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**INFORMATION RELATED TO PRESUMED IUU FISHING ACTIVITIES**

Prepared by IOTC Secretariat, 13 April 2023

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**PURPOSE**

To bring to the attention of the Compliance Committee information received from Panama regarding the vessels HONGDONGFISHERY12 and LEXMAR009, previously registered in Panama, and actions undertaken by CPCs during the intersessional period to address fishing practices or activities that presumably 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 two vessels previously flagged to Panama, and reported by France (OT) to the IOTC Compliance Committee (CoC19) via document [IOTC-2022-CoC19-07d\\_Rev1](#), in April 2022.
  - [Attachment 1](#) – Information on the vessels HONGDONGFISHERY12 and LEXMAR009.
2. Information with regards to five Sri Lankan flag vessels, reported by the United Kingdom in March 2023. The attachments also contain information provided by Sri Lanka in regard to actions taken against the vessel owners/masters.
  - [Attachment 2](#) – Information on the vessels IMULA-0680-CHW (SUBASHI DUWA), IMULA-1853-MTR, SUBASHI DUWA 1, IMULA-2044-MTR (NATALIA) and IMULA-0869-CHW (HOLLY TRINITY).
3. Information with regards to one IUU listed vessel flagged to India, reported by the United Kingdom in March 2023.
  - [Attachment 3](#) – Information on the vessel, IND-TN-15-MM-9070 (AVE MARIYA).

**RECOMMENDATION/S**

That the CoC19:

- 1) **NOTE** paper IOTC-2023-CoC20-08, which provides additional contexts to the activities of the two vessels previously flagged to Panama in the waters of France (OT), and which also 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 the owners/masters of the vessels involved in these incidences.
  - 3) **NOTE** that India has not provided any information to the IOTC Secretariat on the incidence related to the IUU listed vessel IND-TN-15-MM-9070 (AVE MARIYA).
  - 4) **RECOMMEND** that India provide the Compliance Committee with information on actions that it has initiated against the owner/master of the IUU listed vessel IND-TN-15-MM-9070 (AVE MARIYA) since its inclusion in the IOTC IUU List in May 2022 and actions that it has taken since the IOTC Secretariat notified it of the vessels continued involvement in illegal fishing practices in the IOTC Area.
  - 5) **RECOMMEND** that Sri Lanka keep CPCs informed on the progress and outcome of the proceedings against the owner/master of the five Sri Lankan vessels listed in this document.
  - 6) **RECOMMEND** that CPCs continue to provide the Compliance Committee with information on actions they undertake to combat fishing practices that undermines the effectiveness of conservation and management measures adopted by the Indian Ocean Tuna Commission.
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**AQUATIC RESOURCES AUTHORITY OF PANAMA  
GENERAL ADMINISTRATION OFFICE**

Panama, Jan 13<sup>th</sup>, 2023.  
**AG-047-2023**

Dear Mr. O'Brien:

The Aquatic Resources Authority of Panama, the competent authority for the management and administration of marine resources in our country, hereby respectfully addresses you on this occasion, in accordance with the provisions 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, after the allegations that the vessels LEX MAR 009, IMO 9949819 and HONGDONG FISHERY-WKP-12, IMO 9949821, were possibly involved in illegal fishing practices in the EEZ of France (Juan de Nova) while they belonged to the Panamanian flag; regarding these allegations we proceed to communicate that:

- On 13-Sep-2021 LEX MAR 009, IMO 9949819 and HONGDONG FISHERY-WKP-12, IMO 9949821, both under ownership of WANGFESTAO-KP-PRESTAÇÃO DE SERVIÇOS, LDA as newbuilding vessels applied before this Authority for an authorization to obtain an interim flag registry for delivery voyage of both vessels from National Shipbuilding Co., Ltd, Rizhao, China to Luanda, Angola, without fishing gear.
- After the application procedure according to the internal regulations, on 28-Sep-2021 the Letter of No Objection DCI-ARAP-206-2021 and DCI-ARAP-207-2021 were granted in favor of LEX MAR 009 and HONGDONG FISHERY-WKP-12 respectively, and proceeded to obtain the interim flag registry of the vessels under the Panamanian flag before our Maritime Authority.
- The Panama Maritime Authority made both registrations official by issuing navigation special registry documents D-1992-3518-PEXT to LEX MAR 009 and D-1992-3517-PEXT to HONGDONG FISHERY-WKP-12, both under the objective of voyage by delivery, with validity of 3 months effective from September 30, 2021 to December 29, 2021, (See Annex 1-6).
- On 7-Mar-2022, a communication was received by this Authority from the IOTC which indicated that based on paragraph 5 of Res. 18/03, at 13:48 UTC on December 13, 2021, at coordinates 16°06' S - 42°01' E in Juan de Nova, French EEZ there was an aerial sighting of the vessels without prior notification of entry and without reporting the quantity of fish on board, that they attempted communication on VHF 16, without obtaining a response from the crew on board, that the infraction was recorded and that additionally a notification was issued and submitted to the French judicial authorities.

*\* This Authority proceeded.*



- This Authority proceeded to the pertinent investigations resulting that during the delivery voyage from Rizhao, China to Luanda, Angola, the vessels sailed the Mozambique Channel, the shipowner stated that they accidentally sailed inside the French EEZ trying to avoid the strong winds because the vessel HONGDONG FISHERY-WKP-12 had an overheating of its main engine, according to the logbook (See Annex 4-5), so both vessels decided to stop for about 40 minutes to cool down the engine and continue sailing with the objective of arriving at the port of Inhambane, Mozambique from which they obtained a sailing departure document, (See Annex 7-8), finally arriving in Angola on December 31, 2021.
- The vessels were not equipped with fishing gear; according to a review of the tracking and positions of the encounter between the two vessels, no illegal fishing activities were registered within the French EEZ.
- After the expiration of both navigation interim registry documents, the mentioned vessels ceased to belong to the Panamanian flag.

Based on the foregoing, we submit this information for the IOTC Commission consideration, we remain at your disposal in the event of requiring any additional information that deemed necessary to cooperate with the IOTC conservation and management measures.

I take the opportunity to reiterate to the Commission our highest consideration and respect.

  
**FLOR TORRIJOS**  
General Administrator



To Honorable  
**CHRISTOPHER O'BRIEN**  
Executive Secretary  
Indian Ocean Tuna Commission  
Seychelles

CC. Mr. Gerard Domingue, IOTC Compliance Manager

FT/YV/vq



DIRECTORATE GENERAL OF MERCHANT MARINE / DIRECCION GENERAL DE MARINA MERCANTE  
 INTERNATIONAL SERVICE / SERVICIO INTERNACIONAL

IMO NUMBER Número DMI	REGISTRATION No. Número Oficial	Call Sign Distrito de Llamada
9949819	D-1992-3518-PEXT	HOA7921

Issued under Law N° 57 dated August 6th, 2008 / Expedido bajo Ley No. 57 de 6 de agosto de 2008.

NAVIGATION SPECIAL REGISTRY / PATENTE ESPECIAL DE NAVEGACIÓN

Vessel's Information / Información de la Nave

Name of Vessel / Nombre del Buque		Type Vessel / Tipo de Buque			
LEX MAR 009		BUQUE PESQUERO(FISHING VESSEL)			
Registered Owner / Propietario					
WANGFESTAO-KP-PRESTACAO DE SERVICIOS, LDA					
Resident Agent / Agente Residente			Radio Accounting Authority / Autoridad de Cuentas de Radio		
DIAZ Y DE LEON			PRIVATE CORRESPONDENCE		
Former Name / Nombre Anterior			Previous Flag / Nacionalidad a la que Renuncia		
NEW BUILDING / NUEVA CONSTRUCCION			NEW BUILDING / NUEVA CONSTRUCCION		
Built in / Construido en	Builders / Constructores	Hull Material / Material del casco	Keel Laid / Puente de Quilla	Construction Year / Año de Construcción	
CHINA	RIZHAO HONGRUN INTERNATIONAL SHIPBUILDING CO., LTD.	STEEL	2021	2021	
Length / Eslora	Breadth / Manga	Depth / Punta	GRT / TB	NRT / TN	Deadweight / Peso Muerto
30.12 MTS	6.00 MTS	2.90 MTS	132.00	48.00	*****
PROPULSION SYSTEM / SISTEMA DE PROPULSION					
Type of Engine / Tipo de Máquina	Vessel Speed / Velocidad del Buque	Manufacturer & Cylinders / Fabricantes y Cilindros	Engine Power / Potencia de la Máquina		
DIESEL	10.5 NUDOS	CNPC JICHAI POWER COMPANY LIMITED UNO (1) DE SEIS (6) CYLS	UNO (1) DE 532.17 HP / 397.00 KW		
Issuance Date / Fecha de Expedición			Expiration Date / Fecha de Expiración		
SEPTEMBER 30, 2021 / 30 DE SEPTIEMBRE DE 2021			DECEMBER 29, 2021 / 29 DE DICIEMBRE DE 2021		
Place of Issuance / Lugar de Emisión			Fee / Derechos		
PANAMA			RO No. 10207831A del 30 de septiembre de 2021		

REMARKS / OBSERVACION			
This navigation registry is exclusively to perform a voyage for Esta Patente de Navegación, es exclusivamente para realizar un viaje para			
Scraping / Desgase	Delivery / Entrega	Testing / Prueba	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
PORT OF EXIT PUERTO DE SALIDA	RIZHAO, CHINA		
LAND PORT PUERTO DE LLEGADA	LUANDA, ANGOLA		



ING. RAFAEL N. CIGARRUISTA G.  
 OFFICER SIGNATURE / FIRMA DEL FUNCIONARIO

UTN: SREGLC-8273894

001219291



DIRECTORATE GENERAL OF MERCHANT MARINE | DIRECCION GENERAL DE MARIPOSA  
 INTERNATIONAL SERVICE | SERVICIO INTERNACIONAL

TYPE OF VESSEL CLASE DE BUQUE
FV

LICENSE N° LICENCIAN°
20315

SMSSM /MMSI
352980845

**UCENCIA PROVISIONAL DE ESTACION DE RADIO/ RADIO STATION PROVISIONAL LICENSE**

VESSEL NAME BUQUE	CALL SIGN DISTINTIVO DE LLAMADA	SELECTIVE CALL LLAMADA SELECTIVA	GRT TONELAJE BRUTO
LEX MAR 009	HOA7921	*****	132.00
ACCOUNTING AUTHORITY AND ADDRESS AUTORIDAD ENCARGADA DE LA CONTABILIDAD  000- PRIVATE CORRESPONDENCE -	CONCESSIONARY AND ADDRESS CONCESIONARIO Y DOMICILIO  WANG FESTAO-KP-PRESTACAO DE SERVICOS, LOA ESTRADA DA SONANGOL-BAIRRO CAUILA, NO. S/N PORTO AMBOIM, KWANZA SUL, ANGOLA		TYPE OF SERVICE CATEGORIA DE SERVICIO  1a CV H24
OWNER AND ADDRESS PROPIETARIO Y DOMICILIO  WANGFESTAO-KP-PRESTACAO DE SERVICOS, LOA - ESTRADA DA SONANGOL-BAIRRO CAUILA, NO. S/N PORTO AMBOIM, KWANZA SUL, ANGOLA			
REMARKS/ OBSERVACIONES PUERTO DE SALIDA: RIZHAO, CHINA, PUERTO DE ARRIBO: LUANDA, ANGOLA.			

Issued / Expedida SEPTEMBER 30, 2021 / 30 DE SEPTIEMBRE DE 2021

Expiration / Valida DECEMBER 29, 2021 / 29 DE DICIEMBRE DE 2021

Fees / Derechos RO No. 10207831A del 30 de septiembre de 2021

ING. RAFAEL N. CIGARRUISTA G.  
OFFICER SIGNATURE  
FIRMA DEL FUNCIONARIO



001219289



UTI: SRADLC-8273895



001219289



DIRECTORATE GENERAL OF MERCHANT MARINE / DIRECCION GENERAL DE MARINA MERCANTE

INTERNATIONAL SERVICE /SERVICIO INTERNACIONAL

IMO NUMBER Número OMI	REGISTRATION No. Número Oficial	Call Sign Distintivo de Llamada
9949821	D-1992-3517-PEXT	HOA7920

Issued under Law N° 57 dated August 6th, 2008 / Expedido bajo Ley No. 57 de 6 de agosto de 2008.

NAVIGATION SPECIAL REGISTRY / PATENTE ESPECIAL DE NAVEGACIÓN

Vessel's Information / Información de la Nave

Name of Vessel / Nombre del Buque		Type Vessel / Tipo de Buque			
HONGDONG FISHERY-WKP-12		BUQUE PESQUERO (FISHING VESSEL)			
Registered Owner / Propietario					
WANGFESTAO-KP-PRESTACAO DE SERVICOS, LDA					
Resident Agent / Agente Residente			Radio Accounting Authority / Autoridad de Cuentas de Radio		
DIAZ Y DE LEON			PRIVATE CORRESPONDENCE		
Former Name / Nombre Anterior			Previous Flag / Nacionalidad a la que Renuncia		
NEW BUILDING / NUEVA CONSTRUCCION			NEW BUILDING / NUEVA CONSTRUCCION		
Built in / Construido en	Builders / Constructores		Hull Material / Material del casco	Keel Laid / Puente de Quilla	Construction Year / Año de Construcción
CHINA	RIZHAO HONGRUN INTERNATIONAL SHIPBUILDING CO., LTD.		STEEL	2021	2021
Length / Eslera	Breadth / Manga	Depth / Punta	GRT / TB	NRT / TN	Deadweight / Peso Muerto
30.12 MTS	6.00 MTS	2.90 MTS	132.00	48.00	*****
PROPULSION SYSTEM / SISTEMA DE PROPULSION					
Type of Engine / Tipo de Máquina	Vessel Speed / Velocidad del Buque		Manufacturer & Cylinders / Fabricante y Cilindros		Engine Power / Potencia de la Máquina
DIESEL	10.5 NUDOS		CNPC JICHAI POWER COMPANY LIMITED UNO (1) DE SEIS (6) CYLS		UNO (1) DE 532.17 HP / 397.00 KW
Issuance Date / Fecha de Expedición			Expiration Date / Fecha de Expiración		
SEPTEMBER 30, 2021 / 30 DE SEPTIEMBRE DE 2021			DECEMBER 29, 2021 / 29 DE DICIEMBRE DE 2021		
Place of Issuance / Lugar de Emisión			Fees / Derechos		
PANAMA			RO No. 10207832A del 30 de septiembre de 2021		

REMARKS / OBSERVACION

This navigation registry is exclusively to perform a voyage for  
 Esta Patente de Navegación, es exclusivamente para realizar un viaje para

PORT OF EXIT / PUERTO DE SALIDA RIZHAO, CHINA

LAND PORT / PUERTO DE LLEGADA LUANDA, ANGOLA

Scripting /  
Designace

Delivery /  
Entrega

Testing /  
Prueba

ESTA PATENTE NO CONSTITUYE LICENCIA DE PESCA Y EN EL CASO QUE LA NAVE REQUIERA REALIZAR ACTIVIDADES DE PESCA, DEBE TENER ABORDO LA LICENCIA DE PESCA VIGENTE Y/O AUTORIZACION PREVIA OTORGADA POR LA ARAP. / THIS PATENT DOES NOT

ING. RAFAEL N. CIGARRUISTA G.  
 OFFICER SIGNATURE / FIRMA DEL FUNCIONARIO



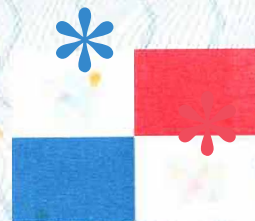
UTN: SREGLC-8273897

001219290



**PANAMA**  
MARITIME AUTHORITY

(! EPUBb ICA DE PANAMA | **REPUBLIC OF PANAMA**  
AUTORIDAD MARITIMA DE PANAMA | **PANAMA MARITIME AUTHORITY.**



DIRECTORATE GENERAL OF MERCHANT MARINE / DIRECCION GENERAL DE MARINA MERCANTIL  
INTERNATIONAL SERVICE / SERVICIO INTERNACIONAL

TYPE OF VESSEL CLASE DE BUQUE
FV

LICENSE N° LICENCIA N°
20314

SMSSM /MMSI
352980844

**LICENCIA PROVISIONAL DE ESTACION DE RADIO/ RADIO STATION PROVISIONAL LICENSE**

VESSEL NAME BUQUE	CALL SIGN DISTINTIVO DE LLAMADA	SELECTIVE CALL LLAMADA SELECTIVA	GRT TONELAJE BRUTO
HONGDONG FISHERY-WKP-12	HOA7920	.....	132.00
<b>ACCOUNTING AUTHORITY AND ADDRESS</b> AUTORIDAD ENCARGADA DE LA CONTABILIDAD  000 - PRIVATE CORRESPONDENCE -	<b>CONCESSIONARY AND ADDRESS</b> CONCESIONARIO Y DOMICILIO  WANGFESTAO-KP-PRESTACAO DE SERVICOS, LOA ESTRADA DA SONANGOL-BAIRRO CAUILA, NO. S/N PORTO AMBOIM, KWANZA SUL, ANGOLA		<b>TYPE OF SERVICE</b> CATEGORIA DE SERVICIO  1a CV H24
<b>OWNER AND ADDRESS</b> PROPIETARIO Y DOMICILIO  WANGFESTAO-KP-PRESTACAO DE SERVICOS, LOA - ESTRADA DA SONANGOL-BAIRRO CAUILA, NO. S/N PORTO AMBOIM, KWANZA SUL, ANGOLA			
<b>REMARKS/ OBSERVACIONES</b> PUERTO DE SALIDA: RIZHAO, CHINA, PUERTO DE ARRIBO: LUANDA, ANGOLA.			

Issued / Expedida SEPTEMBER 30, 2021 / 30 DE SEPTIEMBRE DE 2021

Expiration / Valida DECEMBER 29, 2021 / 29 DE DICIEMBRE DE 2021

Fees / Derechos RO No. 10207832A del 30 de septiembre de 2021

ING. RAFAEL N. CIGARRUISTA G.  
OFFICER SIGNATURE  
FIRMA DEL FUNCIONARIO

**II**

001219288-00



UTN SRADLC-8273898



001219288



# PANAMA MARITIME AUTHORITY

Technical Office - Segumar - Panama



Pan Canal Plaza Building (Albrook), Omar Torrijos Herrera Avenue, Albrook,  
Ancon Borough, Panama.

Tel.: +(507) 501-5348

E-mail: [authorizations@segumar.com](mailto:authorizations@segumar.com)

[conditionals@segumar.com](mailto:conditionals@segumar.com)

[extensions@segumar.com](mailto:extensions@segumar.com)

TO: Whom it may concern

CC: PANAMA SHIPPING REGISTRAR INC.(PSR)

DATE: October 12, 2021

FROM: DIRECTORATE GENERAL OF MERCHANT MARINE, SEGUMAR - PANAMA

SUBJ: M/V: HONGDONG FISHERY-WKP-12 IMO: 9949821 CALL SIGN: HOA7920 GRT: 132  
SINGLE VOYAGE FOR DELIVERY - AUTHORIZATION LETTER

OUR REF: SEG-018974

.....

This Administration authorizes the captioned vessel to perform one Direct Single Voyage with its own engine in Ballast condition, without passengers and cargo from **Rizhao, China** to **Luanda, Angola** allowing the vessel to perform this delivery voyage. **PSR** is responsible to complete necessary assessment and confirm that there is no hull or serious structure outstanding and vessel is fit and able to proceed with planed voyage before **December 20th, 2021**.

We understand that **PSR** confirm that vessel must stay in a seaworthy condition through a seaworthiness certificate **No. 21-CN43-1527-P** and complying with the international safety standards to carry out the intended voyage, including that vessel has MSM Certificate valid for the required voyage period Any Statutory Conditional certificate will issued by **PSR** valid solely for this voyage, if needed.

The company shall ensure that the vessel is maintained in conformity with the mandatory regulations, including complying necessary MSMC, a checklist for the shipboard operation concerning to the safety of the crewmembers, vessel integrity and environment protection and necessary measure has been taken in order to evaluate anticipate and any possible risk can compromise entire safe voyage.

This Administration request to all port atheries well cooperation and understanding of this statement, meanwhile the subject vessel is arriving, staying and departure from port.

This authorization is valid until **December 20th, 2021** or when vessel enter port facility within this period

NOTE: it is understood that this authorization shall not be considered as a "release authorization" in case of a PSC detention. In such case, class surveyor/owner should liaise directly with PSC authorities.

This authorization expires on **December 20, 2021**



Please notify all concerned parties accordingly.

Best Regards,



**Eng. Josue Lopez**

Technical Officer

Segumar - Panama

Panama Maritime Authority





## WANG FESTAO- KPLDA

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A

WANG FESTAO - KP LIMITADA

To IOTC organization:

We hereby certify that the fishing vessels of our company: HONGDONG FISHERY- WKP-12 and LEX MAR009, delivery from Rizhao, China to Angola. During the voyage, they accidentally sailing into the exclusive economic zone of the country due to avoiding strong winds. Please kindly understand. The two fishing vessels were not equipped with any net fishing gear and did not engage in illegal fishing activities. The vessel HONGDONG FISHERY- WKP -12 sailed at 12:15 on 13 December 2021 due to excessively high temperature (83 degrees) of the main engine in JUAN DE NAVA ez-france 16.06, s-42.01, EA at 12:55, the vessel stopped to clean the cooler and left. The vessel stayed for 40 minutes while LEX MAR009 waited and left at the same time.

A1 - sede- LUANDA

ANENIDA COMANDANTE FIDEL DE CASTRO Rt7

(SHOPPING CIDADE DA CHINA), N° 14-1

MJ\_NICÍPIO VIANA PROVINCIA LUANDA

TEL: 942828896

NIF: 5417637599

EMAIL: wangfestao2018@gmail.com



韦晓静  
Weixiaojing

034

2021年12月13日 星期一

时间

Logbook image edited for confidentiality purpose.

第\_\_\_\_\_航次 自\_\_\_\_\_迄\_\_\_\_\_停泊港名\_\_\_\_\_

Logbook image edited for confidentiality purpose.

DEFERIDO

Inhambane... 17 de 12 2021...

Exmo. Sr. Administrador Marítimo de Inhambane

De nacionalidade... Panama... de que é Comandante... Hongkong Fishery WKP-12... Requerer a V. Excia que lhe mande passar a certidão em como a dita embarcação, está desembaraçada pela Administração Marítima, por respectivo Comandante haver cumprido todos os preceitos regulamentares.

Pede a V. Excisa Deferimento O Agente

REPÚBLICA DE MOÇAMBIQUE
MINISTÉRIO DOS TRANSPORTES E COMUNICAÇÕES
INSTITUTO NACIONAL DA MARINHA
ADMINISTRAÇÃO MARÍTIMA DE INHAMBANE
DESEMBARÇO MARÍTIMO - CERTIDÃO DE SAÍDA
(MARITIME CLEARANCE)

Amido ehande A.ifo... Oficial da Administração Marítima de Inhambane (Officer of the Maritime Administration from)

Inhambane Certifico em virtude do despacho do Administrador Marítimo lançado no respectivo requerimento (Certify that upon the Maritime Administrator's approval which was noted on the respective application)

Que a embarcação mercante HONGKONG FISHERY WKP-12 de 132.00 Toneladas brutas (The merchant vessel of Gross tons). De nacionalidade Panama com o porto de registo em WANGTES TAO - KP (Nationality) De que é o Comandante Liang Qiande Está desembaraçada para seguir a viagem (Under master marine) (Is duly cleared to proceed her voyage)

Às 06 h 00 m do dia 19 de 12 2021 Para o porto de Luanda, Angola por o (At) (of day) (To next port of)

Respectivo Comandante haver cumprimento todos os preceitos regulamentos. (After it's captain has fulfilled all regulatory precepts) E para constar se passou o presente desembaraço marítimo que vai por mim assinado e firmado com selo desta Administração Marítima. (To witness, the present maritime clearance was issued and by me sealed with the stamp in use in this Office)

Emitido em Inhambane, aos 17 de Dezembro de 2021 (Issued at) - (On the)



DEFERIDO

Inhambane.....17.....de.....12.....2021.....

Exmo. Sr. Administrador Marítimo de Inhambane

..... Agente de navio..... Lex Mar 009  
De nacionalidade..... Panamá..... de que é Comandante.....  
Requerer a V. Excia que lhe mande passar a certidão em como a dita embarcação, está desembaraçada pela  
Administração Marítima, por respetivo Comandante haver cumprido todos os preceitos regulamentares.  
Inhambane,.....17.....de.....12.....de 2021.....

Pede a V. Excisa Deferimento  
O Agente



REPÚBLICA DE MOÇAMBIQUE  
MINISTÉRIO DOS TRANSPORTES E COMUNICAÇÕES  
INSTITUTO NACIONAL DA MARINHA  
ADMINISTRAÇÃO MARÍTIMA DE INHAMBANE  
DESEMBARAÇO MARÍTIMO - CERTIDÃO DE SAÍDA  
(MARITIME CLEARANCE)

Amido Chande Alifó

....., Oficial da Administração Marítima de  
(Officer of the Maritime Administration from)

Inhambane Certifico em virtude do despacho do Administrador Marítimo lançado no respetivo  
requerimento  
(Certify that upon the Maritime Administrator's approval which was noted on the respective  
application)

Que a embarcação mercante..... Lex Mar 009..... de ..... 132:00..... Toneladas brutas (The merchant  
vessel) (of) (Gross tons). De nacionalidade ..... Panamá..... com o porto de registo em  
WANG FESTAO - KP..... (Nationality) (Port of registry)  
De que é o Comandante..... Jiang Fuxiu..... Está desembaraçada para seguir a  
viagem (Under master marine) (Is duly cleared to proceed her  
voyage)

Às..... 06..... h..... 00..... m do dia ..... 19..... /..... 12..... /..... 2021..... Para o porto de  
Luanda, Angola..... por o (At) (of day) (To next port of)

Respetivo Comandante haver cumprido todos os preceitos regulamentares.  
(After it's captain has fulfilled all regulatory precepts)

E para constar se passou o presente desembaraço marítimo que vai por mim assinado e firmado com selo desta  
Administração Marítima.

(To witness, the present maritime clearance was issued and by me sealed with the stamp in use in this Office)

Emitido em..... Inhambane, aos 17..... de..... Dezembro..... de 2021  
(Issued at) - (On the)

Oficial devidamente autorizado  
(officer duly authorized)



**From:**

**Sent:** 09 April 2023 11:52

**To:** IOTC-Secretariat <[IOTC-Secretariat@fao.org](mailto:IOTC-Secretariat@fao.org)>

**Cc:**

**Subject:** Re:IOTC: Request for information on vessels HONGDONGFISHERY12 and LEXMAR 009

Dear Mr. O'Brien.

Thank you for your information and we have conducted an investigation based on the information provided with the document IOTC-2023-CoC20-08 and other sources.

According to our investigation, the two vessels mentioned are neither in our authorized vessel list nor in the IOTC AFV, although the vessels were built in China.

The owner WANGFESTAO-KP-PRESTACAO DE SERVICOS is not a Chinese fisheries company, so Chinese government has no obligation and rights to put it under surveillance.

We acknowledged the explanations given from Panama Authority as in the document IOTC-2023-CoC20-08; however, according to our investigation, these 2 vessels didn't flag to China.

We appreciate the Secretariat for the efforts in the investigation and will be ready to help.

Sincerely,

Division of Distant-water Fisheries

Bureau of Fisheries

Ministry of Agriculture and Rural Affairs



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

10 February 2023

cc. Dr Indra Jaya, Chair of the Compliance Committee; Mr Zahor El Kharousy, 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: Three Sri Lankan flagged vessels IMULA0680CHW (Subashi Duwa); IMULA1853MTR; and Subashi Duwa 1**

As required in paragraphs 5 and 6 of Resolution 18/03 please find attached completed IOTC Reporting Forms for Illegal Activity and accompanying evidence supporting: IUU fishing activity in BIOT waters; fishing contrary to IOTC Conservation Management Measures for the Sri Lankan flagged vessels IMULA0680CHW (Subashi Duwa) and IMULA1853MTR. A Reporting form for Subashi Duwa 1 is also attached. Under the bilateral arrangement established between UK and Sri Lanka in order to combat IUU, these vessels were reported to the Sri Lankan Authorities with a request that they investigate the activities of the vessels, share details of their movements in BIOT waters from their Vessel Monitoring Systems and take appropriate action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2013).

The attached evidence shows that:

- The vessels IMULA0680CHW (Subashi Duwa) and IMULA1853MTR were on the IOTC Record of Authorised Vessels (RAV), number 16008 authorised until 14 December 2022; and number 1755 and authorised until 28 April 2023, respectively.
- The authorisation details for Subashi Duwa 1 are unknown
- These vessels were recorded from a military vessel in BIOT waters and reported to the Senior Fisheries Protection Officer on 05 July 2022. IMULA0680CHW (Subashi Duwa) was observed to be fishing illegally without a licence within BIOT waters – it had four nets in the water at the time of observation. IMULA1853MTR was observed to be fishing illegally without a licence within BIOT waters – it had several nets in the water at the time of observation. No direct evidence of IUU was observed for Subashi Duwa 1.
- UK reported these vessels to Sri Lanka on 07 July 2022. Sri Lanka confirmed the vessels IMULA0680CHW (Subashi Duwa) and IMULA1853MTR were authorised to fish on the high seas; indicated that there was insufficient evidence to file a court case; and, both vessels have had a new VMS installed. No details were provided for Subashi Duwa 1

We submit these vessels to the IOTC Compliance Committee with the recommendation '**a) Notification to IOTC Secretariat only. No further action is recommended**'. This recommendation is made in light of the fact that UK did not undertake a formal boarding and there was no formal Inspection Report for any of the vessels. However, UK would like to draw the following to the attention of the Compliance Committee:



- No detailed evidence of any investigation into the activities of these vessels was provided to UK, simply the minimal information provided in Appendix II of the IOTC Reporting Form for Illegal Activity. Given that two of the vessels were observed with multiple nets in the water we consider this to be an inadequate response.
- Two vessels were on the IOTC RAV and therefore should have a functioning VMS on board - it appears they did not and Sri Lanka has replaced the VMS units. These represent two more in a number of cases noted by UK where Sri Lanka's Monitoring Control and Surveillance and VMS appear not to be functioning. No VMS details were provided to the UK. UK requests, but rarely receives any VMS details from Sri Lanka in respect of its vessels' activities in BIOT waters.

We invite Sri Lanka to explain how an authorised vessel is able to leave port without a functioning VMS and if it failed during the trip, why it had not been recalled to port sooner. We further invite Sri Lanka to explain to the Compliance Committee the effectiveness and functionality of its MCS system, for example, at any one time what are the proportion of authorised vessels without a functioning VMS and what action is taken.

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

Thank you.

Yours sincerely



Mr J. Moir Clark  
UK Delegation to IOTC

Enclosed: IOTC Reporting Forms for Illegal Activity, IMULA0680CHW (Subashi Duwa);  
IMULA1853MTR; and Subashi Duwa 1

**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 in the British Indian Ocean Territory.

**A. Details of Vessel**

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

<b>Item</b>	<b>Definition</b>	<b>Indicate</b>
a	Current Name of Vessel (Previous name/s, if any)	IMULA0680CHW
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	Unk
e	Photo	No
f	Call Sign (previous call sign, if any)	Unk
g	Owner (previous Owner/s, if any)	WJLS FERNANDO
h	Operator (previous Operator/s, if any) and Master/Fishing Master	Unk
i	Date of alleged IUU fishing activities	05/07/2022
j	Position of alleged IUU fishing activities	003 °.26' S; 069 °.28' E
k	Summary of alleged IUU activities (see section B for more detail)	h) Fishing illegally in BIOT without licence k) e.g. VMS not functional
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Reference Appendix I
m	Outcome of actions taken	Reference Appendix II (Table 2, S/N 8)

## B. Details of IOTC Resolution Elements Contravened

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 <a href="#">Resolution 19/04</a> ], 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;	X



### C. Associated Documents

Appendix I – UK letter to Sri Lanka dated Due 7<sup>th</sup> July, 2022.

(See Document- 20220707\_BIOT\_DFAR\_IMULA1853MTR\_IMULA0680CHW\_SubashiDuwa, Annex 1)

Appendix II – Status of legal actions taken against the Sri Lanka Vessels reported in BIOT waters  
(Table 2, S/N 8)

### 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	

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

07 July 2022

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

Dear Mr Kahawatta,

**Notification of sightings of Sri Lankan Flagged vessels in BIOT waters, assumed to be IUU: IMULA-1853-MTR, IMULA-0680-CHW and Subashi Duwa 1**

The following three Sri Lankan flagged IMUL vessels have recently been sighted inside BIOT waters:

**IMULA-1853-MTR.** - position Lat 03-33S Lon 069-21E. The vessel was sighted with several nets in the water and presumed to be IUU. It turned off its AIS when approached. The vessel is on the IOTC Record of Authorised Vessels, number 1755 and authorised until 28 April 2023. According to the records the vessel is both owned and operated by TK ABEYSOORIYA of Senagiri, Jayabodhiya Rd, Gandara.

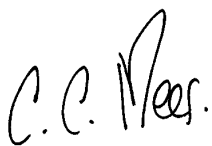
**IMULA-0680-CHW** - position Lat 03-26S, Lon 069-28E. The vessel was sighted with four nets in the water and assumed to be IUU. They were marked with AIS units, MMSI 417068032. The vessel is on the IOTC Record of Authorised Vessels, number 16008 and authorised until 14 December 2022. According to the records the vessel is both owned and operated by WJLS FERNANDO of Srimal, Thoduwawa South, Thoduwawa.

**Subashi Duwa 1** - Lat 03-33.4'S, Long 069-55.6'E. The vessel does not appear to be on the list of authorised vessels.

In respect of our bilateral cooperation to combat illegal fishing we would kindly request the assistance of DFAR to recall these vessels 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 these vessels, including their vessel monitoring systems (VMS) data and share this with us; 2.) Confirm the identity of these vessels and the status of their various authorisations; 3.) Following your investigation, provide us with an early indication of any legal action against the owners and Masters (skipper) of the vessels that you plan to implement through the Sri Lankan authorities.

If you have any questions or require assistance, please do not hesitate to contact myself ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto: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

**Table 2: Status of legal actions taken against the Sri Lanka Vessels reported in BIOT waters (70 days prior reporting to COC)**

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	IMULA0248KLT (DILSHANTHA)	08.02.2022	27.03.2022	<p>(i) Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii) Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv) The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex iv)</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 on the date of 21.02.2022</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 for all 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) Court date was 04<sup>th</sup> May 2022</p> <p>(iii) Administrative penalty 500,000 LKR is paid. (Receipt No: H/25 416475 – Annex-i)</p> <p>(iv) VMS Installed on 31<sup>st</sup> October 2022</p> <p>(vi) Added to the risk vessel list of DFAR</p>	<p>(i) Case is over. Suspensions lifted.</p>

02	IMULA0947MTR (CHUTI KUMARI)	10.02.2022	21.03.2022	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex v)</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 on the date of 21.02.2022</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 for all harbour operation officers.</p> <p>(iv)Accused accept the guilty and request for settlement under 52(B)sentence of FARA No.02 of 1996</p> <p>(v)Court date was 04.05.2022</p> <p>(vi)Administrative penalty SLR 500,000LKR is paid. (Receipt No:H/25 416129- Annex ii)</p> <p>(vii)VMS installed on 24<sup>th</sup> August 2022</p> <p>(viii)Added to the risk vessel list of DFAR</p>	(i) Case is over. Suspensions lifted.
03	IMULA2044MTR Natalia	16.10.2022	09.12.2022	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex vi)</p>	<p>(i)Initiated court case in MC Colombo under 14 A sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 83350/5/23 on the date of 21.10.2022</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 for all harbor 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 500,000 LKR has imposed for owner</p> <p>ii) Administrative penalty 500,000 LKR is paid on 05.01.2023 (Receipt No: H/25 421930- Annex iii)</p> <p>iii) Added to the risk vessel list of DFAR</p> <p>iv)Case is over. Suspensions lifted</p>

04	IMULA2159CHW	07.11.2022	<p>DFAR received the letter of reporting from the BIOT on 5<sup>th</sup> January 2023 (Two months later) The boat has departed again for fishing on the date of 08<sup>th</sup> January 2023, before issuing the detain order by DFAR.</p> <p>(iii)The same skipper W.R.R. Fernando) has engaged in the fishing voyage.</p>	<p>(i)Letter has been issued by DFAR Detained the vessel after arrival to the port of SL on the date of 9<sup>th</sup> January 2023.</p> <p>(ii) The Coast Guard Dept. and the harbor officers have been informed to be vigilant on the arrival of the vessel</p> <p>(iii)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex vii)</p>	<p>(i)Initiated court case in MC Colombo under 14 A sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 84307/5/23 on the date of 17.01.2023</p>	Investigation temporary hold till the arrival of the vessel.
05	IMULA0869CHW	08.11.2022	16.11.2022	<p>i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex viii)</p>	<p>i) Investigation conducted.</p> <p>(ii) The violation we noted referring to BIOT inspection was the no recording of fish catch on board in the log book but no proven evidence provided.</p> <p>(iii) In our investigations DFAR found that the log book pages are duly filled.</p>	Investigation pending-



06	IMULA0235KLT (SAMPATH)	21. 12.2022	29.12.2022	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex ix)</p>	<p>(i)Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 83350/5/23 on the date of 03.01.2023</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 for all harbor operation officers.</p> <p>(iv)Accused accept the guilty and request for ad under 52 (B) sentence of FARA No. 2 of 1996.</p>	(i)Next court date- 24 <sup>th</sup> January 2023
07	IMULA0704NBO	05.01.2023	13.01.2023	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex x)</p>	<p>(i)Initiated court case in MC Colombo under 14 A sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 84306/5/23 on the date of 17.01.2023</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 all harbor operation officers.</p> <p>(iv)Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p>	(i)Next court date- 15 <sup>th</sup> March 2023

08	IMULA0680CHW	-	25.07.2022		<p>(i)DFAR made a request for the inspection reports from the BIOT authorities by email on the date of 11<sup>th</sup> July 2022.</p> <p>(ii)BIOT authorities reported that the 3 vessels were reported by a military vessel and no inspection reports available..</p> <p>(iii)The evidence is inadequate to file a court case.</p> <p>(iv) Investigation conducted</p> <p>.</p>	<p>(i) Both vessels are authorized to operate in the high seas.</p> <p>(ii) It is noted that the IMUL-A-1853MTR vessel has not submitted BIOT transit report and the skipper and the owner have been warned in this regard.</p> <p>(iv)The old VMS devices were removed and two vessels are installed with the new operational VMS.</p>
09	IMULA1853MTR		31.07.2022	No inspection report submitted by BIOT		
10	Subashi Duwa 1	Sri Lanka fishing vessels are identified by the registration number not by the given name. The provided information is inadequate to identify the vessel for investigation.				

**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 in British Indian Ocean Territory.

**A. Details of Vessel**

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

<b>Item</b>	<b>Definition</b>	<b>Indicate</b>
a	Current Name of Vessel (Previous name/s, if any)	IMULA1853MTR
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	Unk
e	Photo	No
f	Call Sign (previous call sign, if any)	Unk
g	Owner (previous Owner/s, if any)	TK ABEYSOORIYA
h	Operator (previous Operator/s, if any) and Master/Fishing Master	Unk
i	Date of alleged IUU fishing activities	05/07/2022
j	Position of alleged IUU fishing activities	003 °.33' S; 069 °.21' E
k	Summary of alleged IUU activities (see section B for more detail)	h) Illegally fishing in BIOT without licence k)VMS not on
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Reference Appendix I
m	Outcome of actions taken	Reference Appendix II (Table 2, S/N 09)



## 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

Appendix I – UK letter to Sri Lanka dated Due 7th July, 2022.

(See Document- 20220707\_BIOT\_DFAR\_IMULA1853MTR\_IMULA0680CHW\_SubashiDuwa, Annex 1)

Appendix II- Status of legal actions taken against the Sri Lanka Vessels reported in BIOT waters  
(Table 1, S/N 09)

### 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	



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

07 July 2022

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

Dear Mr Kahawatta,

**Notification of sightings of Sri Lankan Flagged vessels in BIOT waters, assumed to be IUU: IMULA-1853-MTR, IMULA-0680-CHW and Subashi Duwa 1**

The following three Sri Lankan flagged IMUL vessels have recently been sighted inside BIOT waters:

**IMULA-1853-MTR.** - position Lat 03-33S Lon 069-21E. The vessel was sighted with several nets in the water and presumed to be IUU. It turned off its AIS when approached. The vessel is on the IOTC Record of Authorised Vessels, number 1755 and authorised until 28 April 2023. According to the records the vessel is both owned and operated by TK ABEYSOORIYA of Senagiri, Jayabodhiya Rd, Gandara.

**IMULA-0680-CHW** - position Lat 03-26S, Lon 069-28E. The vessel was sighted with four nets in the water and assumed to be IUU. They were marked with AIS units, MMSI 417068032. The vessel is on the IOTC Record of Authorised Vessels, number 16008 and authorised until 14 December 2022. According to the records the vessel is both owned and operated by WJLS FERNANDO of Srimal, Thoduwawa South, Thoduwawa.

**Subashi Duwa 1** - Lat 03-33.4'S, Long 069-55.6'E. The vessel does not appear to be on the list of authorised vessels.

In respect of our bilateral cooperation to combat illegal fishing we would kindly request the assistance of DFAR to recall these vessels 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 these vessels, including their vessel monitoring systems (VMS) data and share this with us; 2.) Confirm the identity of these vessels and the status of their various authorisations; 3.) Following your investigation, provide us with an early indication of any legal action against the owners and Masters (skipper) of the vessels that you plan to implement through the Sri Lankan authorities.

If you have any questions or require assistance, please do not hesitate to contact myself ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto: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

**Table 2: Status of legal actions taken against the Sri Lanka Vessels reported in BIOT waters (70 days prior reporting to COC)**

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	IMULA0248KLT (DILSHANTHA)	08.02.2022	27.03.2022	<p>(i) Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii) Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv) The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex iv)</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 on the date of 21.02.2022</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 for all 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) Court date was 04<sup>th</sup> May 2022</p> <p>(iii) Administrative penalty 500,000 LKR is paid. (Receipt No: H/25 416475 – Annex-i)</p> <p>(iv) VMS Installed on 31<sup>st</sup> October 2022</p> <p>(vi) Added to the risk vessel list of DFAR</p>	<p>(i) Case is over. Suspensions lifted.</p>

02	IMULA0947MTR (CHUTI KUMARI)	10.02.2022	21.03.2022	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex v)</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 on the date of 21.02.2022</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 for all harbour operation officers.</p> <p>(iv)Accused accept the guilty and request for settlement under 52(B)sentence of FARA No.02 of 1996</p> <p>(v)Court date was 04.05.2022</p> <p>(vi)Administrative penalty SLR 500,000LKR is paid. (Receipt No:H/25 416129- Annex ii)</p> <p>(vii)VMS installed on 24<sup>th</sup> August 2022</p> <p>(viii)Added to the risk vessel list of DFAR</p>	(i) Case is over. Suspensions lifted.
03	IMULA2044MTR Natalia	16.10.2022	09.12.2022	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex vi)</p>	<p>(i)Initiated court case in MC Colombo under 14 A sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 83350/5/23 on the date of 21.10.2022</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 for all harbor 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 500,000 LKR has imposed for owner</p> <p>ii) Administrative penalty 500,000 LKR is paid on 05.01.2023 (Receipt No: H/25 421930- Annex iii)</p> <p>iii) Added to the risk vessel list of DFAR</p> <p>iv)Case is over. Suspensions lifted</p>



04	IMULA2159CHW	07.11.2022	<p>DFAR received the letter of reporting from the BIOT on 5<sup>th</sup> January 2023 (Two months later) The boat has departed again for fishing on the date of 08<sup>th</sup> January 2023, before issuing the detain order by DFAR.</p> <p>(iii)The same skipper W.R.R. Fernando) has engaged in the fishing voyage.</p>	<p>(i)Letter has been issued by DFAR Detained the vessel after arrival to the port of SL on the date of 9<sup>th</sup> January 2023.</p> <p>(ii) The Coast Guard Dept. and the harbor officers have been informed to be vigilant on the arrival of the vessel</p> <p>(iii)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex vii)</p>	<p>(i)Initiated court case in MC Colombo under 14 A sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 84307/5/23 on the date of 17.01.2023</p>	Investigation temporary hold till the arrival of the vessel.
05	IMULA0869CHW	08.11.2022	16.11.2022	<p>i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex viii)</p>	<p>i) Investigation conducted.</p> <p>(ii) The violation we noted referring to BIOT inspection was the no recording of fish catch on board in the log book but no proven evidence provided.</p> <p>(iii) In our investigations DFAR found that the log book pages are duly filled.</p>	Investigation pending-

06	IMULA0235KLT (SAMPATH)	21. 12.2022	29.12.2022	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex ix)</p>	<p>(i)Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 83350/5/23 on the date of 03.01.2023</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 for all harbor operation officers.</p> <p>(iv)Accused accept the guilty and request for ad under 52 (B) sentence of FARA No. 2 of 1996.</p>	(i)Next court date- 24 <sup>th</sup> January 2023
07	IMULA0704NBO	05.01.2023	13.01.2023	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex x)</p>	<p>(i)Initiated court case in MC Colombo under 14 A sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 84306/5/23 on the date of 17.01.2023</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 all harbor operation officers.</p> <p>(iv)Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p>	(i)Next court date- 15 <sup>th</sup> March 2023

08	IMULA0680CHW	-	25.07.2022		(i)DFAR made a request for the inspection reports from the BIOT authorities by email on the date of 11 <sup>th</sup> July 2022.	(i)Both vessels are authorized to operate in the high seas.
09	IMULA1853MTR		31.07.2022	No inspection report submitted by BIOT	(ii)BIOT authorities reported that the 3 vessels were reported by a military vessel and no inspection reports available..  (iii)The evidence is inadequate to file a court case.  (iv) Investigation conducted  .	(ii)It is noted that the IMUL-A-1853MTR vessel has not submitted BIOT transit report and the skipper and the owner have been warned in this regard.  (iv)The old VMS devices were removed and two vessels are installed with the new operational VMS.
10	Subashi Duwa 1	Sri Lanka fishing vessels are identified by the registration number not by the given name. The provided information is inadequate to identify the vessel for investigation.				

**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 in British Indian Ocean Territory.

**A. Details of Vessel**

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

<b>Item</b>	<b>Definition</b>	<b>Indicate</b>
a	Current Name of Vessel (Previous name/s, if any)	SUBASHI DUWA 1
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	Unknown
e	Photo	No
f	Call Sign (previous call sign, if any)	Unknown
g	Owner (previous Owner/s, if any)	Unknown
h	Operator (previous Operator/s, if any) and Master/Fishing Master	Unknown
i	Date of alleged IUU fishing activities	05/07/2022
j	Position of alleged IUU fishing activities	003 °.33.4' S; 069 °.55.6' E
k	Summary of alleged IUU activities (see section B for more detail)	a)Not on the IOTC AFV h) Presumed illegal fishing in BIOT
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Reference Appendix 1
m	Outcome of actions taken	Reference Appendix II Table 1, S/N 10



## 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;	



### C. Associated Documents

Appendix I – UK letter to Sri Lanka dated Due 7th July, 2022.

(See Document- 20220707\_BIOT\_D FAR\_IMULA1853MTR\_IMULA0680CHW\_SubashiDuwa, Annex 1)

Appendix II – Status of legal actions taken against the Sri Lanka Vessels reported in BIOT waters

(Table 1, S/N 10)

### 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	

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

07 July 2022

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

Dear Mr Kahawatta,

## **Notification of sightings of Sri Lankan Flagged vessels in BIOT waters, assumed to be IUU: IMULA-1853-MTR, IMULA-0680-CHW and Subashi Duwa 1**

The following three Sri Lankan flagged IMUL vessels have recently been sighted inside BIOT waters:

**IMULA-1853-MTR.** - position Lat 03-33S Lon 069-21E. The vessel was sighted with several nets in the water and presumed to be IUU. It turned off its AIS when approached. The vessel is on the IOTC Record of Authorised Vessels, number 1755 and authorised until 28 April 2023. According to the records the vessel is both owned and operated by TK ABEYSOORIYA of Senagiri, Jayabodhiya Rd, Gandara.

**IMULA-0680-CHW** - position Lat 03-26S, Lon 069-28E. The vessel was sighted with four nets in the water and assumed to be IUU. They were marked with AIS units, MMSI 417068032. The vessel is on the IOTC Record of Authorised Vessels, number 16008 and authorised until 14 December 2022. According to the records the vessel is both owned and operated by WJLS FERNANDO of Srimal, Thoduwawa South, Thoduwawa.

**Subashi Duwa 1** - Lat 03-33.4'S, Long 069-55.6'E. The vessel does not appear to be on the list of authorised vessels.

In respect of our bilateral cooperation to combat illegal fishing we would kindly request the assistance of DFAR to recall these vessels 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 these vessels, including their vessel monitoring systems (VMS) data and share this with us; 2.) Confirm the identity of these vessels and the status of their various authorisations; 3.) Following your investigation, provide us with an early indication of any legal action against the owners and Masters (skipper) of the vessels that you plan to implement through the Sri Lankan authorities.

If you have any questions or require assistance, please do not hesitate to contact myself ([c.mees@mrag.co.uk](mailto:c.mees@mrag.co.uk)) or John Pearce ([j.pearce@mrag.co.uk](mailto: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

**Table 2:Status of legal actions taken against the Sri Lanka Vessels reported in BIOT waters (70 days prior reporting to COC)**

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	IMULA0248KLT (DILSHANTHA)	08.02.2022	27.03.2022	<p>(i) Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv) The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex iv)</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 on the date of 21.02.2022</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 for all 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)Court date was 04<sup>th</sup> May 2022</p> <p>(iii)Administrative penalty 500,000 LKR is paid.(Receipt No: H/25 416475 – Annex-i)</p> <p>(iv)VMS Installed on 31<sup>st</sup> October 2022</p> <p>(vi)Added to the risk vessel list of DFAR</p>	<p>(i)Case is over. Suspensions lifted.</p>



02	IMULA0947MTR (CHUTI KUMARI)	10.02.2022	21.03.2022	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex v)</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 on the date of 21.02.2022</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 for all harbour operation officers.</p> <p>(iv)Accused accept the guilty and request for settlement under 52(B)sentence of FARA No.02 of 1996</p> <p>(v)Court date was 04.05.2022</p> <p>(vi)Administrative penalty SLR 500,000LKR is paid. (Receipt No:H/25 416129- Annex ii)</p> <p>(vii)VMS installed on 24<sup>th</sup> August 2022</p> <p>(viii)Added to the risk vessel list of DFAR</p>	(i) Case is over. Suspensions lifted.
03	IMULA2044MTR Natalia	16.10.2022	09.12.2022	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex vi)</p>	<p>(i)Initiated court case in MC Colombo under 14 A sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 83350/5/23 on the date of 21.10.2022</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 for all harbor 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 500,000 LKR has imposed for owner</p> <p>ii) Administrative penalty 500,000 LKR is paid on 05.01.2023 (Receipt No: H/25 421930- Annex iii)</p> <p>iii) Added to the risk vessel list of DFAR</p> <p>iv)Case is over. Suspensions lifted</p>

04	IMULA2159CHW	07.11.2022	<p>DFAR received the letter of reporting from the BIOT on 5<sup>th</sup> January 2023 (Two months later) The boat has departed again for fishing on the date of 08<sup>th</sup> January 2023, before issuing the detain order by DFAR.</p> <p>(iii)The same skipper W.R.R. Fernando) has engaged in the fishing voyage.</p>	<p>(i)Letter has been issued by DFAR Detained the vessel after arrival to the port of SL on the date of 9<sup>th</sup> January 2023.</p> <p>(ii) The Coast Guard Dept. and the harbor officers have been informed to be vigilant on the arrival of the vessel</p> <p>(iii)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex vii)</p>	<p>(i)Initiated court case in MC Colombo under 14 A sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 84307/5/23 on the date of 17.01.2023</p>	Investigation temporary hold till the arrival of the vessel.
05	IMULA0869CHW	08.11.2022	16.11.2022	<p>i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex viii)</p>	<p>i) Investigation conducted.</p> <p>(ii) The violation we noted referring to BIOT inspection was the no recording of fish catch on board in the log book but no proven evidence provided.</p> <p>(iii) In our investigations DFAR found that the log book pages are duly filled.</p>	Investigation pending-

06	IMULA0235KLT (SAMPATH)	21. 12.2022	29.12.2022	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex ix)</p>	<p>(i)Initiate court case in MC Colombo under 14 F sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 83350/5/23 on the date of 03.01.2023</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 for all harbor operation officers.</p> <p>(iv)Accused accept the guilty and request for ad under 52 (B) sentence of FARA No. 2 of 1996.</p>	(i)Next court date- 24 <sup>th</sup> January 2023
07	IMULA0704NBO	05.01.2023	13.01.2023	<p>(i)Detained the vessel after arrival to the port of SL and being kept under the supervision of Department of Coast Guard (DCG).</p> <p>(ii)Summoned 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, skipper license and seized the registration certificate and the log book issued to the vessel.</p> <p>(iv)The owner informed of the consequences of being listed in the IUU vessel list as per the IOTC Resolution 18/03. (Annex x)</p>	<p>(i)Initiated court case in MC Colombo under 14 A sentence of FARA No. 2 of 1996 amended by FARA No.35 of 2013. Case No: 84306/5/23 on the date of 17.01.2023</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 all harbor operation officers.</p> <p>(iv)Accused accept the guilty and request for settlement under 52 (B) sentence of FARA No. 2 of 1996.</p>	(i)Next court date- 15 <sup>th</sup> March 2023

08	IMULA0680CHW	-	25.07.2022	No inspection report submitted by BIOT	(i)DFAR made a request for the inspection reports from the BIOT authorities by email on the date of 11 <sup>th</sup> July 2022.	(i)Both vessels are authorized to operate in the high seas.
09	IMULA1853MTR		31.07.2022		(ii)BIOT authorities reported that the 3 vessels were reported by a military vessel and no inspection reports available..	(ii)It is noted that the IMUL-A-1853MTR vessel has not submitted BIOT transit report and the skipper and the owner have been warned in this regard.
					(iii)The evidence is inadequate to file a court case.	
					(iv) Investigation conducted	(iv)The old VMS devices were removed and two vessels are installed with the new operational VMS.
10	Subashi Duwa 1	Sri Lanka fishing vessels are identified by the registration number not by the given name. The provided information is inadequate to identify the vessel for investigation.				



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

10 February 2023

cc. Dr Indra Jaya, Chair of the Compliance Committee; Mr Zahor El Kharousy, 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: The Sri Lankan flagged vessel IMULA2044MTR (Natalia)**

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 laws and to IOTC Conservation Management Measures for the Sri Lankan flagged vessel IMULA2044MTR (Natalia). Under the bilateral arrangement established between UK and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities with a request that they investigate the activities of the vessel and take action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2013).

The attached evidence shows that:

- The vessel IMULA2044MTR (Natalia) was not on the IOTC Record of Authorised Vessels (RAV) and had no authorisation to fish on the high seas.
- This vessel was boarded and inspected on 16 October 2022, the catch included skipjack tuna.
- Sri Lanka took action in respect of this vessel: The skipper's licence was suspended for 6 months; the owner has settled an administrative penalty and the vessel added to DFAR's Risk Vessel List.

UK is satisfied that the flag State has taken effective action and applied sanctions of adequate severity. We submit this vessel to the IOTC Compliance Committee with the recommendation '**a) Notification to IOTC Secretariat only. No further action is recommended**'.

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

Yours sincerely

Mr J. Moir Clark  
UK Delegation to IOTC  
Enclosed: IOTC Reporting form for Illegal Activity, IMULA2044MTR (Natalia)

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)	Natalia
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	IMULA2044MTR
e	Photo	Yes, See Appendix II
f	Call Sign (previous call sign, if any)	N/A
g	Owner (previous Owner/s, if any)	Ediriweera Patabendige Ganusha, Lakjana
h	Operator (previous Operator/s, if any) and Master/Fishing Master	N/A
i	Date of alleged IUU fishing activities	16/10/2022
j	Position of alleged IUU fishing activities	004 °.43.91' S; 072 °.33.77' E
k	Summary of alleged IUU activities (see section B for more detail)	(a).Not on RAV (h).Fishing in coastal state waters without authorization (j).Incorrect makings (k).Contravention of IOTC CMMs (e.g. VMS)
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Reported to Flag state (See Appendix III)
m	Outcome of actions taken	Reference Appendix IV (Table 2, S/N 03)

## B. Details of IOTC Resolution Elements Contravened

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 <a href="#">Resolution 19/04</a> ], 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	X
k.	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	X



### C. Associated Documents

Appendix I – Inspection Report

Appendix II – Photographs.

Appendix III – Notification of Investigation and Request for Cooperation Letter sent 19<sup>th</sup> October 2022

Titled: 20221016\_BIOT\_D FAR\_IMUL-A-2044-MTR

### 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	





### SUMMARY

Date of boarding	16/10/2022
Patrol type and number	BIOP Science Reef 2/22
Vessel name	Natalia
Vessel type	LL/GI
Vessel flag and port of reg.	Sri Lanka
Vessel Registration No.	IMUL-A-2044MTR
IOTC# (if registered)	None
Vessel Captain's name	L J P A Sampath
SFPO	Alastair King
BPV crew assisting	William Farquhar
<u>Action Taken:</u> Vessel Transiting. Informed of rules regarding BIOT MPA.	

### INITIAL SIGHTING DETAILS (from Initial Target Sighting Form)

Date and time of first sighting	16/10/2022 14:04	(DD/MM/YY HH:MM)		
Sighted by: <i>(insert name)</i>	SFPO Alastair King	Radar	Yes	Visual
Position of target	04.46.42 S & 072.26.12 E			
Course	305			
Speed	3.6			
Range	10.5nm			
Bearing	129			
<u>Comments:</u> On reef at Speaker Bank.				
Fisheries Pennant and Sierra Quebec 3 Raised	16/10/2022 14:27	(DD/MM/YY HH:MM)		
Vessel called on VHF CH16 and MF 2182.0		(DD/MM/YY HH:MM)		
Target requested to stop and prepare for boarding	16/10/2022 15:23	(DD/MM/YY HH:MM)		
Response to request for boarding	NIL Response to Radio Comms. Request accepted from Captain.			

**LAUNCHING OF RHIB**

Time RHIB launched	16/10/2022 14:56		(DD/MM/YY HH:MM)
RHIB Crew ( <i>names</i> )	Stephen Pickett, Donald Macfarlane		
<u>Comments on the approach to the FV:</u>			
Approached from astern, Starboard side of FV. FV circled twice before calling captain forward to communicate intentions to him.			
Photographic Evidence Collected (See Annex 1).	Port	PA160008	
	Starboard	PA160005	
	Stern	PA160013	
	Fishing gear	IMG_4412	
	Other	PA160006, Screenshot20221016081911, Screenshot20221016082454, Screenshot20221016093437, Screenshot20221016095042	

**BOARDING DETAILS**

Date and time vessel boarded	16/10/2022 15:24		(DD/MM/YY HH:MM)
Position vessel boarded	Port side of FV		
BPV crew assisting	Stephen Pickett, Donald Macfarlane		
Language spoken	Poor English, Native Sinhalese		
Language Cards used Y/N	Y	Numbers used	1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15

**CREW DETAILS**

Captain's name	L J P A Sampath		
Captain's nationality	Sri Lanka		
Captain's address	52, Manuranga Royal Gardens, Batawala Kanda, Weligama		
Captain's D.o.B	01/10/1974	(DD/MM/YY)	
Number of crew (inc. Captain)	6		
Nationality of Crew	Sri Lanka		
Are any crew under 18 (Y/N), if 'Y' provide details below	N		
Do any crew have health issues (Y/N), if 'Y' provide details below.	N		
<u>Health issue details:</u>			
Photographic Evidence Collected (See Annex 1).	Captain ID	PA160031	
	Other crew ID	PA160019, PA 160021, PA 160023, PA 160025, PA 160027, PA 160030, PA 160033	
	Other	PA160060, PA160017, PA160018	

**VESSEL DOCUMENTS and REGISTRATION**



Vessel Name	NATALIA		
International Callsign			
Flag State	SRI LANKA		
Authorisation to Fish/Fishing Licence No.			
Valid from / to (dd/mm/yyyy)			
Port of Registration	Mirissa		
Registration Number	IMUL-A-2044MTR		
FV owner name and details (as per licence)	Ediriweera Patabendige Ganusha, Lakjana, Harbour Road, Mirissa. NIC Number 823483740V		
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.			
Insurance documentation (Y/N)	Y		
Names and addresses of owners	Ediriweera Patabendige Ganusha, Lakjana, Harbour Road, Mirissa.		
Overall length (ft/m)	47.87 Ft	Engine Power (KW/hp)	230 Hp
Other paperwork:	<i>Fishing Operations License for Fishing (National Sea)</i>		
Photographic Evidence Collected (See Annex 1).	Licence	PA160048, PA160050,	
	Logbook		
	Boat Departure/Exit		
	Other	PA160045, PA160046, PA160041, PA160042, PA160052, PA160053, PA160043.	



### INTERVIEW WITH CAPTAIN

Time of interview	15:45	(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> Unable to establish why the captain was on Speaker Bank. He did say he had a fuel problem. There was a full hold of Ice indicating he had just come from Mirissa. He did ask if he was allowed to cross. I said Yes. He was concerned about the fish onboard (5 fish onboard, 4 of which were skipjack) He stated there was no fish onboard and said that they were for food (Subsistence). The only evidence that suggests he was intending to fish would be the full hold of Ice onboard.		

### VESSEL INSPECTION

Fishing gear type	LL/GI		
<u>Comments</u> All gear was stored. There was no evidence of fishing and no blood on deck			
Catch onboard (estimated/reported t)	0.00		
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	N
Description of catch	5 fish. 4 skipjack @ 7kg. 1 Other species at 2kg		
<u>Comments</u> Subsistence fishing for food.			
Photographic Evidence Collected (See Annex 1).	Gear	PA160014	
	Catch	PA160057	
	Hold	PA160056	
	Other	IMG_4429	

### 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?	No	



<b>Section 6 (1(a)).</b> Is the vessel fishing using prohibited fishing gear?	No	
<b>Section 6 (2).</b> Is the vessel in possession of prohibited fishing gear?	No	
<b>Section 7 (1).</b> Is the vessel fishing without a license?	No	
<b>Section 9 (1).</b> Is all fishing gear stowed and not readily available for use for fishing?	Yes	
<b>Section 16.</b> 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	
<b>Other:</b>		
<u>Comments</u> No BIOT Ordinance non-compliance		

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

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

<b>IOTC Resolution</b>	<b>Yes/No</b>	<b>Non-Compliant (X)</b>
<b>19/04 2.</b> Is the vessel authorised to fish in the IOTC area of competence?	No	x
<b>19/04 11. c)</b> For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?		
<b>19/04 11. d)</b> Is the AFV engaged in or associated with IUU fishing?		
<b>19/04 11. e)</b> 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?		
<b>19/04 17. a) (i).</b> Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	No	x
<b>19/04 17. a) (ii).</b> Does the vessel carry documents with the vessel name?	Yes	
<b>19/04 17. a) (iii)</b> Does the vessel carry documents of Port of Registration and registered number?	Yes	
<b>19/04 17. a) (iv)</b> Does the vessel carry documents detailing its International callsign?		
<b>19/04 17. a) (v)</b> Does the vessel carry documents with names and addresses of owner(s) or charterer?	Yes	
<b>19/04 17. a) (vi)</b> Does the vessel carry documents detailing overall length?	Yes	
<b>19/04 17. a) (vii)</b> Does the vessel carry documents detailing engine power, in KW/horsepower?	Yes	



IOTC Resolution	Yes/No	Non-Compliant (X)
<b>19/04 18.</b> 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).		
<b>19/04 19. b)</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
<b>19/04 20.</b> Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	No	x
<b>15/01 3.</b> Does the logbook record data that meets the minimum requirement for data and information set out in Annex I, II and III.		
<b>15/03 1:</b> Does the vessel have VMS on board?	No	x
<b>15/03 7. and 9. (see Annex 1)</b> Is the VMS fully operational?		
<b>15/03 8. and 9. (see Annex 1)</b> Is the VMS tamper resistant (not capable of being over-ridden – see 15/03 Paras 8 a) and b))		
<b>15/03 9.</b> Is the VMS not working due to technical failure?		
<b>17/07 4.</b> Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	No	
<b>12/04 8. a)</b> Does the vessel have line cutters and turtle de-hookers on board		
<b>19/03 3.</b> Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	No	
<b>18/02 2.</b> Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	No	
<b>18/05 7.</b> Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	NO	
<b>17/05 2. and 3 a)</b> 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?		
<b>17/05 2 and 3 b)</b> For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?		
<b>17/05 5.</b> Have shark fins been removed from the carcass?		
<b>12/09 2.</b> Are there any parts or whole carcass of thresher sharks on board?		
<b>19/04 11. b)</b> Does the AFV comply with all relevant IOTC CMMs?	No	x
<u>Comments</u> High Seas License may have expired. Not IOTC registered.		

### SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed	
Master given verbal warning and released	
No further action, vessel released	
<u>Comments:</u> Vessel transiting. Told to put AIS on.	

### DISEMBARKATION and RECOVERY

Time FV disembarked	16:00	(HH:MM)
Time RHIB recovered to the BPV	16:08	(HH:MM)
<u>Comments:</u>		

### VESSEL RECORDS and HISTORY

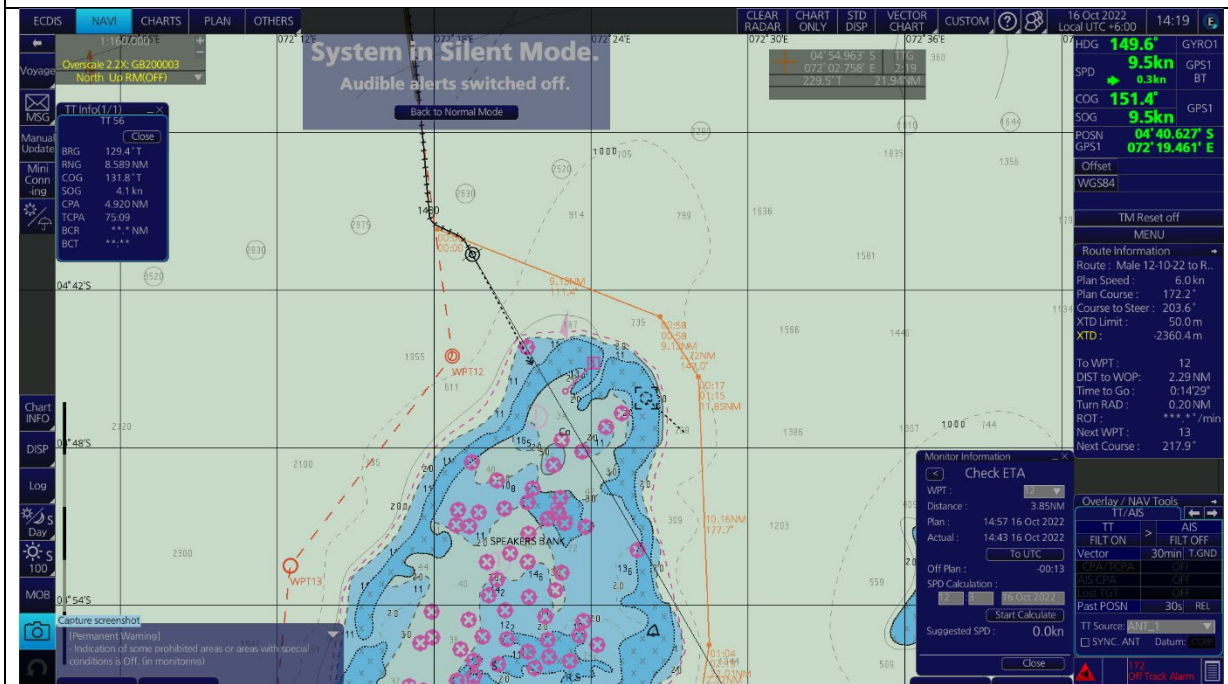
Vessel on IOTC register (Y/N)	N	IOTC number	
Date authorised from		Date authorised to	
Vessel currently authorised to fish in IOTC area of competence (Y/N)		N	
Version of IOTC database referenced:		Updated record 20220906_BIOT_Edited_AW	
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	N	Inspection report ID	
Owner previously boarded (Y/N)	N	Inspection report ID	
Crew previously boarded (Y/N)	N	Inspection report ID	
<u>Comments:</u>			

Alastair King

17/10/2022

BIOT Senior Fisheries Protection Officer

Figure 1. FV *Natalia* position



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Figure 2: FV *Natalia* from port side.



Figure 3. FV *Natalia* from the stern.





Figure 4: Fishing Registration of FV Natalia

ශ්‍රී ලංකා මහජන සමාජවාදී ජනරජයේ, කොළඹ, ශ්‍රී ලංකාව  
Department of Fisheries and Aquatic Resources, Colombo, Sri Lanka

**I දැන් කොටස / පෙළ III / PART I**  
මුද්‍රණය කළේ මහජන සමාජවාදී ජනරජයේ / Certificate of Boat Registration

කුඩා වාහන නම / Name of Boat	IMULA2044MTR
මුද්‍රණය කළ දිනය / Date of Registration	01/03/2021
මුද්‍රණය කළ දිනය / Date of Registration	2021
මුද්‍රණය කළ දිනය / Date of Registration	47.87 Ft
මුද්‍රණය කළ දිනය / Date of Registration	NSLB 550
මුද්‍රණය කළ දිනය / Date of Registration	SSB, DEPTH SOUNDER

**II දැන් කොටස / පෙළ III / PART II**  
මාලිකා විස්තරය / Description of Owner

මාලිකාගේ නම / Full Name of the Owner	සේනා පෙරේරා / S.P. Senarathna	මාලිකාගේ ලිපිනය / Address	හබුරු පාර, මිරිසවැටි / Harbour Road, Mirissa
මාලිකාගේ ලිපිනය / Address	හබුරු පාර, මිරිසවැටි / Harbour Road, Mirissa	මාලිකාගේ ලිපිනය / Address	හබුරු පාර, මිරිසවැටි / Harbour Road, Mirissa
මාලිකාගේ ලිපිනය / Address	හබුරු පාර, මිරිසවැටි / Harbour Road, Mirissa	මාලිකාගේ ලිපිනය / Address	හබුරු පාර, මිරිසවැටි / Harbour Road, Mirissa

W. A. M. Pathmendra  
Assistant Director  
Department of Fisheries and Aquatic Resources  
District Fisheries Office  
Mirissa.

10/01/2022

Figure 5. Captain L.J.P.A Sampath Skipper's License

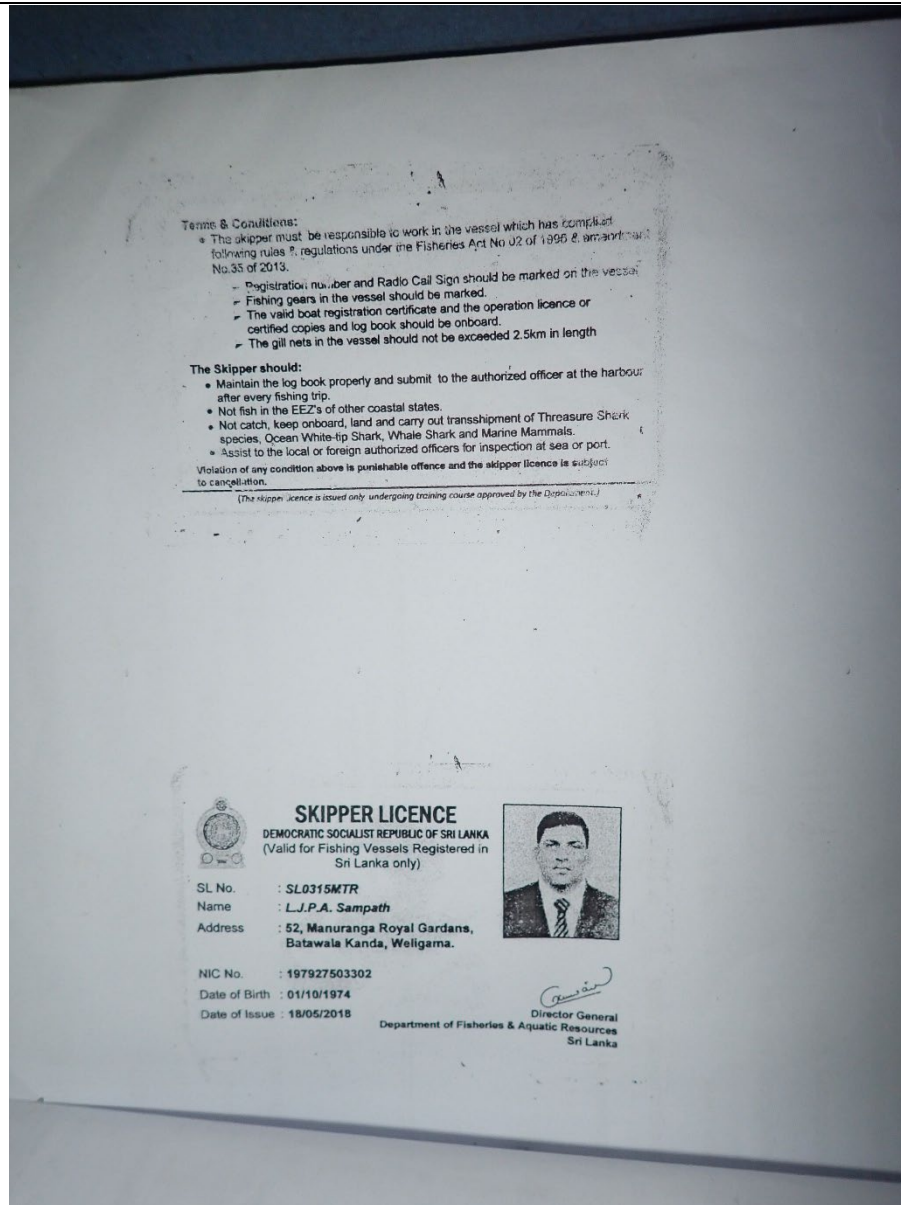


Figure 6. Catch from hold of FV *Natalia*.





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

10 February 2023

cc. Dr Indra Jaya, Chair of the Compliance Committee; Mr Zahor El Kharousy, 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 IMUL-A-0869-CHW (Holly Trinity).**

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 IOTC Conservation Management Measures for the Sri Lankan flagged vessel IMUL-A-0869-CHW (Holly Trinity). Under the bilateral arrangement established between UK and Sri Lanka in order to combat IUU, this vessel was reported to the Sri Lankan Authorities with a request that they investigate the activities of the vessel and take action against the owner/master under the provisions of national fisheries legislation (FARA 1996/2013).

The attached evidence shows that:

- The vessel was on the IOTC Record of Authorised Vessels, IOTC Number: 17164 at the time of inspection.
- On the 8th November, 2022 the Senior Fisheries Protection Officer boarded and inspected the vessel Holly Trinity (IMUL-A-0869-CHW). The vessel had all fishing gear stowed but appeared to have fresh fish on board and apparent fishing tracks on the plotter. It was presumed IUU in BIOT waters and was reported to Sri Lanka on 17 November 2022.
- The vessel did have a VMS on board which was not functional due to a faulty alternator.
- The vessel had a National logbook on board but there had been no entry since 05/06/2022.
- On 25 January 2023 Sri Lanka provided details of the actions it had taken (Appendix IV of the IOTC IUU Reporting Form). Sri Lanka reported that logbook pages were duly filled, indicating that they had been completed retrospectively. We note that an investigation is pending.

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:

- We note that an investigation is pending. UK assert that the vessel was illegally fishing in BIOT waters (fresh fish on board; tracks on the plotter indicative of fishing activity; National Logbook incomplete). To date Sri Lanka have only commented on the logbook which appears to have been completed retrospectively. UK awaits further details from the investigation.

- The vessel was on the IOTC RAV and therefore should have a functioning VMS on board - it appears it did not. This represents one of a number of cases noted by UK where Sri Lanka's Monitoring Control and Surveillance and VMS appear not to be functioning. No VMS details were provided to UK. UK requests, but rarely receives any VMS details from Sri Lanka in respect of its vessels' activities in BIOT waters.

We invite Sri Lanka to explain to the Compliance Committee how an authorised vessel is able to leave port without a functioning VMS and if it failed during the trip, why it had not been recalled to port sooner. We further invite Sri Lanka to explain to the Compliance Committee the effectiveness and functionality of its MCS system, for example, at any one time what are the proportion of authorised vessels without a functioning VMS and what action is taken.

Noting that this vessel was presumed to be 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 2024 pending the outcome of the full investigation and 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). We further invite Sri Lanka to prove additional details to the Compliance Committee in 2023.

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

Thank you.

Yours sincerely



Mr J. Moir Clark

UK Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, IMUL-A-0869-CHW (HOLLY TRINITY).



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)	Holy Trinity IMULA0869CHW
b	Current Flag (previous flag/s, if any)	Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	N/A
e	Photo	Yes, See Appendix II
f	Call Sign (previous call sign, if any)	4SF5559
g	Owner (previous Owner/s, if any)	W.M.A.S FERNANDO
h	Operator (previous Operator/s, if any) and Master/Fishing Master	W.A.R.K Fernando
i	Date of alleged IUU fishing activities	08/11/2022
j	Position of alleged IUU fishing activities	05° 04.90 S' 072° 31.50 E'
k	Summary of alleged IUU activities (see section B for more detail)	(h).Fishing in coastal state waters without authorization. (k).Contravention of IOTC CMMs (e.g. VMS)
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	See Appendix III.
m	Outcome of actions taken	See Appendix IV. (S/N 05)

## B. Details of IOTC Resolution Elements Contravened

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 <a href="#">Resolution 19/04</a> ], 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;	X

### C. Associated Documents

Appendix I – Inspection Report

Appendix II – Photographs.

Appendix III – Notification of Investigation and Request for Cooperation Letter sent 17<sup>th</sup> November, 2022 Titled: 20221117\_BIOT\_D FAR\_IMUL-A-0869-CHW

Appendix IV – Status of legal actions taken against the Sri Lanka Vessels reported in BIOT waters (Table 2, S/N 05)

### 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	





## 1. SUMMARY

Date of boarding	08/11/2022
Patrol type and number	FIPA 129
Vessel name	HOLLY TRINITY
Vessel type	Longline
Vessel flag and port of reg.	Sri Lanka, Negombo
Vessel Registration No.	IMULA0869CHW
IOTC# (if registered)	17164
Vessel Captain's name	W.A.R.K. FERNANDO
SFPO	Alastair King
BPV crew assisting	William Farquhar
<u>Action Taken:</u>	
Verbal Warning and Instructed to leave BIOT waters immediately. BC 16, BC 17, BC 18.	

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

Date and time of first sighting	08/11/2022	(DD/MM/YY HH:MM)		
Sighted by: (insert name)	Lukasz Kisielewski	Radar	Yes	Visual
Position of target	05° 04.90 S & 072° 31.50 E			
Course	357			
Speed	5.5 knots			
Range	7.0 nm			
Bearing	148°			
<u>Comments:</u>				
Fisheries Pennant and Sierra Quebec 3 Raised	06/11/2022 17:30	(DD/MM/YY HH:MM)		
Vessel called on VHF CH16 and MF 2182.0	08/11/2022 06:57	(DD/MM/YY HH:MM)		
Target requested to stop and prepare for boarding	08/11/2022 06:59	(DD/MM/YY HH:MM)		
Response to request for boarding	Yes			

### 3. LAUNCHING OF RHIB

Time RHIB launched	08/11/2022 06:48 (DD/MM/YY HH:MM)	
RHIB Crew ( <i>names</i> )	Steven Pickett, Terence Lishman	
<u>Comments on the approach to the FV:</u>		
The FV was heading consistently northward from sighting the FV to intercepting it with the WB231. As the WB231 approached the FV stopped and turned. The WB231 circled the FV twice before approaching port side. The captain was identified and a piece of rope was asked to be removed from the water. The SFPO and BPV crew assistant boarded from the starboard side.		
Photographic Evidence Collected (See Annex 1).	Port	PB080002
	Starboard	PB080006
	Stern	PB080007
	Fishing gear	
	Other	ECDIS 1 to ECDIS 4

### 4. BOARDING DETAILS

Date and time vessel boarded	08/11/2022 07:01 (DD/MM/YY HH:MM)		
Position vessel boarded	Starboard		
BPV crew assisting	William Farquhar		
Language spoken	Sinhalese, Some English.		
Language Cards used Y/N	Y	Numbers used	BC 1 to 18

### 5. CREW DETAILS

Captain's name	W.A.R.K Fernando		
Captain's nationality	Sri Lanka		
Captain's address	515 D/1, BARUDELPOLA, THODUWAWA		
Captain's D.o.B	29/06/1978		(DD/MM/YY)
Number of crew (inc. Captain)	7		
Nationality of Crew	SRI LANKA		
Are any crew under 18 (Y/N), if 'Y' provide details below	Y		
Do any crew have health issues (Y/N), if 'Y' provide details below.	N		
<u>Health issue details:</u>			
Photographic Evidence Collected	Captain ID	PB080019	



(See Annex 1).	Other crew ID	PB080022 to PB080028 and PB080031 to PB080035
	Other	PB080111, PB080015 and PB080017

## 6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	HOLY TRINITY		
International Callsign	4SF5559		
Flag State	SRI LANKA		
Authorisation to Fish/Fishing Licence No.	22HSIMUL2161CHW (HIGH SEAS LICENSE)		
Valid from / to (dd/mm/yyyy)	2022-02-01 to 2023-01-07		
Port of Registration	Negombo		
Registration Number	IMULA0869CHW		
FV owner name and details (as per licence)	W.M.A.S FERNANDO, 165 THODUWAWA SOUTH. National Identity Card No: 712981636V		
Fishing logbook No.	LB-17 4350		
Issuing Authority	Department of Fisheries and Aquatic Resources, Colombo, Sri Lanka		
Date of last entry (dd/mm/yyyy)	20/07/2022		
Position of last entry	19		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	Y. (Port written In Sinhalese). Captain stated that last port was "Dikovita"		
Insurance documentation (Y/N)	Y		
Names and addresses of owners	W.M.A.S FERNANDO, 165 THODUWAWA SOUTH. National Identity Card No. 712981636V		
Overall length (ft/m)	14.6304 m	Engine Power (KW/hp)	300 hp
Other paperwork:	<i>National Fishing License, Maritime License (Communications)</i>		
Photographic Evidence Collected (See Annex 1).	Licence	PB080059	
	Logbook	PB080071, PB080075, PB080076, PB080081	
	Boat Departure/Exit	PB080061, PB080063. PB080064, PB080066	
	Other	PB080068, PB080046 to PB080050, PB080054	

## 7. INTERVIEW WITH CAPTAIN

Time of interview	07:16	(HH:MM)
-------------------	-------	---------

Travelling to or from fishing grounds?	From
Port and date of departure	Dikovita 23/09/2022
Total amount of fish onboard (t)	35 fish (SFPO @350Kg)
If fish onboard where caught?	Outside BIOT
If fish onboard when caught?	
If fish onboard how caught?	Longline
Destination	Colombo
Next port of call	
ETA	(DD/MM/YY)

Comments:

At 07:03 the captain read BC 3. The chart plotter was photographed for its GPS position and the Boarding location confirmation report was signed by the captain and a crew member. 4 fishing locations were observed to have been plotted on the chart labelled 0 to 3.

At 07:16 the captain read BC 5. The captain pointed to the VMS and he then pointed to a yellow sack on the floor and stated "Battery no charge". The bag contained an alternator. The alternator was removed and photographed. It was noted that the chart plotter was on for the duration of the inspection and this was photographed by the SFPO on entering the bridge at 07:02 for the Boarding location confirmation report).

The radio was switched on at 07:22 when the captain read BC 6 and BC 7. It was functional and photographed working. The VMS monitoring unit had no lights showing. It had no power. It was photographed. BC 8 was also read at 07:22.

At 07:29 the captain produced the National Fishing Logbook. The last entry was 05/06/2022.

At 07:35 the captain read BC 11. The SFPO referred to the Boat departure form and the captain agreed that the last signature and entry was on the 23/09/2022 by coastguard.

At 07:36 the captain read BC 10. He muttered "Dikovita".

At 07:40 the captain read BC 12. He stated that he was going to "Sri Lanka".

At 07:42 the captain read BC 13. He stated he had 35 fish onboard. He then pointed to all the red tracks at the bottom of the chart which showed they may have been caught in the north, despite the FV coming from the south and being a considerable distance from them. The SFPO asked why he had no tracks in BIOT and he stated because the alternator was broken.

**8. VESSEL INSPECTION**

Fishing gear type	Longline
<u>Comments</u>	
All gear appeared to be on deck and adequately stored.	
Catch onboard (estimated/reported t)	0.2 / 0.35

IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	
Description of catch	Predominantly Yellow fin tuna (YFT). All catch on ice. Small quantity of Bank fish <i>Lethrinus mahsena</i>		
<u>Comments</u>			
<p>At 07:46 the captain read BC 14 and the SFPO was shown the hold. The SFPO photographed the hold. The SFPO noted that on the floor of the hold between the storage areas that 3 tuna had loose ice thrown over them to cover them and that they were not stored properly (in plastic bags). The compactness, hardness, colour and quality of the ice indicated that this had been done very recently (Image: PB080092). The SFPO asked for a bait container (photographed at 07:54), a white sack containing fish on ice and 2 tunas to be brought up onto deck. The sack contained 4 large Sky emperor, <i>Lethrinus mahsena</i>, indicative of fishing from the bank on sea grass beds (due to their colour). Due to their size, colour and gill colour (freshness 2) it was considered that the only place they could have been caught was Great Chagos Bank on extensive areas of seagrass known to home large <i>Lethrinus mahsena</i>. The closest location is south of Nelson Island, the direction from which this fishing vessel was travelling.</p> <p>NB: Inspection report 015AJK. The FV inspected 06/11/2022 to 07/11/2022 departed Sri Lanka around the same time as this FV and also had a VMS problem and was inspected NE of Nelson.</p>			
Photographic Evidence Collected (See Annex 1).	Gear	PB080087, PB080088, PB080089, PB080112, PB080113	
	Catch	PB080101, PB080092	
	Hold	PB080091, PB080092, PB080093, PB080098, PB080099, PB080101, PB080106, PB080109.	
	Other	PB080108.	

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

Ordinance Section	Yes/No	Non-Compliant (X)
<b>Section 5 (1(c)).</b> Are there any sea cucumbers or molluscs on board?	No	
<b>Section 6 (1(a)).</b> Is the vessel fishing using prohibited fishing gear?	Yes	x
<b>Section 6 (2).</b> Is the vessel in possession of prohibited fishing gear?	Yes	x

<b>Section 7 (1).</b> Is the vessel fishing without a license?	Yes	x
<b>Section 9 (1).</b> Is all fishing gear stowed and not readily available for use for fishing?	Yes	
<b>Section 16.</b> 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	
<b>Other:</b>		
<u>Comments</u> Boat departure form indicates that gear was marked. When inspected, no fishing gear was marked.		

**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)

<b>IOTC Resolution</b>	<b>Yes/No</b>	<b>Non-Compliant (X)</b>
<b>19/04 2.</b> Is the vessel authorised to fish in the IOTC area of competence?	Yes	
<b>19/04 11. c)</b> For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?	Yes	
<b>19/04 11. d)</b> Is the AFV engaged in or associated with IUU fishing?	Yes	x
<b>19/04 11. e)</b> 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?	Yes	x
<b>19/04 17. a) (i).</b> Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	No	x
<b>19/04 17. a) (ii).</b> Does the vessel carry documents with the vessel name?	Yes	
<b>19/04 17. a) (iii)</b> Does the vessel carry documents of Port of Registration and registered number?	Yes	
<b>19/04 17. a) (iv)</b> Does the vessel carry documents detailing its International callsign?	Yes	



IOTC Resolution	Yes/No	Non-Compliant (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).	No	x
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?	Yes	
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.	No	x
15/03 1: Does the vessel have VMS on board?	Yes	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	No	x
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))	No	x
15/03 9. Is the VMS not working due to technical failure?		
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	No	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board		
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?		
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?		
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with		

IOTC Resolution	Yes/No	Non-Compliant (X)
Resolution 15/01?		
<b>17/05 2. and 3 a)</b> 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?		
<b>17/05 2 and 3 b)</b> For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?		
<b>17/05 5.</b> Have shark fins been removed from the carcass?		
<b>12/09 2.</b> Are there any parts or whole carcass of thresher sharks on board?		
<b>19/04 11. b)</b> Does the AFV comply with all relevant IOTC CMMs?	No	x
<u>Comments</u>		

### 11. SFPO ACTIONS TAKEN

Vessel and Master detained and escorted to DG	
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed	Yes
Master given verbal warning and released	Yes
No further action, vessel released	
<u>Comments:</u> Instructed to leave BIOT waters immediately.	

### 12. DISEMBARKATION and RECOVERY

Time FV disembarked	08:13	(HH:MM)
Time RHIB recovered to the BPV	08:20	(HH:MM)
<u>Comments:</u>		

### 13. VESSEL RECORDS and HISTORY





Vessel on IOTC register (Y/N)	Y	IOTC number	17164
Date authorised from	01/02/2022	Date authorised to	07/01/2023
Vessel currently authorised to fish in IOTC area of competence (Y/N)			Y
Version of IOTC database referenced:			
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	N	Inspection report ID	
Owner previously boarded (Y/N)	N	Inspection report ID	
Crew previously boarded (Y/N)	N	Inspection report ID	
<u>Comments:</u>			

**Alastair King**  
**08/11/2022**  
**BIOT Senior Fisheries Protection Officer**

Figure 1. FV *Holly Trinity* position in BIOT waters



Figure 2: FV *Holly Trinity* from Starboard Side.



Figure 3. FV *Holly Trinity* from the stern.



Figure 4: High Seas Fishing License for FV *Holly Trinity*

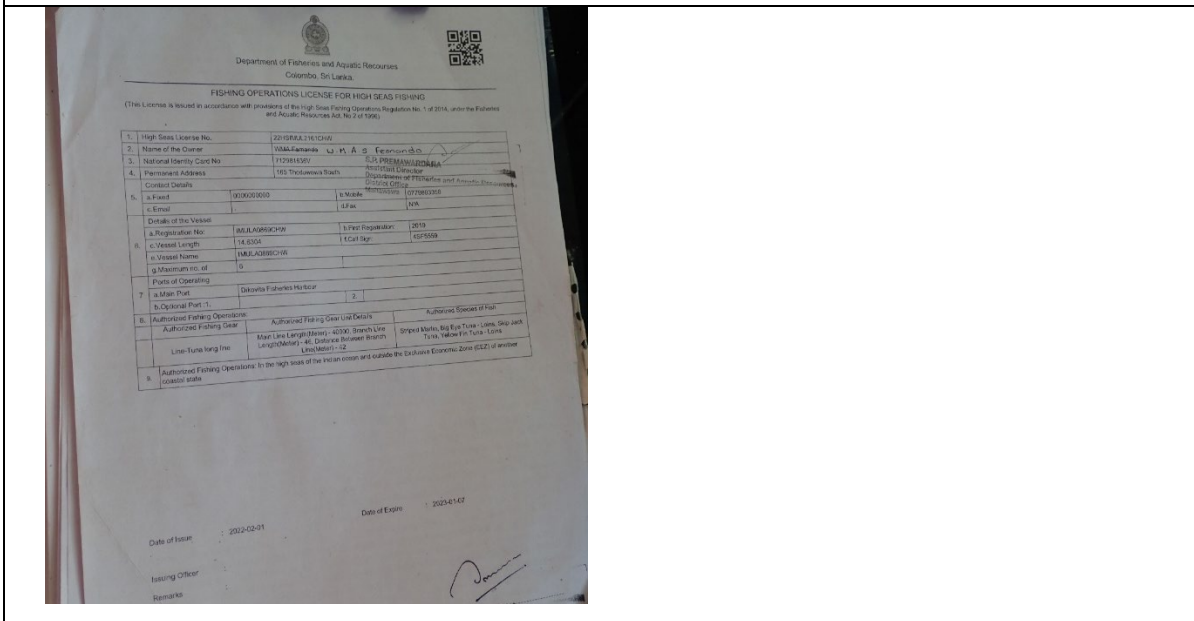


Figure 5: W.A.R.K. Fernando's Skipper License



Figure 6: Tuna (Yellow fin tuna). From hold of FV *Holly Trinity*





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

17 November 2022

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

Dear Mr Kahawatta,

**Notification of vessel inspection on Sri Lankan Flagged vessel in BIOT waters: HOLLY TRINITY (IMUL-A-0869-CHW), IOTC No. 17164.**

On 8<sup>th</sup> November 2022 the Senior Fisheries Protection Officer boarded and inspected the vessel HOLLY TRINITY (IMUL-A-0869-MTR). Although the gear was stowed, the vessel appeared to have fresh fish on board and apparent fishing tracks on the plotter. In addition had not submitted a transit report and although it did have a VMS on board it was not working due to a faulty alternator. The vessel did have a national logbook on board but there had been no entry into it since 05/06/2022

An inspection report for the vessel is attached.

We would be grateful if you could investigate the activities of this vessel regarding any fishing outside in BIOT 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

Balraj Dhanda  
BIOT Administrator, Director of Fisheries

Dr C. C. Mees  
UK Delegation to IOTC

Attachment: Inspection Report for vessel IMUL-A-0869-CHW (more photos are available on request).



21 March 2023

**IOTC REF: IOTC2023-087**

Mrs Kalyani Hewapathirana  
Head of Delegation  
Department of Fisheries

[hewakal2012@gmail.com](mailto:hewakal2012@gmail.com)

Dear Madam,

**Notification of presumed illegal fishing activities by the Sri Lankan flag vessel, IMUL-A-0869-CHW**

Please find attached a letter that I have received from the United Kingdom, on a duly completed IOTC IUU Reporting Form and an Inspection Report, that indicates illegal fishing activities have been undertaken by the Sri Lankan flag vessel, IMUL-A-0869-CHW.

As requested in Section D of the IOTC IUU Reporting Form, through this letter, I therefore, notify Sri Lanka of the presumed illegal activities of the Sri Lankan flag vessel, IMUL-A-0869-CHW.

Please note that the information in the attached document will be submitted for the attention of the forthcoming Compliance Committee meeting and Sri Lanka will have the opportunity to respond at that time.

Yours sincerely,

Christopher O'Brien  
Executive Secretary

cc. Head of delegation of the UK to the IOTC  
Mr J. Moir Clark  
Chair and Vice Chair of the IOTC Compliance Committee



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

10 February 2023

cc. Dr Indra Jaya, Chair of the Compliance Committee; Mr Zahor El Kharousy, Vice Chair CoC  
Dr S. Pandey; 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-9070 (AVE MARIYA)**

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 IOTC Conservation Management Measures for the Indian flagged vessel IND-TN-15-MM-9070 (AVE MARIYA).

This vessel was included on the IOTC IUU vessels list in May 2022. At that time no physical boarding of the vessel had been possible due to Covid Protocols and no details of its registration were available. The current boarding on 25<sup>th</sup> January 2023, made by the same Senior fisheries Officer as in 2022, obtained registration documents. The vessel Captain was the same as on previous inspections in 2022 and the SFPO confirmed the vessel to be the same. The vessel registration dates from 30/07/2022 (see Figs 5 and 6 of the Inspection Report).

The attached evidence shows that:

- The vessel was not on the current IOTC Record of Authorised Vessels and was unauthorised to fish.
- The vessel was boarded and inspected on 25 January 2023. The vessel was fishing illegally without a licence within BIOT waters. The current inspection was the third in BIOT waters
- The vessel did not submit a transit report prior to entry into the FCMZ; it had no VMS present onboard.
- Species identified from hold inspections included IOTC managed species, swordfish (*Xiphias gladius*)
- UK notified the details of this vessel to India on 2 February 2023.

As this vessel is already IUU listed we submit this vessel to IOTC Compliance Committee with recommendation **b) 'Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.'**

We highlight this case to the Compliance Committee. This case demonstrates a complete disregard by India of IOTC Conservation Management Measures and a failure to implement flag State Controls. To date, India has provided no evidence of the actions it has taken against this IUU listed vessel. Not only has it not impounded this vessel, the vessel was registered after the IUU listing.

It is clear that India is unable to effectively implement its flag State Controls and provides no evidence that it is able to take effective action in response to IUU fishing activities, including

prosecution and imposition of sanctions of adequate severity to be effective in securing compliance and deterring further infringements. We call on India to provide a detailed explanation as to how this vessel, IND-TN-15-MM-9070 (AVE MARIYA) is still able to fish despite being IUU listed, and to respond to the points set out on page 2 of the document 'Draft IUU Vessel List, Attachment 1 - Additional Information – UK'.

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 'J. Moir Clark', with a stylized flourish at the end.

Mr J. Moir Clark

UK Delegation to IOTC

Enclosed: IOTC Reporting form for Illegal Activity, INDTN15MM9070 (AVE MARIYA)



**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)	AVE MARIYA INDTN15MM9070
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	No.17 May, 2022
d	Lloyds IMO Number, if available	Unk
e	Photo	Yes, See Appendix II
f	Call Sign (previous call sign, if any)	Unk
g	Owner (previous Owner/s, if any)	Jerin Charles S/O Bosco
h	Operator (previous Operator/s, if any) and Master/Fishing Master	Jerin Charles S/O Bosco
i	Date of alleged IUU fishing activities	25/01/2023
j	Position of alleged IUU fishing activities	-05 °.06.18' S; 071 °.52.33' E
k	Summary of alleged IUU activities (see section B for more detail)	(a).Not on RAV (h).Fishing in coastal state waters without authorization. (j).Incorrect makings (k).Contravention of IOTC CMMs (e.g. VMS)



1	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	See Appendix I
m	Outcome of actions taken	Reported to Flag state No Action

## 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 <a href="#">Resolution 19/04</a> ], 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	X
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	X
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	X
k.	engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures;	X

**C. Associated Documents**

Appendix I – Inspection Report

Appendix II – Photographs.

Appendix III – UK letter to India dated 02<sup>nd</sup> February, 2023

*Recommended Actions*

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

**1. SUMMARY**

Date of boarding	25/01/2023
Patrol type and number	FIPA135
Vessel name	Ave Mariya
Vessel type	Longline/Gillnet (registered as Gillnetter)
Vessel flag and port of reg.	India, Colachel
Vessel Registration No.	IND-TN-15-MM-9070
IOTC# (if registered)	not registered
Vessel Captain's name	Jerin Charles S/O Bosco
SFPO	Caradoc Jones
BPV crew assisting	

Action Taken: This is the third inspection of this vessel. The same skipper/owner has been on board for the latest inspections. Not very forthcoming with documentation. This vessel has been fishing around the GCB for at least one week. The onboard informal diary recording dates, positions, conditions and catches corroborate this along with discussion with the Captain plus gear locations marked on the GPS plotter - see Fig. 4. The vessel is already on the IOTC IUU list but with very few details - those are provided from this inspection (ownership etc). The vessel is using wire trace as was volunteered by the captain. It is made on board - see Fig 8 in accompanying photographic evidence. Fresh catch on board as well as iced catch in the iced holds. Swordfish (*Xiphias gladius*) amongst the catch. Given verbal warning not to fish and to leave the FCMZ. The two previous inspections and reports were:

- 1) 'Inspection\_Report\_CJ005\_T6\_24\_AVE\_MARIYA\_07\_03\_2022. Also obstructive in terms of providing documentation on that occasion as well. Same skipper / owner.
- 2) Inspection\_Report\_RD008\_AVEMARIYA\_20042021.

Photographic evidence from previous reports matched the vessel.

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

Date and time of first sighting	25/01/2023 05:30 (DD/MM/YY HH:MM)		
Sighted by: ( <i>insert name</i> )	David Lang	Radar or Visual	Both
Position of target	-5.7700 72.2500		
Course° degs.	44		
Speed kts.	01.40		
Range nm	08.00		
Bearing° degs.	331		
<u>Comments:</u> One of four FVs sighted in the vicinity during early morning.			
Fisheries Pennant and Sierra Quebec 3 Raised	25/01/2023 12:42		(DD/MM/YY HH:MM)
Vessel called on VHF CH16 and MF 2182.0	25/01/2023 12:58		(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	25/01/2023 12:58		(DD/MM/YY HH:MM)
Response to request for boarding	Vessel hove to		

**3. LAUNCHING OF RHIB**

Time RHIB launched	25/01/2023 12:42 (DD/MM/YY HH:MM)		
RHIB Crew ( <i>names</i> )	Gerald Harvey, Jerzey Szostek		
<u>Comments on the approach to the FV:</u> Other vessels in the area began to move away. It was decided to focus on this vessel because it was known to have both been in the area for some time and had also been inspected in the past.			
Photographic Evidence Collected (See Annex 1).	Port	7	
	Starboard	4	
	Stern	3	
	Fishing gear	16	
	Other	56	

**4. BOARDING DETAILS**

Date and time vessel boarded	25/01/2023 13:25	(DD/MM/YY HH:MM)	
Position vessel boarded	-5.8307 72.1634		
BPV crew assisting			
Language spoken	English (good)		
Language Cards used Y/N	Y	Numbers used	17,18,20

**5. CREW DETAILS**

Captain's name	Jerin Charles S/O Bosco		
Captain's nationality	Indian		
Captain's address	111-9-149B, JOTHI ILLAM, THOOTHOR		
Captain's D.o.B	27/07/1972	(DD/MM/YY)	
Number of crew (inc. Captain)	8		
Nationality of Crew	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		
Health issue details: _____			
Photographic Evidence Collected (See Annex 1).	Captain ID	2	
	Other crew ID	1	
	Other		

**6. VESSEL DOCUMENTS and REGISTRATION**

Vessel Name	Ave Mariya
International Callsign	none
Flag State	India
Authorisation to Fish/Fishing Licence No.	No documents
Valid from / to (dd/mm/yyyy)	n/a
Port of Registration	Colachel
Registration Number	IND-TN-15-MM-9070
FV owner name and details (as per licence)	Jerin Charles S/O Bosco
Fishing logbook No.	No official Logbook. Unofficial diary.
Issuing Authority	n/a
Date of last entry (dd/mm/yyyy)	15/01/2023

Position of last entry	5° 58' S 72° 04'E 10/01/2023 with catch and conditions.		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	N		
Insurance documentation (Y/N)	Y. Current but not valid beyond 50nm of Indian Coast.		
Names and addresses of owners	Jerin Charles S/O Bosco, 111-9-149B, JOTHI ILLAM, THOOTHOR		
Overall length (m)	20.90	Engine Power (hp)	180.0
Other paperwork:	Informal diary with positions, conditions & catch.		
Photographic Evidence Collected (See Annex 1).	Licence		no licence
	Logbook		no logbook
	Boat Departure/Exit		no forms
	Other		2, Cert of Reg. 3, Insurance. 5, diary.

**7. INTERVIEW WITH CAPTAIN**

Time of interview (discussion)	14:05 (not a formal interview)	(HH:MM)
Travelling to or from fishing grounds?	No. Fishing here in the BIOT FCMZ.	
Port and date of departure	Cochin 28/12/2022	
Total amount of fish onboard (t)	Unknown	
If fish onboard where caught?	In this area. GCB.	
If fish onboard when caught?	Since 07/01/2023	
If fish onboard how caught?	Longline. (but handline also recorded in diary for catch 14/01/2023)	
Destination	Cochin	
Next port of call	Cochin	
ETA	unk	(DD/MM/YY)
<u>Comments:</u> Not forthcoming with additional documentation. Fishing using longline with wire trace. Reported by Captain as not using gill nets (though noted as unstowed) because they snag. They were monitoring the BPV VHF channel 74 on their radio, their working frequency is channel 65.		

**8. VESSEL INSPECTION**

Fishing gear type	Longlines, nets, handlines. Wire Trace present.
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<u>Comments</u> Nets unstowed, Dan-buoys in deployment stance, snoods ready for attachment, wire trace being made aboard.			
Catch onboard (estimated/reported t)		2.200	
IOTC species onboard (Y/N)	Yes (SWO)	Endangered species onboard (Y/N)	Unk
Description of catch	Swordfish, shark spp., ray sp., red snapper, groupers and emperors .		
<u>Comments</u> Fresh catch in hold in addition to frozen catch.			
Photographic Evidence Collected (See Annex 1).	Gear	16	
	Catch	16	
	Hold	16	
	Other	11 (fresh catch in hold), 2 wire-trace.	

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

Ordinance Section	Yes/No	Non-Compliant (X)
<b>Section 5 (1(c)).</b> Are there any sea cucumbers or molluscs on board?	No	
<b>Section 6 (1(a)).</b> Is the vessel fishing using prohibited fishing gear?	Yes (verbal admission (Captain) and gear positions shown on plotter)	X
<b>Section 6 (2).</b> Is the vessel in possession of prohibited fishing gear?	Yes	X
<b>Section 7 (1).</b> Is the vessel fishing without a license?	Yes	X
<b>Section 9 (1).</b> Is all fishing gear stowed and not readily available for use for fishing?	No	X
<b>Section 16.</b> 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?	Yes (captain only prepared to show limited documents)	X
<b>Other:</b>		
<u>Comments</u> Two other previous inspections in BIOT.		

**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)
<b>19/04 2.</b> Is the vessel authorised to fish in the IOTC area of competence?	No	X
<b>19/04 11. c)</b> For AFVs, are valid certificates of vessel registration and valid authorisation to fish/tranship present on board?	Not an AFV	
<b>19/04 11. d)</b> Is the AFV engaged in or associated with IUU fishing?	Not an AFV	
<b>19/04 11. e)</b> 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?	Not an AFV	
<b>19/04 17. a) (i).</b> Does the fishing vessel carry a licence, permit or authorisation to fish with terms and conditions attached?	No	X
<b>19/04 17. a) (ii).</b> Does the vessel carry documents with the vessel name?	Yes	
<b>19/04 17. a) (iii)</b> Does the vessel carry documents of Port of Registration and registered number?	Yes	
<b>19/04 17. a) (iv)</b> Does the vessel carry documents detailing its International callsign?	No	X
<b>19/04 17. a) (v)</b> Does the vessel carry documents with names and addresses of owner(s) or charterer?	Yes	
<b>19/04 17. a) (vi)</b> Does the vessel carry documents detailing overall length?	Yes	
<b>19/04 17. a) (vii)</b> Does the vessel carry documents detailing engine power, in KW/horsepower?	Yes	
<b>19/04 18.</b> 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	
<b>19/04 19. b)</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
<b>19/04 20.</b> Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	No	X

IOTC Resolution	Yes/No	Non-Compliant (X)
<b>15/01 3.</b> Does the logbook record data that meets the minimum requirement for data and information set out in Annex I, II and III.	No	X
<b>15/03 1:</b> Does the vessel have VMS on board?	No	X
<b>15/03 7. and 9. (see Annex 1)</b> Is the VMS fully operational?	n/a	
<b>15/03 8. and 9. (see Annex 1)</b> Is the VMS tamper resistant (not capable of being over-ridden – see 15/03 Paras 8 a) and b))	n/a	
<b>15/03 9.</b> Is the VMS not working due to technical failure?	n/a	
<b>17/07 4.</b> Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	No	
<b>12/04 8. a)</b> Does the vessel have line cutters and turtle de-hookers on board	unk	
<b>19/03 3.</b> Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	Unk	
<b>18/02 2.</b> Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	NA	
<b>18/05 7.</b> Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	NA	
<b>17/05 2. and 3 a)</b> 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?	Yes (stated as whole & ungutted, and small fresh catch was)	
<b>17/05 2 and 3 b)</b> For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?	Yes (stated as whole & ungutted, frozen catch not checked in detail)	
<b>17/05 5.</b> Have shark fins been removed from the carcass?	No (no fin removal seen)	
<b>12/09 2.</b> Are there any parts or whole carcass of thresher sharks on board?	Unk	
<b>19/04 11. b)</b> Does the AFV comply with all relevant IOTC CMMs?	No	X
<u>Comments</u>		

**11. SFPO ACTIONS TAKEN**

Vessel and Master detained and escorted to DG	
FPN issued and catch and gear seized	
IOTC Reporting Form to be completed	X
Master given verbal warning and released	X
No further action, vessel released	
<u>Comments:</u> . Swordfish was photographed and recorded in the catch - IOTC species.	

**12. DISEMBARKATION and RECOVERY**

Time FV disembarked	15:45	(HH:MM)
Time RHIB recovered to the BPV	16:00	(HH:MM)
<u>Comments:</u>		

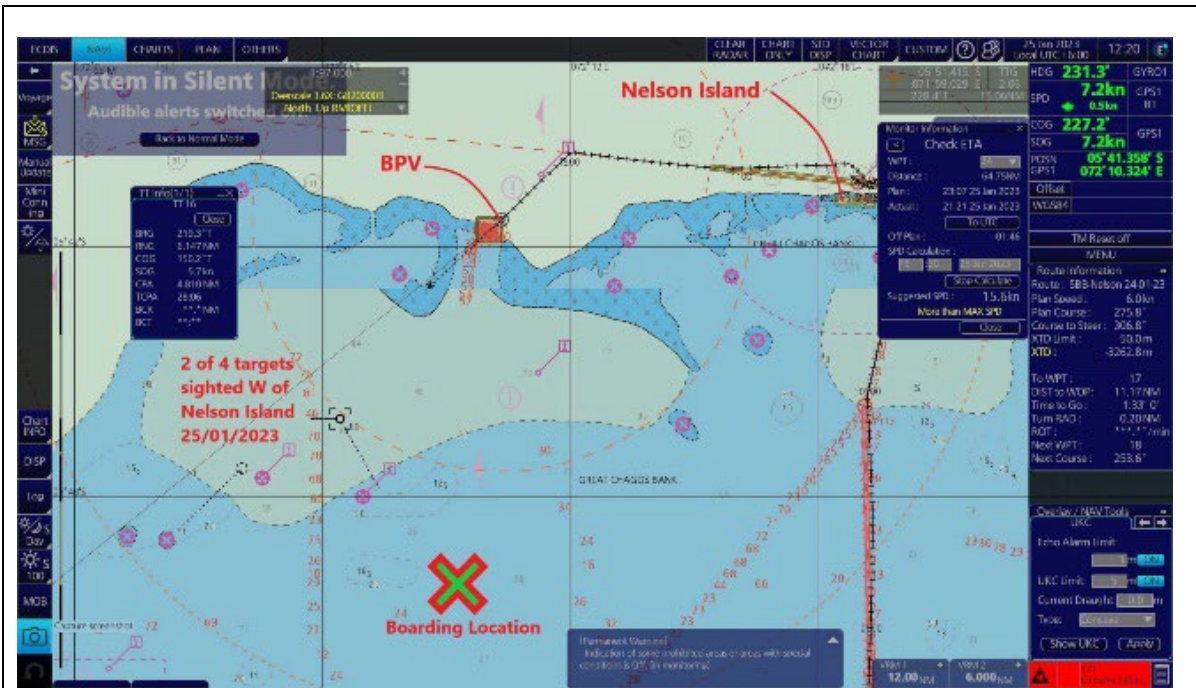
**13. VESSEL RECORDS and HISTORY**

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:		MRAG update	
Vessel previously boarded (Y/N)	Y	Inspection report ID	'Inspection_Report_CJ005_T6_24_AVE_MARIYA_07_03_2022_v2'. AND Inspection_Report_RD008_AVEMARIYA_20042021
Master previously boarded (Y/N)	Y	Inspection report ID	Inspection_Report_CJ005_T6_24_AVE_MARIYA_07_03_2022_v2'.
Owner previously boarded (Y/N)	Y	Inspection report ID	'Inspection_Report_CJ005_T6_24_AVE_MARIYA_07_03_2022_v2'.
Crew previously boarded (Y/N)	unk	Inspection report ID	
<u>Comments:</u> Same skipper/owner on board for the last inspection on 07/03/2023. Informal diary and plotter record dates, and positions of gear deployments and catch.			

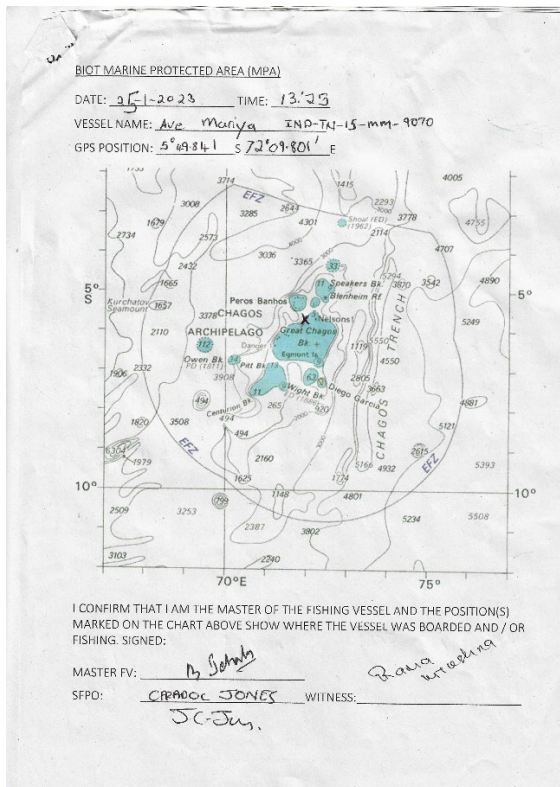
**Caradoc Jones**

**02/02/2023**

**BIOT Senior Fisheries Protection Officer**



[Fig.1] Annotated ECDIS overview 25/01/2023 12:20 Local time



[Fig.2] Boarding location confirmation.



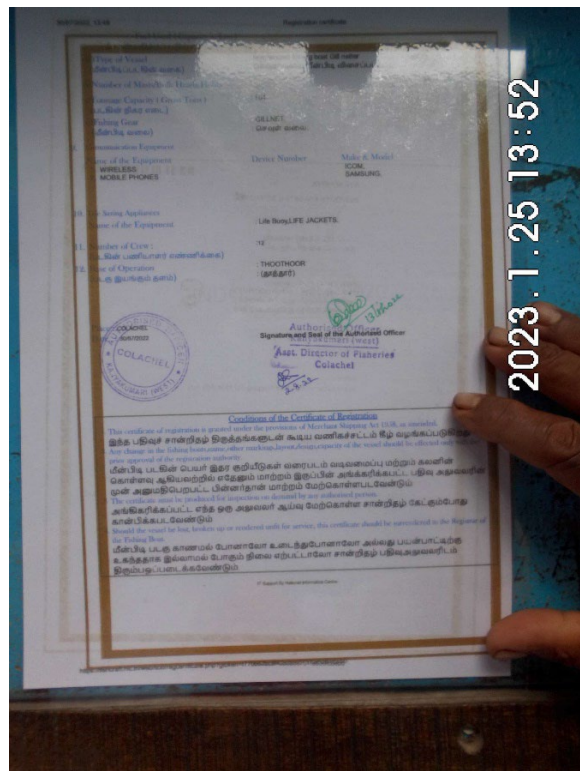
[Fig 3.] GPS / AIS TX RX combination, with confirmation of vessel position.



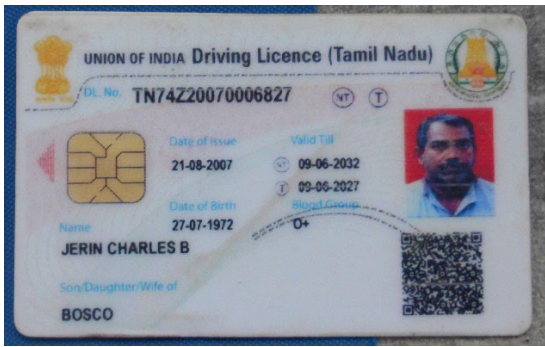
[Fig.4] Second GPS / AIS combination unit with gear deployments marked



[Fig.5] Certificate of Registry 1 of 2.



[Fig.6] 'Certificate of Registry 2 of 2.



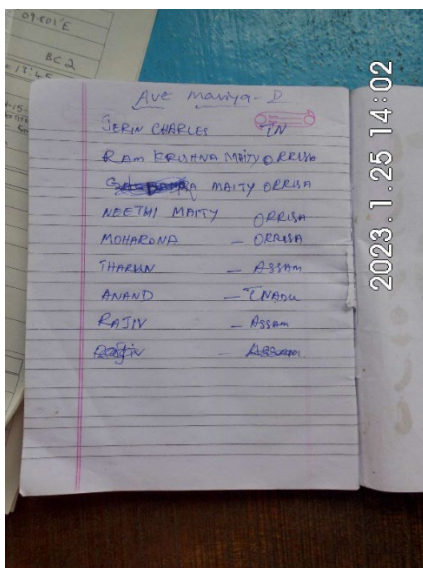
[Fig.7] Owner / Captain driving licence confirming identity.



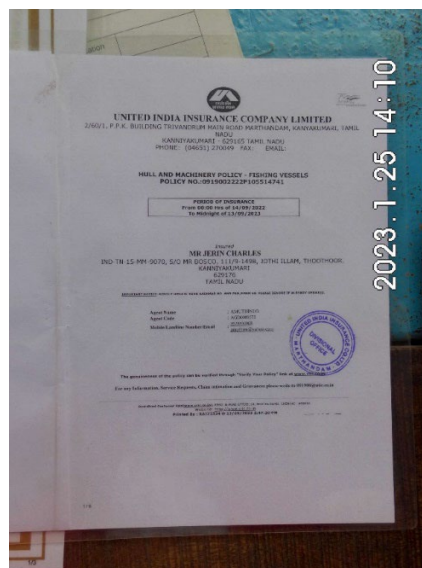
[Fig.8] Owner / Captain Jerin Charles with wire trace



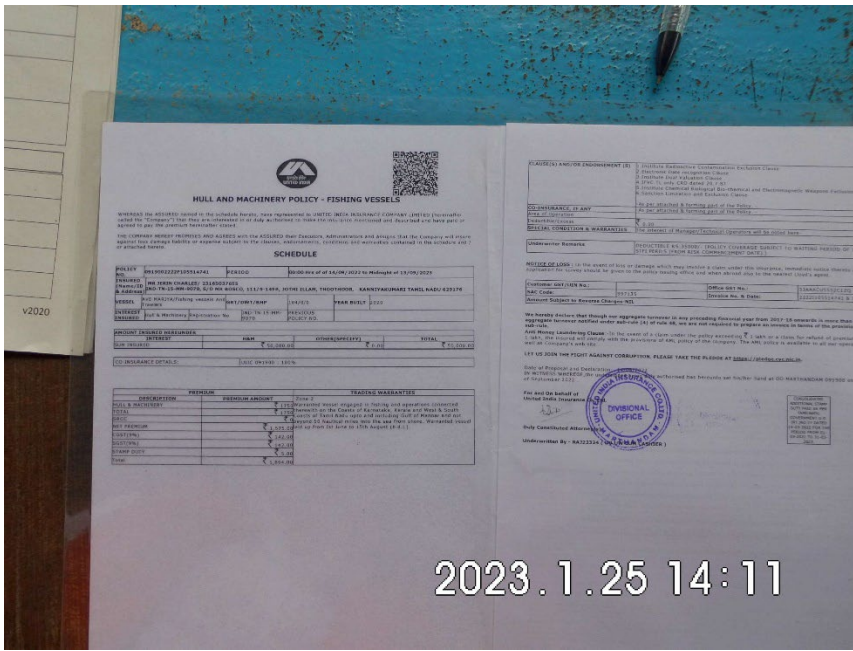
[Fig. 9] All eight crew of Ave Mariya. Captain third from left.



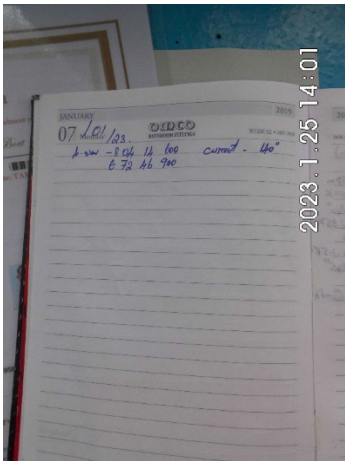
[Fig. 10] Crew list.



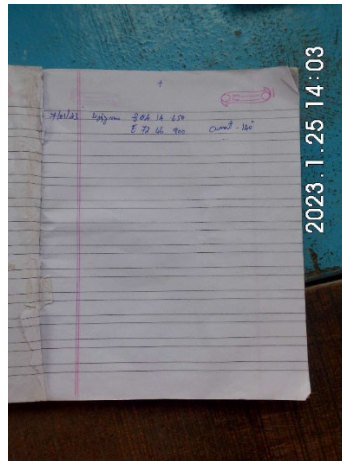
[Fig.11] Insurance Policy for Indian Coastal areas.



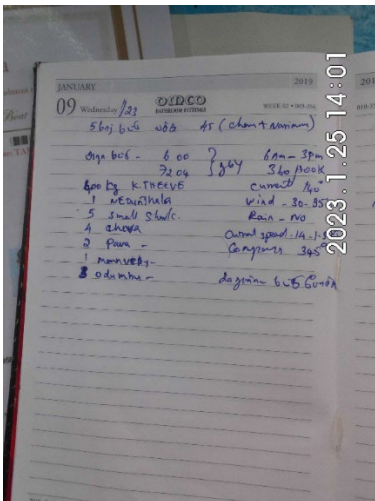
[Fig.12] Insurance warranty limits it to 50nm from Indian Coast.



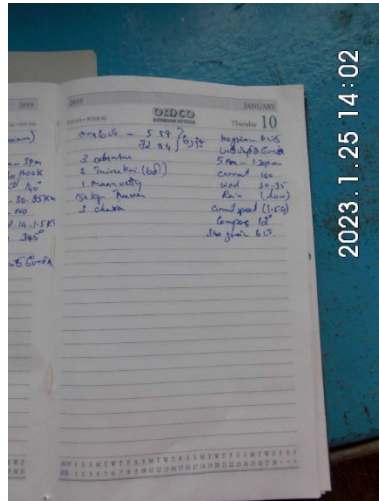
[Fig.13] Position Log 07/01/23, within BIOT



[Fig.14] Position Log 07/01/23, within BIOT

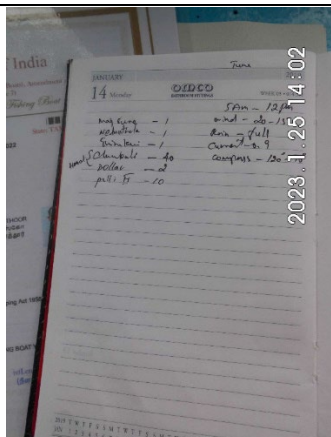


[Fig.15] Catch log 09/01/2023 lists common names

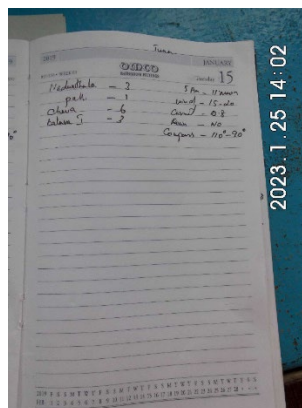


[Fig.16] Pos Log 10/01/23, within BIOT + catch





[Fig.17] Catch log 14/01/2023 lists common names



[Fig.18] Catch log 15/01/2023 lists common names



[Fig.19] Ave Mariya, stern



[Fig.20] Ave Mariya, port side. Dan buoys in deployment stance.



[Fig.21] Port Bow, ID #, Name and dan-buoys in deployment stance.



[Fig.22] Starboard Bow, ID #, Name



[Fig.23] Dan Buoys lights / AIS attached pre/post deployment. No vessel markings.



[Fig.24] Unstowed nets, sea anchor & BIOT patrol daughter craft.



[Fig.25] Roof with fishing light set.



[Fig.26] AIS transponders 'A', '0' & '1'. No vessel markings.



[Fig.27] Anchors



[Fig.28] Wire trace made on board.



[Fig.29] Fresh catch: *Epinephelus chlorostigma*



[Fig.30] Fresh catch: *Lutjanus bohar*



[Fig.31] Catch in hold: *Aethaloperca rogaa*



[Fig.32] Shark spp



[Fig.33] Ice holds



[Fig.34] Bay 1: Shark spp.



[Fig. 35] Bay 2: Shark spp.



[Fig.36] Bay 3: Shark spp.



[Fig.37] Swordfish (*Xiphias gladius*)



[Fig.38] Ray spp ~ 1.5m.

Sanjay Pandey  
AC(Fy); DoF, GoI

2 February 2023

cc: Dr.P.Paul Pandian, Fisheries Development Commissioner, Government of India; Mr. J. Balaji, Ministry of Fisheries, Animal Husbandry and Dairying; Thiru Anitha R. Radhakrishnan, Minister for Fisheries – Fishermen Welfare and Animal Husbandry, Tamil Nadu; Thiru A. Karthik, IAS., Principal Secretary to Government, Fishermen Welfare and Animal Husbandry, Tamil Nadu

E-Mail: [sanjay.rpandey@gov.in](mailto:sanjay.rpandey@gov.in); [pl\\_pndn@yahoo.com](mailto:pl_pndn@yahoo.com); [jsfy@nic.in](mailto:jsfy@nic.in); [animalfishminister@gmail.com](mailto:animalfishminister@gmail.com); [ahsec@tn.gov.in](mailto:ahsec@tn.gov.in)

Dear Dr Pandey

**Report on the inspection of the Indian flagged vessel IND-TN-15-MM-9070 (AVE MARIYA) in the waters of the British Indian Ocean Territory (BIOT) and request for assistance.**

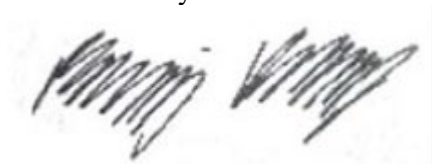
The Indian flagged vessel IND-TN-15-MM-9070 (AVE MARIYA) was boarded and inspected on suspicion of being involved in illegal activities, namely illegal fishing in BIOT waters on 25 January 2023. The vessel had been fishing in BIOT waters for at least a week and there were fresh fish on board including IOTC managed species Swordfish (*Xiphias gladius*). The vessel was not on the IOTC list of Authorised Fishing Vessels. The vessel had not submitted a transit reporting form to the BIOT Authorities. The vessel was fishing illegally without a licence within BIOT waters, and was instructed to leave BIOT waters immediately.

We note that the vessel is from Tamil Nadu. We would kindly request your assistance to recall the vessel to port immediately and notify the relevant persons in the State and 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 including any vessel monitoring system (VMS) data; 2) Following your investigation, provide us with an early indication of any legal action against the owner and Master (skippers) of the vessel that you plan to implement through the Indian / State authorities regarding any violation of the fisheries regulations of India. This would include illegal fishing in the waters of a third State, namely BIOT.

This vessel was included on the IOTC IUU Vessels List in May 2022. The vessel registration dates from 30/07/2022 (see Figs 5 and 6 of the Inspection Report) which is after the vessel was included on the IUU Vessels List and thus demonstrates a complete disregard of IOTC Conservation Management Measures and a failure to implement flag State Controls. These details will be reported to the IOTC Compliance Committee.

If you have any questions or require assistance please do not hesitate to contact us. We look forward to your cooperation. Please acknowledge receipt of this letter and attachments.

Yours sincerely



Mr Balraj Dhanda  
BIOT Administrator and Director of Fisheries



Mr J. Moir Clark  
UK Delegation to IOTC

**Attached:** Inspection Report for: IND-TN-15-MM-9070 (AVE MARIYA)



21 March 2023

**IOTC REF: IOTC2023-086**

Dr. J. Balaji  
Joint Secretary, Department of Fisheries  
Ministry of Fisheries, Animal Husbandry and Dairying  
INDIA

[jsfy@nic.in](mailto:jsfy@nic.in)

Dear Sir,

**Notification of presumed illegal fishing activities by the IUU-listed Indian flagged vessel, AVE MARIYA**

Please find attached a letter that the Secretariat has received from the United Kingdom, on a duly completed IOTC IUU Reporting Form and an Inspection Report, that indicates illegal fishing activities have been undertaken by the IUU listed Indian flag vessel, AVE MARIYA ([IND-TN-15-MM-9070](#)).

As requested in Section D of the IOTC IUU Reporting Form, through this letter, I therefore, notify India of the presumed illegal activities of the Indian flag vessel, AVE MARIYA.

Please note that the information in the attached document will be submitted for the attention of the forthcoming Compliance Committee meeting and India will have the opportunity to respond at that time.

Yours sincerely

Christopher O'Brien  
Executive Secretary

cc. Mr Sanjay Pandey  
Head of delegation of the UK to the IOTC  
Mr J. Moir Clark  
Chair and Vice Chair of the IOTC Compliance Committee