm/yyyy)	11/04/2020 to 10/04/2023		
Port of Registration	Colachel		
Registration Number	IND-TN-15-MM-5707		
FV owner name and details (as per licence)	John Britto S/O Ronimus		
Fishing logbook No.			
Issuing Authority			
Date of last entry (dd/mm/yyyy)			
Position of last entry			
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	N		
Insurance documentation (Y/N)	N		
Names and addresses of owners	1/2/204, Elanthavilagam, ERA Viputhenthurai.		
Overall length (ft/m)	19.5m	Engine Power (KW/hp)	122hp
Other paperwork:			
Photographic Evidence Collected (See Annex 1).	Licence	1	
	Logbook		
	Boat Departure/Exit		
	Other		

7. INTERVIEW WITH CAPTAIN

Time of interview	(HH:MM)
Travelling to or from fishing grounds?	
Port and date of departure	
Total amount of fish onboard (t)	
If fish onboard where caught?	
If fish onboard when caught?	
If fish onboard how caught?	
Destination	
Next port of call	
ETA	(DD/MM/YY)
<p><u>Comments:</u> In this case unusually, the captain was not specifically identified. In conversation the crew said they had been fishing here for five days.</p>	

8. VESSEL INSPECTION

Fishing gear type	Gill Netter		
<p><u>Comments</u> The usual large number of floats and dan-buoys stowed on the wheelhouse roof were absent, indicating they may have been deployed. One unattributable set of gear was found nearby. The gill-nett hauling winch was mounted in position for hauling rather than being dis-mounted and stowed.</p>			
Catch onboard (estimated/reported t)	unk		
IOTC species onboard (Y/N)	unk	Endangered species onboard (Y/N)	unk
Description of catch			
<p><u>Comments</u></p>			
Photographic Evidence Collected (See Annex 1).	Gear	4	
	Catch		
	Hold		
	Other		

9. BIOT ORDINANCE NON-COMPLIANCE (use comments to expand where necessary)

Ordinance Section	Yes/No	Non-Compliant (X)
Section 5 (1(c)). Are there any sea cucumbers or molluscs on board?	unk	
Section 6 (1(a)). Is the vessel fishing using prohibited fishing gear?	unk	
Section 6 (2). Is the vessel in possession of prohibited fishing gear?	Yes <i>(Is not all gear prohibited in the terms of BIOT legislation as it now stands?)</i>	X
Section 7 (1). Is the vessel fishing without a license?	unk	
Section 9 (1). Is all fishing gear stowed and not readily available for use for fishing?	No	X
Section 16. Has the Fisheries Protection Officer been obstructed in his/her duties by person(s) on the vessel or has that person(s) refused or neglected to comply with any order, direction or requirement given by a Fisheries Protection officer?	No	
Other:		
<u>Comments</u> Missing floats and only small number of dan buoys on roof indicative they may have been deployed. Net hauler was mounted, not stowed away.		

10. IOTC CMM NON-COMPLIANCE (use comments to expand where necessary)

Note: AFV (Authorised Fishing Vessel-licenced to operate in the IOTC area of competence)

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 2. Is the vessel authorised to fish in the IOTC area of competence?	No	X
19/04 11. c) For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?	No <i>(Sec 9 of its licence says 'As prescribed in the MFR act')</i>	X
19/04 11. d) Is the AFV engaged in or associated with IUU fishing?	Yes <i>(The crew volunteered that they had been fishing for 5 days)</i>	

Inspection_Report_INDTN15MM5707_YONA_27_03_2022

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 11. e) Is the AFV engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence?	unk	
19/04 17. a) (i). Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	Yes <small>(but not valid for here by IOTC CMMs)</small>	
19/04 17. a) (ii). Does the vessel carry documents with the vessel name?	Yes	
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Yes	
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	No	X
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Yes	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Yes	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	Yes	
19/04 18. Is the vessel readily identified with markings indicating vessel name and/or callsign? (see FOA Standard Specification for the Marking and Identification of Fishing vessels).	Yes	
19/04 19. b) Are marker buoys and similar floats marked with the letter(s) and/or number(s) of the vessel (e.g. name or callsign)?	Unk <small>(could not board or get close enough to examine)</small>	
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	No <small>(could not provide one despite requests)</small>	X
15/01 3. Does the logbook record data that meets the minimum requirement for data and information set out in Annex I, II and III.		
15/03 1: Does the vessel have VMS on board?	unk	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	unk	
15/03 8. and 9. (see Annex 1) Is the VMS tamper resistant (not capable of being over-ridden – see 15/03 Paras 8 a) and b))	unk	
15/03 9. Is the VMS not working due to technical failure?	unk	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	unk	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	unk	

Inspection_Report_INDTN15MM5707_YONA_27_03_2022

IOTC Resolution	Yes/No	Non-Compliant (X)
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	unk	
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	unk	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	unk	
17/05 2. and 3 a) For sharks fresh (on ice) has the vessel retained all parts of the shark except heads, guts and skins, with the exception of species prohibited by IOTC?	unk	
17/05 2 and 3 b) For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?	unk	
17/05 5. Have shark fins been removed from the carcass?	unk	
12/09 2. Are there any parts or whole carcass of thresher sharks on board?	unk	
19/04 11. b) Does the AFV comply with all relevant IOTC CMMs?	No	X
<u>Comments</u> 19/04 2. – no evidence of authorization could be provided to the SFPO.		

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	X
Master given verbal warning and released	X
No further action, vessel released	
<u>Comments:</u>	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	10:02	(HH:MM)
Time RHIB recovered to the BPV	10:48	(HH:MM)

Inspection_Report_INDTN15MM5707_YONA_27_03_2022

Comments:

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	N	IOTC number	
Date authorised from		Date authorised to	
Vessel currently authorised to fish in IOTC area of competence (Y/N)			N
Version of IOTC database referenced:			On line
Vessel previously boarded (Y/N)	Y	Inspection report ID	RD020 (22/02/2022)
Master previously boarded (Y/N)		Inspection report ID	
Owner previously boarded (Y/N)		Inspection report ID	
Crew previously boarded (Y/N)		Inspection report ID	

Comments:

[NAME]...John Caradoc Jones

[DATE].....03/04/2021.....

BIOT Senior Fisheries Protection Officer

ANNEX 1: PHOTOGRAPH LOG

Stage of Boarding / Inspection		Type of Photograph	Number of photos
Prior to Boarding		Portside	8
		Starboard side	7
		Vessel name and identification	7
		Bow	4
		Stern	2
		Evidence of fishing	
		FV with BPV	
		Other	2 Licence
Wheel house		Radar	
		GPS	
		SFPO GPS	
		Radio equipment	
		VMS	
		Plotter	
Documents		License	2
		Logbook	
		Boat departure form	
		Insurance	
		Other documents	
Crew identification		Captain photos	
		Crew member photo	
		Captain identification	
		Crew identification	2
Fishing activity	Fishing equipment	Nets	
		Longline	
		Wire trace	
		Hand line	
		Harpoon	
		Pots / traps / cages	
		Marker buoys	
		Fishing equipment in water	
		Other	6 Net hauler
	Evidence of fishing	Blood on deck	
		Catch in water	
		Catch released alive	
		Hauling	
		Position Gear (start)	
		Position Gear (end)	
	Holds and catch storage	Hold lid on	
		Hold lid off	
		Catch in hold	
		Bridge deckhead	
		Catch on deck	
Security seals			
Other (list)			

33 pics available in total.

IOTC Resolutions References:

Resolution 15/01 On the recording of catch and effort data by fishing vessels in the IOTC area of competence.

See.....

Annex I Record once per trip (unless gear configuration changes)

Annex II Record once per set/shot/operation

Annex III Specifications for handline and trolling

Resolution 15/03 On the vessel monitoring system (VMS) programme.

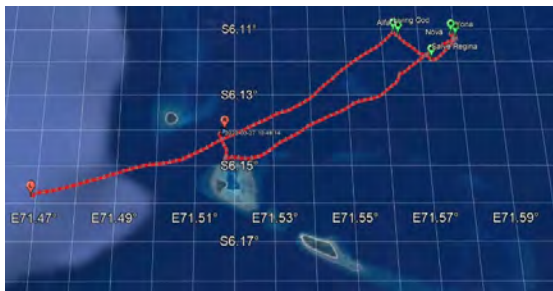
See Paras 8 a) and 8 b)

8. Each CPC as a Flag State shall ensure that the vessel monitoring device(s) on board its vessels are tamper resistant, that is, are of a type and configuration that prevent the input or output of false positions, and that they are not capable of being over-ridden, whether manually, electronically or otherwise. To this end, the on-board satellite monitoring device must:

a) be located within a sealed unit; and

b) be protected by official seals (or mechanisms) of a type that will indicate whether the unit has been accessed or tampered with.

See Annex I Responsibilities concerning the satellite-tracking devices and requirements in case of technical failure or non-functioning of the satellite-tracking devices.



[Fig.1] Position of Yona at boarding and x4 other FVs that were in the vicinity – NE of the Three Brothers.

North Star Shipping		Grampian		Location	
ERRV Deck Log		Date: 27/03/2022		Time: 05:10	
05:10	05:10	05:10	05:10	05:10	05:10
05:15	05:15	05:15	05:15	05:15	05:15
05:20	05:20	05:20	05:20	05:20	05:20
05:25	05:25	05:25	05:25	05:25	05:25
05:30	05:30	05:30	05:30	05:30	05:30
05:35	05:35	05:35	05:35	05:35	05:35
05:40	05:40	05:40	05:40	05:40	05:40
05:45	05:45	05:45	05:45	05:45	05:45
05:50	05:50	05:50	05:50	05:50	05:50
05:55	05:55	05:55	05:55	05:55	05:55
06:00	06:00	06:00	06:00	06:00	06:00
06:05	06:05	06:05	06:05	06:05	06:05
06:10	06:10	06:10	06:10	06:10	06:10
06:15	06:15	06:15	06:15	06:15	06:15
06:20	06:20	06:20	06:20	06:20	06:20
06:25	06:25	06:25	06:25	06:25	06:25
06:30	06:30	06:30	06:30	06:30	06:30
06:35	06:35	06:35	06:35	06:35	06:35
06:40	06:40	06:40	06:40	06:40	06:40
06:45	06:45	06:45	06:45	06:45	06:45
06:50	06:50	06:50	06:50	06:50	06:50
06:55	06:55	06:55	06:55	06:55	06:55
07:00	07:00	07:00	07:00	07:00	07:00
07:05	07:05	07:05	07:05	07:05	07:05
07:10	07:10	07:10	07:10	07:10	07:10
07:15	07:15	07:15	07:15	07:15	07:15
07:20	07:20	07:20	07:20	07:20	07:20
07:25	07:25	07:25	07:25	07:25	07:25
07:30	07:30	07:30	07:30	07:30	07:30
07:35	07:35	07:35	07:35	07:35	07:35
07:40	07:40	07:40	07:40	07:40	07:40
07:45	07:45	07:45	07:45	07:45	07:45
07:50	07:50	07:50	07:50	07:50	07:50
07:55	07:55	07:55	07:55	07:55	07:55
08:00	08:00	08:00	08:00	08:00	08:00
08:05	08:05	08:05	08:05	08:05	08:05
08:10	08:10	08:10	08:10	08:10	08:10
08:15	08:15	08:15	08:15	08:15	08:15
08:20	08:20	08:20	08:20	08:20	08:20
08:25	08:25	08:25	08:25	08:25	08:25
08:30	08:30	08:30	08:30	08:30	08:30
08:35	08:35	08:35	08:35	08:35	08:35
08:40	08:40	08:40	08:40	08:40	08:40
08:45	08:45	08:45	08:45	08:45	08:45
08:50	08:50	08:50	08:50	08:50	08:50
08:55	08:55	08:55	08:55	08:55	08:55
09:00	09:00	09:00	09:00	09:00	09:00
09:05	09:05	09:05	09:05	09:05	09:05
09:10	09:10	09:10	09:10	09:10	09:10
09:15	09:15	09:15	09:15	09:15	09:15
09:20	09:20	09:20	09:20	09:20	09:20
09:25	09:25	09:25	09:25	09:25	09:25
09:30	09:30	09:30	09:30	09:30	09:30
09:35	09:35	09:35	09:35	09:35	09:35
09:40	09:40	09:40	09:40	09:40	09:40
09:45	09:45	09:45	09:45	09:45	09:45
09:50	09:50	09:50	09:50	09:50	09:50
09:55	09:55	09:55	09:55	09:55	09:55
10:00	10:00	10:00	10:00	10:00	10:00
10:05	10:05	10:05	10:05	10:05	10:05
10:10	10:10	10:10	10:10	10:10	10:10
10:15	10:15	10:15	10:15	10:15	10:15
10:20	10:20	10:20	10:20	10:20	10:20
10:25	10:25	10:25	10:25	10:25	10:25
10:30	10:30	10:30	10:30	10:30	10:30
10:35	10:35	10:35	10:35	10:35	10:35
10:40	10:40	10:40	10:40	10:40	10:40
10:45	10:45	10:45	10:45	10:45	10:45
10:50	10:50	10:50	10:50	10:50	10:50
10:55	10:55	10:55	10:55	10:55	10:55
11:00	11:00	11:00	11:00	11:00	11:00
11:05	11:05	11:05	11:05	11:05	11:05
11:10	11:10	11:10	11:10	11:10	11:10
11:15	11:15	11:15	11:15	11:15	11:15
11:20	11:20	11:20	11:20	11:20	11:20
11:25	11:25	11:25	11:25	11:25	11:25
11:30	11:30	11:30	11:30	11:30	11:30
11:35	11:35	11:35	11:35	11:35	11:35
11:40	11:40	11:40	11:40	11:40	11:40
11:45	11:45	11:45	11:45	11:45	11:45
11:50	11:50	11:50	11:50	11:50	11:50
11:55	11:55	11:55	11:55	11:55	11:55
12:00	12:00	12:00	12:00	12:00	12:00

[Fig 2] BPV Logbook

③

Initial Target sighting actions

1. ON ACQUIRING A TARGET ON THE RADAR, THE FOLLOWING SHOULD BE DETAILED IMMEDIATELY:

	Target	Grampian Frontier
DATE AND TIME	27/03/22 05:10	
POSITION	06° 10.6'S 71° 29.5'E	06° 09.1'S 71° 21.1'E
COURSE	- °	119 °
SPEED	- Knots	5 Knots
BEARING	112 °	
RANGE	8.8 nm	
ECDIS SCREEN SHOT TIME	05:10	

2. CALL SFPO TO THE BRIDGE
Small chunk of RV is detected in this position. Possibly SOA

3. HAIL FV on VHF 16 & MF 2182 kHz - RECORD IN LOGBOOK.

4. CONFIRMED TARGET - RAISE SQ3/ FISHERIES PENNANT (RECORD IN LOGBOOK / TAKE ECDIS SCREEN SHOT)

5. CONTINUALLY DETAIL VESSELS ACTIONS (Running without Nav lights, change of speed, course etc)

6. BEWARE OF ANY OTHER CONTACTS IN THE AREA (i.e., another target, possible abandoned gear)

s:\voyage reports\biof\2022\sfpo\bridge target guide for fv intercept_v002.docx

[Fig.4] Target sighting 3.



[Fig.5] Initial sighting of targets W of Three Brothers at 03:40 hrs.



[Fig.6] Targets having moved NE of Three Brothers by 09:15 hours.



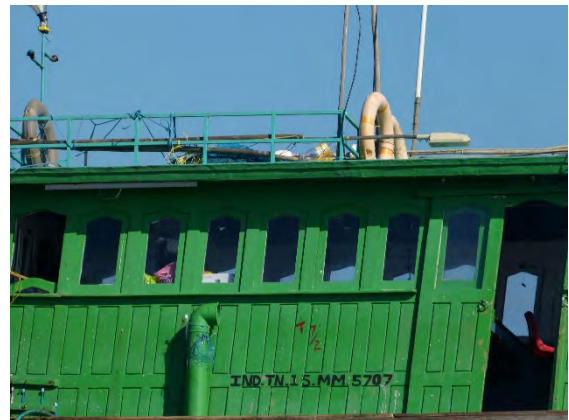
[Fig.7] 09:43 hrs the NS232 workboat intercepting targets.



[Fig.8] 10:14 Fishing vessels moving off to NE as instructed.



[Fig.9] Yona starboard. Very few floats and limited number of Dan Buoys aboard.



[Fig.10] Yona, IND-TN-MM-5707. Not much fishing gear stowed on wheelhouse roof.



[Fig.11] Yona: bow detail.



[Fig.12] Yona bow. Gill net winch is mounted.



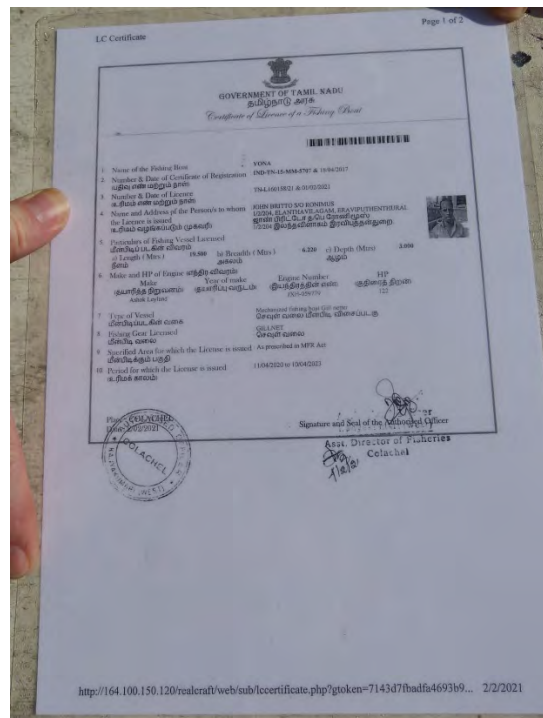
[Fig.13] Port bow detail. Only a few dan-buoys on board?



[Fig.14] Port side & wheelhouse roof



[Fig.15] Stern



[Fig.16] 'Certificate of Licence of a Fishing Boat.'



Paris, 28 February 2022

*Sub-directorate of Fishery Resources
Fisheries Control Office*

Ref : 017939

Case handled by
Ms. Fanny LOISEL
Tel : 0140819331
Mail : fannyloisel@agriculture.gouv.fr

the Director of Marine Fisheries and Aquaculture
to
the Secretariat of the Indian Ocean Tuna Commission (IOTC)

SUBJECT: PROVISION OF INFORMATION ON IUU FISHING ACTIVITIES WITHIN THE IOTC AREA BY VESSELS FLAGGED TO JAPAN, SRI LANKA AND PANAMA

Attachments:

- 4 infringement notices
- 4 Annexes I - IOTC Reporting form for Illegal Activity

In accordance with Resolution 18/03 On establishing a list of vessels presumed to have carried out IUU fishing in the IOTC Area of Competence, a CPC shall submit to the IOTC Secretariat any information that one or more vessels has engaged in IUU fishing activities within a 24 month period prior to the annual meeting. The French Authorities wish to forward to the IOTC Executive Secretary information on offences of IUU fishing in the IOTC Area by vessels flagged to Japan, Sri Lanka and Panama in 2021.

- The Japanese flagged vessel MATSUEI MARU 3 entered the Crozet EEZ (French Southern and Antarctic Lands - TAAF) on the 1st and 2nd April 2021 but did not give proper notice of entry and did not report the total catch weight retained on-board.
- The Sri Lankan flagged vessel MANGALA inspected on 24th April was within the Glorieuse's EEZ (TAAF) for six days but did not give proper notice of entry and did not report the catch retained on-board. At the time of inspection, the vessel was fishing in a regulated area.
- Following an inspection on 13th December 2021, the inspectors noted that two Panamanian flagged vessels LEXMAR 009 and HONGDONGFISHERY 12 entered the Juan De Nova EEZ (TAAF) but did not give proper notice of entry and did not report the catch retained on-board.

The French Authorities enclose herewith for the attention of the IOTC Executive Secretary the Reporting forms for Illegal Activity for each suspected vessel as well as the infringement notices and remain available for any further information the IOTC Secretariat may need.

On behalf of the Director
the Sub-Director of Marine Fisheries
Stéphane GATTO



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 France (OT).

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)	MATSUEI MARU n°3
b	Current Flag (previous flag/s, if any)	Japan
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	9020792
e	Photo	N/A
f	Call Sign (previous call sign, if any)	JNQB
g	Owner (previous Owner/s, if any)	SHIMABIRA DAIICHI GYOGYO SEISAN KUMIAI
h	Operator (previous Operator/s, if any) and Master/Fishing Master	SHIMABIRA DAIICHI GYOGYO SEISAN KUMIAI
i	Date of alleged IUU fishing activities	1 st & 2 nd April 2021
j	Position of alleged IUU fishing activities	Crozet EEZ – France 42°52' S – 48°44' E
k	Summary of alleged IUU activities (see section B for more detail)	The vessel entered into the French EEZ but did not give proper notice of entry and did not report the quantity of fish on-board. The vessel was not on an innocent transit route, rather on a route used for fishing or searching for fish purposes.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Based on the AIS satellite tracking, an offence was recorded and an infringement notice was issued and submitted to the French judicial authorities.
m	Outcome of actions taken	None

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	
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)

The infringement notice is attached to this report, showing in particular the course followed by the fishing vessel inside French waters.

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	


**PRÉFET
DE LA RÉGION
RÉUNION**

Liberté
Égalité
Fraternité

Direction de la mer Sud océan indien
2 rue berthollet
BP 89
97822 Le Port cedex

**PROCÈS-VERBAL
DE CONSTAT D'INFRACTION**

n° 03/2021 en date du 19 avril 2021

Procédure n°3376/DMSOI

Références - Art 28 du Code Pénal
- Code Rural et de la Pêche Maritime – Livre IX – Titre IV

**Identité des agents habilités au regard du code rural et de la pêche maritime
(art. L942-1 du Code rural et de la pêche maritime)**

Laurence LE BASTARD, Technicienne Supérieure Principale du Développement Durable, agent assermenté, contrôleur des pêches, affectée à la Direction de la mer Sud Océan Indien (DMSOI), en résidence administrative à Le Port (97410),

Date, heure et lieu de contrôle

Le lundi 19 avril deux mille vingt et un (19/04/2021) à neuf heure trente minutes (9h30) heure locale, nous trouvant dans les locaux de la Direction de la mer Sud Océan indien (DMSOI), commune du port (97420).

Saisine

Le 1er avril 2021, par messagerie électronique, le centre National de Surveillance des Pêches à Étel (CNSP), porte à notre connaissance, la présence suspecte du navire de pêche japonais MATSUEI MARU n°3 immo 9020792 dans l'espace économique maritime de CROZET zone de gouvernance (ZEE) des Terres australes et antarctiques françaises (TAAF) (pièce n°2)

Informations fournies par le CNSP :

Le message d'alerte du Automated Behaviour Monitoring (ABM) via le logiciel Safe seannet Ecosystem (SEG) de « European Maritime Safety Agency » (EMSA), plateforme européenne de surveillance du trafic maritime mentionnant la présence du navire en zone TAAF au point de coordonnées 048°49'22"E 42°49'57"S (pièce n°3) (Latitude -42.833 Longitude 48.823)

Textes

Article L958-7 Modifié par Ordonnance n°2016-391 du 31 mars 2016 - art. 11

Tout navire de pêche ou aménagé pour le transport du poisson pénétrant dans la zone économique s'étendant au large des côtes des îles australes françaises et des îles Éparses a obligation de signaler son entrée dans ladite zone ainsi que sa sortie et de déclarer le tonnage de poisson détenu à bord.

Article R958-25 du code rural et de la pêche maritime, modifié par Décret n°2016-781 du 10 juin 2016 recodifiant les dispositions relatives à l'outre-mer du code rural et de la pêche maritime- art. 10, indique qu'un navire détenteur d'une autorisation doit, pour pouvoir pêcher, se conformer aux dispositions :

« ...Le capitaine communique, par messages radiotéléphoniques ou électroniques, les mouvements d'entrée et de sortie du navire, les captures effectuées, les secteurs fréquentés... »



Renseignements concernant le navire (pièce n°4)
(éléments de la licence de pêche communautaire)

Nom : MATSUEI MARU n°3
 Type de navire de pêche : Palangrier
 Pavillon : Japonais
 Identifiant du navire : IOTC001415
 IRCS : JNQB
 Numéro d'enregistrement : KG1-303
 Port d'immatriculation : Ichikikushikino
 Longueur (LHT en mètres) : 49,32 m
 Jauge Londres (UMS) ou jauge Oslo (Tjb) : 409
 Puissance motrice (kW) : 698 kW
 Propriétaire et exploitant : SHIMABIRA DAIICHI GYOGYO SEISAN KUMIAI – 632 HIGASHISHIMABIRA CHO, ICHIKIKUSHIKINO-SHI, KAGOSHIMA JAPAN

Identité du contrevenant

Aucune information sur l'identité du capitaine n'est connue de nos services à ce jour

Rapport de constatations

Le lundi 19 avril 2021 à neuf heures trente minutes, revêtu de notre tenue d'uniforme et de nos insignes extérieurs et apparents de notre qualité, et agissant dans le cadre de nos compétences en matière de police des pêches, nous effectuons un contrôle afin de vérifier la situation de ce palangrier dans cet espace maritime réglementée.

Pour matérialiser les faits,

nous avons fait appel :
 aux services des TAAF, du Centre régional opérationnel de surveillance et de sauvetage (CROSS) de la Réunion, du CNSP,

nous avons consulté la Commission des Thons de l'océan Indien (CTOI), La Commission des pêches du Pacifique Centre et Ouest (WCPFC) et la Commission pour la conservation du thon rouge du Sud (CCSBT)

et avons analysé les documents suivants :

- La trajectographie du navire via l'application interne « ANAIS » (pièce n°5)
- Les données du système d'identification automatique (AIS) émises par le navire sur la période concernée (position, route, vitesse) (pièce n°6)
- La cinétique du navire via captures d'écran du logiciel SEG (pièce n°7)

Le CROSS RÉUNION nous confirme l'intrusion par le déclenchement d'une alerte ABM du SEG le 01/04/2021 à 10H12 (UTC) à la position 048°49'22" E et 42°49'57" S. Ce message est généré plusieurs minutes après la pénétration effective du navire dans la zone de CROZET qui est intervenue le 1^{er} avril 2021 048°49'26"E et 42°50'32 S à 9H28 (UTC).

La cinétique du MATSUEI MARU n°3, par l'exploitation de ses données AIS ainsi que les relevés de ses différentes positions extraites des cartes exportées de l'application ANAIS et SEG, confirme son entrée dans l'espace maritime sous gouvernance TAAF le 01/04/2021 au point de coordonnées 42°50'32 S 048°49'26"E à 9H28 UTC. Ainsi qu'une seconde incursion le 2 avril 2021 au point de coordonnées 42°53'16S - 048°32'45E à 9h04 UTC.

Ni le CROSS ni le CNSP n'ont été destinataires de déclarations en provenance du « MATSUEI MARU n°3 » signalant ses entrées ou sorties dans la ZEE de CROZET et le tonnage de poissons détenus à son bord. (Ni avant, ni pendant ni à la sortie de zone).

La réglementation des TAAF impose aux navires de pêche maritime ou de transport de déclarer leurs entrées et sorties de zone et le tonnage présent à bord.



Durée de l'incursion en zone maritime TAAF :

Au regard des éléments en notre possession nous pouvons déterminer que le MATSUEI MARU n°3 se trouvait dans cette zone de CROZET de 9h28 UTC à 14h50 UTC le 1^{er} avril 2021 et de 9h04 UTC à 15h05 UTC le 2 avril 2021 (pièce n°8).

Aucune séquence radio n'a été échangée entre le MATSUEI MARU n°3 et le CROSS ;

Exercice de la pêche dans la zone TAAF :

MATSUEI MARU n°3 n'est pas détenteur d'autorisation de pêche délivrée par les TAAF.

Il détient une licence CTOI et CCSBT. (pièce n°9)

Il ne fait pas l'objet d'une inscription à la liste des navires ayant participé à des activités de pêche Illicites Non déclarées et Non réglementées (INN) dans la zone de la CTOI, ICCAT et WCPFC.

Au regard de sa cinétique (pièce n°10), il n'est pas exclu que le MATSUEI MARU n°3 ait pu utiliser ses engins de pêche lors de son intrusion dans l'espace maritime de CROZET (TAAF).

Nous pouvons remarquer que :

- le 1^{er} avril 2021, le navire était à une vitesse relativement réduite (à son entrée, au 130° pour moins de 2 nœuds, et à sa sortie, moins de 5 nœuds, route au 324°)
- le 02/04/2021, le navire commence à réduire sa vitesse à 06h04UTC (Route au 11.9° pour 1.3nds / 42°58'21S - 048°34'21E) et arrête de la réduire le 02/04/2021 à 10h07UTC (Route au 341° pour 3.8nds / 10°52'17S - 048°37'59E)

Mesures prises et notification au contrevenant

Par conséquent, les infractions suivantes :

- Pénétration d'un navire de pêche maritime ou de transport de poisson dans la zone économique des terres australes et antarctiques française sans signalée son entrée.
- Pénétration d'un navire de pêche maritime ou de transport de poisson dans la zone économique des terres australes et antarctiques française sans déclarer le tonnage de poisson détenu à bord.

sont susceptibles d'être retenues à l'encontre de X

Le contrôle croisé prend fin le trente avril deux mille vingt et un (30/04/2021) à douze heures.

Infraction (s) constatée (s)

- **PENETRATION D'UN NAVIRE DE PECHE MARITIME OU DE TRANSPORT DE POISSON DANS LA ZONE ECONOMIQUE DES TERRES AUSTRALES ET ANTARCTIQUES FRANCAISES SANS SIGNALER SON ENTREE**
NATINF 22807
Définie par : ART.L.958-8 3°, ART.L.958-7 C.RURAL. ART.11 ORD 2016-1687 DU 08/12/2016.
Réprimée par : ART.L.958-8 AL.1, ART.L.958-2, ART.L.945-5 §1 1°, 2°, 3°, 4° C.RURAL.
- **PENETRATION D'UN NAVIRE DE PECHE MARITIME OU DE TRANSPORT DE POISSON DANS LA ZONE ECONOMIQUE DES TERRES AUSTRALES ET ANTARCTIQUES FRANCAISES SANS DECLARER LE TONNAGE DE POISSON DETENU A BORD**
NATINF 22808
Définie par : ART.L.958-8 3°, ART.L.958-7 C.RURAL. ART.11 ORD 2016-1687 DU 08/12/2016
Réprimée par : ART.L.958-8 AL.1, ART.L.958-2, ART.L.945-5 §1 1°, 2°, 3°, 4° C.RURAL.



Clôture du procès-verbal

En foi de quoi nous dressons le présent procès-verbal pour servir à la répression des infractions sus énoncées à l'encontre du capitaine du navire «MATSUEI MARU N°3»

Fait et clos à Le port le 23 mai 2021.
« Pour servir et valoir ce que de droit »

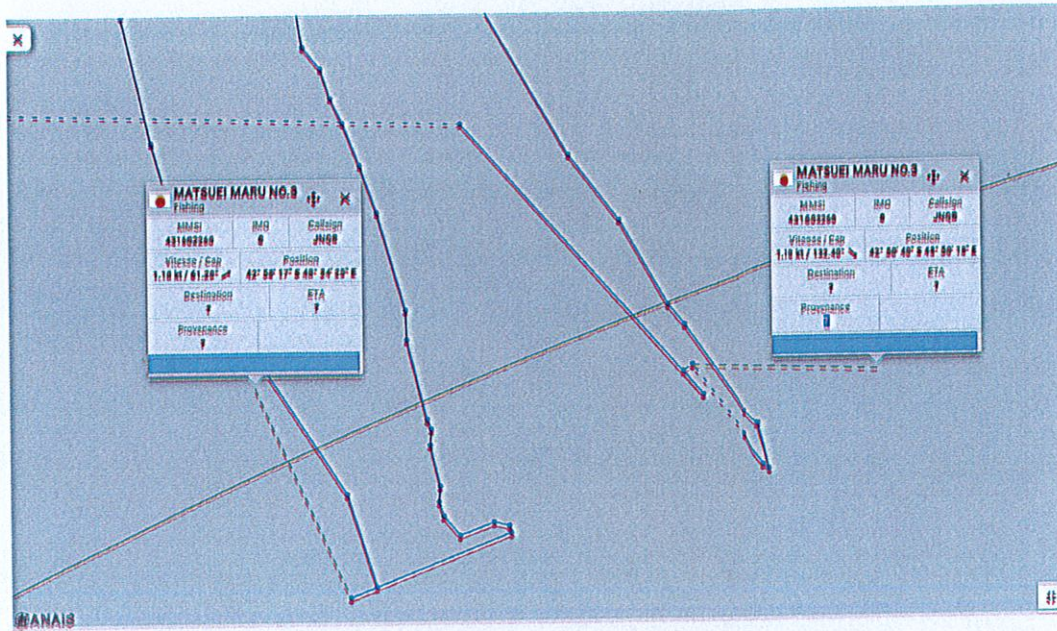
Les agents verbalisateurs

Laurence LE BASTARD, Technicienne Supérieure Principale du Développement Durable,
Cheffe
de l'Unité Littorale
des Affaires Maritimes
de La Réunion

Laurence LE BASTARD



Pièce n°10 au Procès verbal de constat d'infraction N°03/2021 du 19 avril 2021



From: @maff.go.jp>

Sent: 14 April 2022 06:14

To: IOTC-Secretariat

Cc: IOTC-Compliance;

Subject: (update) NOTIFICATION OF FLAG STATE - JAPAN - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

Dear IOTC Secretariat and French colleagues,

I am writing to inform you of the update on our investigation on MATSUEI Maru No.3 following the notification on the 7th March.

Fisheries Agency of Japan checked VMS information of that vessel and found that the vessel entered Crozet EEZ on 1-2 April 2021.

We will continue our investigation and keep you updated.

Best regards,

International Affairs Division, Fisheries Agency of Japan

From: IOTC-Secretariat <IOTC-Secretariat@fao.org>

Sent: Tuesday, March 8, 2022 5:51 PM

To: @maff.go.jp; IOTC-Secretariat <IOTC-Secretariat@fao.org>

Subject: RE: NOTIFICATION OF FLAG STATE - JAPAN - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

You will find attached the requested document.
The French authority is in copy of this message.
Best regards.
IOTC Secretariat.

From

Sent: 08 March 2022 12:29

To: IOTC-Secretariat

Subject: RE: NOTIFICATION OF FLAG STATE - JAPAN - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

Dear IOTC Secretariat,

We acknowledge the receipt of the notification concerning Matsuei Maru No.3.

It would be appreciated if you would send 'the infringement notice...showing in particular the course followed by the fishing vessel inside French waters', referred to in section C "Associated Documents".

Best regards,

International Affairs Division, Fisheries Agency of Japan

From: Secretariat <secretariat@iotc.org> **On Behalf Of** IOTC-Secretariat

Sent: Monday, March 7, 2022 9:25 PM

To:

Cc: IOTC-Compliance <IOTC-Compliance@fao.org>; IOTC-Secretariat <IOTC-Secretariat@fao.org>;

Subject: NOTIFICATION OF FLAG STATE - JAPAN - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

Importance: High

Dear CPC,

We are transmitting the attached documents received in accordance with paragraph 5 of RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE, regarding information on illegal activities from Japan flagged vessel within the IOTC Area of Competence.

We would appreciate if you could acknowledge the reception of this email and the attached files.

Best regards,

IOTC Secretariat.

Attachment 8



Food and Agriculture
Organization of the
United Nations



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

iotc ctoi

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 France OT.

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)	2 vessels: HONGDONGFISHERY 12 LEXMAR009
b	Current Flag (previous flag/s, if any)	Panama
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	MMSI 352980844 MMSI 352980845
e	Photo	N/A
f	Call Sign (previous call sign, if any)	HOA7920 HOA7921
g	Owner (previous Owner/s, if any)	N/A
h	Operator (previous Operator/s, if any) and Master/Fishing Master	N/A
i	Date of alleged IUU fishing activities	13/12/21
j	Position of alleged IUU fishing activities	Juan de Nova EEZ – France 16°06' S – 42°01' E
k	Summary of alleged IUU activities (see section B for more detail)	The vessel entered into the French EEZ but did not give proper notice of entry and did not report the quantity of fish on-board.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Based on the AIS satellite tracking and sighting by a surveillance aircraft, an offence was recorded and an infringement notice was issued and submitted to the French judicial authorities.
m	Outcome of actions taken	None

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	
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;	

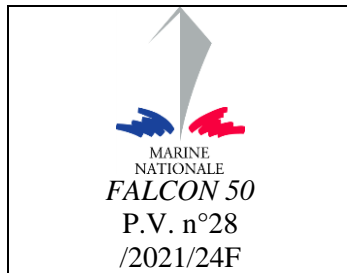
C. Associated Documents

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

The infringement notice and a picture of both vessels are attached to this report.

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	



**PROCES-VERBAL DE CONSTATATION
D'INFRACTION**

Cadre réservé au
destinataire

Analyse et Référence(s) :

Infractions :

Pénétration d'un navire de pêche ou de transport de poisson dans la ZEE des terres australes sans signaler son entrée (code NATINF 22807)

Pénétration d'un navire de pêche ou de transport de poisson dans la ZEE des terres australes sans déclarer les quantités détenues à bord (code NATINF 22808)

Navire en cause : HONGDONGFISHERY. 12

MMSI 352980844 – C/S HOA7920

Pavillon : PANAMA - Longueur HT 38m

L'an deux mille vingt et un, le lundi treize décembre à treize heures et quarante-huit minutes (13-12-2021-13H48UTC).

Je soussigné : Lieutenant de vaisseau MORAUX Julien, commandant de bord du FALCON 50 de la marine nationale basé à Dzaoudzi (976) ;

Vu l'article 28 du code de procédure pénale ;

Vu l'article L 1521-1-2 et suivants du Code de la défense, Livre V – Action de l'État en Mer,

Vu le Code disciplinaire et pénal de la marine marchande ;

Vu l'article L 942-1 du code rural et de la pêche maritime.

RAPPORTONS LES OPERATIONS SUIVANTES :

PREAMBULE

Le 13 décembre 2021, le FALCON 50M est en mission de surveillance de la navigation maritime et de police des pêches dans la zone économique et exclusive de Juan de Nova.

CONSTATATIONS

A 13 heures et 48 minutes UTC, nous identifions le navire de pêche HONGDONGFISHERY. 12 en position Latitude 16° 06' S – Longitude 042° 01'E, naviguant dans la ZEE de Juan de Nova. Nous le reportons au CNSP via SPRINT. Il s'avère que ce navire n'a pas réalisé au préalable de demande de passage inoffensif. Après avoir reçu l'accord du CNSP, nous essayons de prendre contact sur VHF16 avec le navire pour lui signifier son infraction. Nos appels restent sans réponse.

En conséquence nous dressons le procès-verbal de constatation d'infraction à l'encontre du navire HONGDONGFISHERY. 12 pour :

- Pénétration d'un navire de pêche ou de transport de poisson dans la ZEE des terres australes sans signaler son entrée (code NATINF 22807)

à titre d'information :

Infraction prévue par :

- Les articles L.981-7 3° et L.981-6 du code rural et de la pêche maritime,
- L'arrêté préfectoral TAAF n° 2013-24

- Pénétration d'un navire de pêche ou de transport de poisson dans la ZEE des terres australes sans déclarer les quantités détenues à bord (code NATINF 22808)

à titre d'information :

Infraction prévue par :

- Les articles L.981-7 3° et L.981-6 du code rural et de la pêche maritime

Fait et clos à bord le 13 décembre 2021

Le lieutenant de vaisseau MORAUX Julien

Commandant de bord du FALCON 50

julien.moraux@intradef.gouv.fr, +33 6 09 07 75 75

Signature

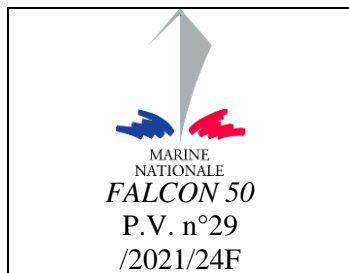


Destinataire(s) : M. Le Procureur de la République du département d'immatriculation du navire de pêche (2 exemplaires)

Copie(s) extérieure(s): M. Le Directeur Mer et Littoral du port d'immatriculation du navire de pêche

Copie(s) intérieure(s): ADP POLPECHE, archives.





**PROCES-VERBAL DE CONSTATATION
D'INFRACTION**

Cadre réservé au
destinataire

Analyse et Référence(s) :

Infractions :

Pénétration d'un navire de pêche ou de transport de poisson dans la ZEE des terres australes sans signaler son entrée (code NATINF 22807)

Pénétration d'un navire de pêche ou de transport de poisson dans la ZEE des terres australes sans déclarer les quantités détenues à bord (code NATINF 22808)

Navire en cause : LEXMAR 009

MMSI 352980845 – C/S HOA7921

Pavillon : PANAMA - Longueur HT 38m

L'an deux mille vingt et un, le lundi treize décembre à treize heures et quarante-huit minutes (13-12-2021-13H48UTC).

Je soussigné : Lieutenant de vaisseau MORAUX Julien, commandant de bord du FALCON 50 de la marine nationale basé à Dzaoudzi (976) ;

Vu l'article 28 du code de procédure pénale ;

Vu l'article L 1521-1-2 et suivants du Code de la défense, Livre V – Action de l'État en Mer,

Vu le Code disciplinaire et pénal de la marine marchande ;

Vu l'article L 942-1 du code rural et de la pêche maritime.

RAPPORTONS LES OPERATIONS SUIVANTES :

PREAMBULE

Le 13 décembre 2021, le FALCON 50M est en mission de surveillance de la navigation maritime et de police des pêches dans la zone économique et exclusive de Juan de Nova.

CONSTATATIONS

A 13 heures et 48 minutes UTC, nous identifions le navire de pêche LEXMAR009 en position Latitude 16° 06' S – Longitude 042° 01'E, naviguant dans la ZEE de Juan de Nova. Nous le reportons au CNSP via SPRINT. Il s'avère que ce navire n'a pas réalisé au préalable de demande de passage inoffensif. Après avoir reçu l'accord du CNSP, nous essayons de prendre contact sur VHF16 avec le navire pour lui signifier son infraction. Nos appels restent sans réponse.

En conséquence nous dressons le procès-verbal de constatation d'infraction à l'encontre du navire LEXMAR009 pour :

- Pénétration d'un navire de pêche ou de transport de poisson dans la ZEE des terres australes sans signaler son entrée (code NATINF 22807)

à titre d'information :

Infraction prévue par :

- Les articles L.981-7 3° et L.981-6 du code rural et de la pêche maritime,
- L'arrêté préfectoral TAAF n° 2013-24

- Pénétration d'un navire de pêche ou de transport de poisson dans la ZEE des terres australes sans déclarer les quantités détenues à bord (code NATINF 22808)

à titre d'information :

Infraction prévue par :

- Les articles L.981-7 3° et L.981-6 du code rural et de la pêche maritime

Fait et clos à bord le 13 décembre 2021

Le lieutenant de vaisseau MORAUX Julien

Commandant de bord du FALCON 50

julien.moraux@intradef.gouv.fr, +33 6 09 07 75 75

Signature



Destinataire(s) : M. Le Procureur de la République du département d'immatriculation du navire de pêche (2 exemplaires)

Copie(s) extérieure(s): M. Le Directeur Mer et Littoral du port d'immatriculation du navire de pêche

Copie(s) intérieure(s): ADP POLPECHE, archives.



From: IOTC-Compliance
Sent: 08 March 2022 09:05
To: IOTC-Secretariat;
Cc:

Subject: RE: NOTIFICATION OF FLAG STATE - PANAMA - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE
Attachments: 4d - HONGDONGFISHERY.12.jpg; 4e - LEXMAR009.jpg; 4b - PV HONGDONGFISHERY 12.pdf; 4c - PV LEXMAR009.pdf

Dear Sir,

We acknowledge the reception of your message.

You will find attached the additional information only available in French language.

The French Authority is in copy of this message.

Best regards.

IOTC Secretariat.

From: @arap.gob.pa>
Sent: 08 March 2022 05:01
To: IOTC-Secretariat <IOTC-Secretariat@fao.org>
Cc: ; IOTC-Compliance <IOTC-Compliance@fao.org>;

Subject: Re: SPAMNOTIFICATION OF FLAG STATE - PANAMA - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

Dear Sirs,

Through these means we confirm the reception of your email.

Based on this notification, we would require receiving the support documentation related to the inclusion of both vessels in the presumed IUU vessels.

Please note that both vessels in reference are not currently under the Panamanian, since December 29th, 2021.

We thank in advance for your consideration on this subject.

Kind regards,



arap_panama

De: "iotc-secretariat" <IOTC-Secretariat@fao.org>

Para:

CC: "IOTC-Compliance" <IOTC-Compliance@fao.org>, "iotc-secretariat" <IOTC-Secretariat@fao.org>

Enviados: Lunes, 7 de Marzo 2022 7:34:37

Asunto: SPAMNOTIFICATION OF FLAG STATE - PANAMA - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

Dear Sir,

We are transmitting the attached document received in accordance with paragraph 5 of RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE, regarding information on illegal activities from Panama flagged vessels within the IOTC Area of Competence.

We would appreciate if you could acknowledge the reception of this email and the attached file.

Best regards,

IOTC Secretariat.

Attachment 9

From: @ec.europa.eu>
Sent: 01 March 2022 17:39
To: IOTC-Compliance; IOTC-Secretariat
Cc:
Subject: IOTC - Submission of information on IUU fishing - Ares(2022)1511205
Attachments: Annexe 1ter- Formulaire FU YUAN YU- 7619.docx; Annexe 2 - PV FU YUAN YU-signé.pdf; Annexe 1bis - Formulaire FU YUAN YU - 7618.docx; Annexe 1 - Formulaire FU YUAN YU- 7616.docx; Annexe 3 tracé AIS.pdf

[IOTC - Submission of information on IUU fishing - Ares\(2022\)1511205](#) (Please use this link only if you are an Ares user – Svp, utilisez ce lien exclusivement si vous êtes un(e) utilisateur d’Ares)

Dear colleagues,

In accordance with paragraph 5 of resolution 18/03, we would like to submit information to report illegal activities from three Chinese flagged vessels in the Union water of La Réunion.

Please find attached the IOTC reporting forms for each vessel as well as the AIS signal of those vessels at the time of the incident (they were moving together so appear as one trace) and the police report made by the inspecting vessel.

We would appreciate if you could notify the flag State.

Best regards,



European Commission

Directorate-General for Maritime Affairs and Fisheries
Unit B2 Regional Fisheries Management Organisations
J99 03/72
B-1049 Brussels/Belgium

Annex 1**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 the European Union-France in the Indian Ocean.

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)	FU YUAN YU 7617
b	Current Flag (previous flag/s, if any)	China
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IMO : 9896373 MMSI 412440741
e	Photo	N/A
f	Call Sign (previous call sign, if any)	BZU4U
g	Owner (previous Owner/s, if any)	N/A
h	Operator (previous Operator/s, if any) and Master/Fishing Master	N/A
i	Date of alleged IUU fishing activities	13/12/21
j	Position of alleged IUU fishing activities	La Réunion EEZ – France 23°18' S – 54°18' E
k	Summary of alleged IUU activities (see section B for more detail)	The vessel didn't comply with a request for inspection by French fisheries inspectors in the French EEZ.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	An infringement notice was issued and will be submitted to the French judicial Authorities.
m	Outcome of actions taken	None. The vessel continued its transit and left the French EEZ.

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	
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)

The infringement notice and the ship route extracted from the AIS are attached to this report.

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	

Annex 1bis

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 the European Union-France in the Indian Ocean.

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)	FU YUAN YU 7618
b	Current Flag (previous flag/s, if any)	China
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IMO : 9896397 MMSI 412440742
e	Photo	N/A
f	Call Sign (previous call sign, if any)	BZU5U
g	Owner (previous Owner/s, if any)	N/A
h	Operator (previous Operator/s, if any) and Master/Fishing Master	N/A
i	Date of alleged IUU fishing activities	13/12/21
j	Position of alleged IUU fishing activities	La Réunion EEZ – France 23°18' S – 54°18' E
k	Summary of alleged IUU activities (see section B for more detail)	The vessel didn't comply with a request for inspection by French fisheries inspectors in the French EEZ.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	An infringement notice was issued and will be submitted to the French judicial Authorities.
m	Outcome of actions taken	None. The vessel continued its transit and left the French EEZ.

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	
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)

The infringement notice and the ship route extracted from the AIS are attached to this report.

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	

Annex 1ter

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 the European Union-France in the Indian Ocean.

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)	FU YUAN YU 7619
b	Current Flag (previous flag/s, if any)	China
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	IMO : 9896402 MMSI 412440743
e	Photo	N/A
f	Call Sign (previous call sign, if any)	BZU6U
g	Owner (previous Owner/s, if any)	N/A
h	Operator (previous Operator/s, if any) and Master/Fishing Master	N/A
i	Date of alleged IUU fishing activities	13/12/21
j	Position of alleged IUU fishing activities	La Réunion EEZ – France 23°18' S – 54°18' E
k	Summary of alleged IUU activities (see section B for more detail)	The vessel didn't comply with a request for inspection by French fisheries inspectors in the French EEZ.
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	An infringement notice was issued and will be submitted to the French judicial Authorities.
m	Outcome of actions taken	None. The vessel continued its transit and left the French EEZ.

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	
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)

The infringement notice and the ship route extracted from the AIS are attached to this report.

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	

GENDARMERIE NATIONALE Compagnie ou escadron BSL PORT DES GALETS				PROCÈS-VERBAL DE RENSEIGNEMENT ADMINISTRATIF	
				CONTROLE NAVIRE DE PECHE	
Code unité 72977	Nmr P.V. 1196	Année 2021	Nmr dossier justice	Nmr pièce 1	N° feuillet 1 / 2
<i>Analyse et références</i>					
Affaire Navires de pêche FU YUAN YU 7617, FU YUAN YU 7618, FU YUAN YU 7619.					

Le dimanche 11 décembre 2021 à 09 heures.

Nous soussignés major Legrand Eric et l'adjudant Douay Sébastien, Officiers de Police Judiciaire, détaché sur le patrouilleur OSIRIS II des affaires maritimes de Port les Galets (Réunion)

Vu l'arrêté 602/2020 du 14/04/2020 du Préfet de la Réunion, délégué du gouvernement pour l'AEM dans la zone maritime du Sud de l'Océan Indien portant approbation de l'instruction permanente relative au détachement de gendarmerie maritime embarqué à bord du patrouilleur des affaires maritimes OSIRIS II,

Vu le règlement 2017/2403 relatif à la gestion durable des flottes de pêche externes,

Vu le Code des transports.

Nous trouvant à bord du P.A.A.M OSIRIS II, ZEE la Réunion, rapportons les opérations suivantes :

Ce jour, nous procédons à l'enquête citée en référence,

PREAMBULE

Le 6 décembre 2021, à 00 heure 20, nous trouvant à bord du patrouilleur des affaires maritimes l'OSIRIS II, la DMSOI nous demande de contrôler trois navires de pêche chinois qui se trouvent dans la ZEE La Réunion. Il s'agit des navires de pêche FU YUAN YU 7617, FU YUAN YU 7618 et le YU YUAN YU 7619.

MESURES PRISES

Le Capitaine, du patrouilleur OSIRIS II, met le cap sur la position des navires afin d'avoir une route de croisement.

Nous informons la DMSOI, le CNSP et le CZM de l'opération en cours...

INVESTIGATIONS

Le 8 décembre 2021, à 7 heures 40, les trois navires de pêche sont détectés au radar du navire OSIRIS II. Les navires se trouvent en ZEE La Réunion.

A 7 heures 50, nous demandons confirmation du contrôle à la DMSOI. Contrôle confirmé.

A 8 heures 10, nous demandons l'autorisation de monter à bord des navires de pêche au CZM. Autorisation donnée.

A 8 heures 45, nous sommes en contact avec le premier navire de pêche chinois, le FU YUAN YU 7617, en position GPS au point 23°18',566 S / 054°18',404 E. Sur canal 16, par VHF, nous prenons contact, en langue anglaise, avec le Capitaine du navire chinois. Nous l'informons que nous sommes un patrouilleur français et que nous voulons le contrôler. Nous lui demandons de stopper les machines. Sans indication de l'origine, sur VHF, canal 16, nous recevons trois mots : « Yes.Yes.Yes ». Nous réitérons notre intention de le contrôler. Sans indication de l'origine, une personne nous indique, en langue anglaise, qu'il n'est pas le Capitaine et qu'il ne peut pas faire appliquer nos directives car il ne parle pas Chinois. Il précise que le Capitaine ne parle pas anglais. Par VHF, nous réitérons notre demande de contrôle et d'arrêt du navire. Plus aucune réponse ne sera transmise sur le poste VHF.

A 9 heures, nous rendons compte au CNSP outre-mer de la situation et leur demandons les directives à suivre. Il nous est demandé de réitérer notre demande de contrôle à ce navire.

Les OPJ

Par dix-huit fois, nous demandons au navire FU YUAN YU 7617 de stopper les machines pour un contrôle en ZEE française. Aucune réponse. Le navire ne change pas sa vitesse et fait toujours route à 13 nœuds. Nous constatons la présence de plusieurs personnes en passerelle et la présence de deux personnes sur le pont arrière du navire.

N'ayant aucune réponse, nous décidons de passer sur le deuxième navire de pêche le FU YUAN YU 7618.

Avant de nous diriger sur celui-ci, par deux fois nous informons le FU YUAN YU 7617 qu'un rapport d'incident sera rédigé à son encontre. Aucune réponse du navire.

A 9 heures 20, nous trouvant avec le patrouilleur OSIRIS II, au niveau du FU YUAN YU 7618, nous prenons attache avec lui par VHF canal 16. Nous l'informons que nous voulons effectuer un contrôle de son navire de pêche en ZEE française. Aucune réponse du navire. Nous constatons la présence de plusieurs personnes en passerelle. Par dix-huit fois, sur VHF canal 16, nous réitérons notre demande d'effectuer un contrôle du navire. Aucune réponse.

Par deux fois, nous l'informons qu'un rapport d'incident sera rédigé à son encontre.

Nous quittons le FU YUAN YU 7618, pour nous porter au niveau du navire de pêche chinois le FU YUAN YU 7619.

A 9 heures 35, nous trouvant avec le patrouilleur OSIRIS II, au niveau du FU YUAN YU 7619, nous prenons attache avec lui par VHF canal 16. Nous l'informons que nous voulons effectuer un contrôle de son navire de pêche en ZEE française. Aucune réponse du navire. Nous constatons la présence de plusieurs personnes en passerelle. Par dix-huit fois, sur VHF canal 16, nous réitérons notre demande d'effectuer un contrôle du navire. Aucune réponse.

Par deux fois, nous l'informons qu'un rapport d'incident sera rédigé à son encontre.

A 9 heures 50, nous rendons compte à la DMOI, au CNSP et au CZM Réunion de la situation.


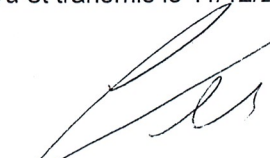
Nous quittons la position des trois navires chinois pour prendre une route vers l'île de la Réunion.

CLOTURE

Des investigations effectuées, il ressort qu'il peut être relevé l'infraction suivantes aux navires de pêche FU YUAN YU 7617, FU YUAN YU 7618 et FU YUAN YU 761 :

- Refus d'obtempérer à un contrôle en mer en ZEE française.

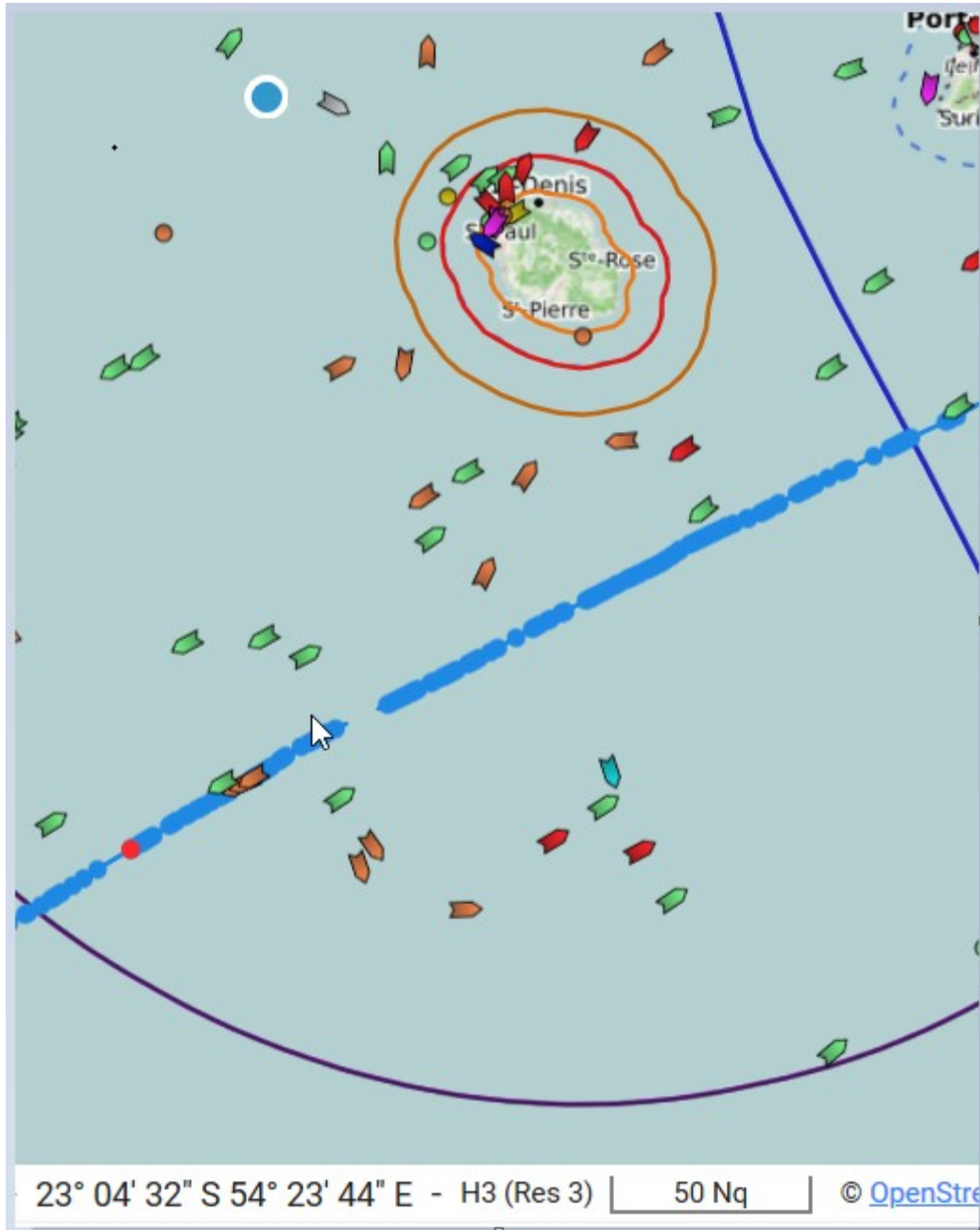
Renseignement fait et clos le 11 décembre 2021 à 11 heures.

Destinataires : - DMSOI Archives : - BSL Port des Galets	Les OPJ. 	Major Legrand Eric. Vu et transmis le 11/12/2021 
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Annexe 3 :

Extraction AIS de la trajectoire des trois navires chinois en ZEE Réunion

- 07/12 à 16h (heure locale) : entrée en ZEE française, sur une route à destination de l'Argentine
- 08/12 à 16h (heure locale) : sortie de la ZEE française (jour de la tentative de contrôle)



From: @ec.europa.eu>
Sent: 06 April 2022 17:32
To:
Cc:

Subject: IOTC-Compliance
RE: Re:RE: NOTIFICATION OF FLAG STATE - CHINA - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

Dear all,

Thank you for your email.

We have no additional information or element to submit on alleged IUU activities of the three vessels as the captains did not answer the calls and the vessels did not let themselves get inspected. Therefore, there was no way for the inspecting vessel to assert if illegal fishing took place. Furthermore, in the absence of an inspection, it was also impossible to verify if the gear were not operational at the time of the transit.

We would like to highlight that according to several articles in UNCLOS, the French authorities have a legitimate right to inspect any fishing vessel present in Union waters:

- Article 56.1.(a) foresees that Coastal States have sovereign rights in the EEZ for the purpose of the exploiting and managing the living resources. That comes with powers not only to adopt conservation and management measures but also to enforce them.
- Article 62.4 clearly states that nationals of other States fishing in the EEZ are to comply with the conservation measures and with other terms and conditions established in the laws and regulations of the coastal State.
- Regarding enforcement, Article 73.1. foresees that the coastal State, in the exercise of its sovereign rights to manage and conserve the living resources in the EEZ may take measures as boarding, inspection, arrest and judicial proceedings. That includes ascertaining whether the vessels were really just in transit or had fished illegally in the Union waters. Article 73 doesn't create an exemption for a transiting vessel.

In our views, the competent authorities shall be able to inspect the vessel and ascertain whether they are indeed in transit or not.

Therefore, we are expecting the Chinese authorities to investigate the reasons the masters of the three vessels have not answered the calls made by French inspecting vessel while being in the French EEZ, therefore for not respecting the above mentioned provision of UNCLOS, for their lack of cooperation with the authorities of the Coastal State that have sovereign rights over the area the vessels were situated, and to conduct investigation on the activities of the vessels prior their accession to the French EEZ and during the transit, to ascertain that no illegal activities took place.

Best regards,



European Commission

Directorate-General for Maritime Affairs and Fisheries
Unit B2 Regional Fisheries Management Organisations
J99 03/72
B-1049 Brussels/Belgium

From: @fao.org>
Sent: Monday, March 21, 2022 5:14 AM
To: @ec.europa.eu>
Cc:

Subject: RE: Re:RE: NOTIFICATION OF FLAG STATE - CHINA - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

Dear Ms Marot,

We shall be grateful if your can refer to the below message from Mr [redacted] from the Bureau of Fisheries, P. R. China.

We shall be equally grateful if you can assist Mr [redacted] with the information being sought (highlighted part of the below message), so that the Bureau of Fisheries, China, can conduct a more thorough investigation into the alleged IUU case reported against the three vessels (FU YUAN YU 7617, FU YUAN YU 7618 and FU YUAN YU 7619), flagged to China.

Thank you and kind regards,

From:
Sent: 18 March 2022 18:01
To:
Cc: IOTC-Compliance <IOTC-Compliance@fao.org>

Subject: Re:RE: NOTIFICATION OF FLAG STATE - CHINA - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

Dear

Thank you for your assistance for dealing with tthe matter. We have conducted a peliminary investigation with the fishing company involved. The information we learned is that the 3 vessels concerned were carrying out a direct passage through the La Réunion EEZ at that date. From the report you provided we did not learn what fishing or fishing related activities the vessels were probably operating, so could you please, if possible through the EU, provide more detailed information or potential evdience of the alleged IUU fishing, so that we can conduct more careful investigations.

Thank you in advance.

With best regards,

Division of Distant-water Fisheries
Bureau of Fisheries
Ministry of Agriculture and Rural Affairs
P. R. China

At 2022-03-09 15:22:54,

Dear Mr

We thank you, for acknowledging the reception of the “Notification of the flag State”.

In accordance to paragraph 7 of IOTC Resolution 18/03, “Where the flag State of the vessel is a CPC, if requested by any other CPC through the IOTC Executive Secretary, it shall investigate the allegation and shall report the progress of the investigation to the IOTC Executive Secretary within 60 days. [...]. The IOTC Executive Secretary shall then, as soon as practicably possible, notify each CPC and the flag State of each vessel concerned, together with such compiled information as has been received. Where the alleged IUU activities occurred in the waters of a coastal State CPC of IOTC, the CPC concerned may seek to include the vessel on the draft IUU list (paragraph 6(c).iv).”

We hope that the above is of help, and we remain available to assist in any other way that we can.

Kind regards,

From:
Sent: 09 March 2022 09:31
To: IOTC-Secretariat <IOTC-Secretariat@fao.org>
Cc:
IOTC-Compliance <IOTC-Compliance@fao.org>;

Subject: Re:NOTIFICATION OF FLAG STATE - CHINA - RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE

Dear Secretariat,

Thanks for the email and we acknowledge the reception of the information.

And we are wondering if there is any guideline suggesting what we can do for the moment?

Thanks.

With best regards,

Division of Distant-water Fisheries

Bureau of Fisheries

Ministry of Agriculture and Rural Affairs

P. R. China

At 2022-03-07 20:08:18, "IOTC-Secretariat" <IOTC-Secretariat@fao.org> wrote:

Dear CPC,

We are transmitting the attached document received in accordance with paragraph 5 of RESOLUTION 18/03 ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN THE IOTC AREA OF COMPETENCE, on information on illegal activities from three Chinese flagged vessels in the European Union water of La Réunion within the IOTC Area of Competence.

We would appreciate if you acknowledge the reception of this email and the attached file.

Best regards,

IOTC Secretariat