



DEMANDE DE RETRAIT D'UN NAVIRE DE LA LISTE DES NAVIRES INN

Préparé par le Secrétariat de la CTOI, 6 avril 2024

OBJECTIF

Transmettre les informations et les éléments de preuve reçus par le Secrétariat de la CTOI au Comité d'Application pour l'aider dans sa prise de décision sur :

- une demande de retrait d'un navire de la Liste des navires INN

CONTEXTE

Conformément au Paragraphe 22 de la Résolution CTOI 18/03 *Visant à l'établissement d'une liste de navires présumés avoir exercé la pêche illicite, non déclarée et non réglementée dans la zone de compétence de la CTOI* :

L'État du pavillon d'un navire figurant sur la Liste des navires INN peut demander le retrait du navire de la liste à tout moment, y compris pendant la période d'intersessions, en fournissant des informations au Secrétaire exécutif de la CTOI pour démontrer :

- i) qu'il a adopté des mesures afin que le propriétaire du navire et tous les autres ressortissants employés sur ce bateau qui se livrent à des activités de pêche ou liées à la pêche dans la zone de la CTOI pour des espèces couvertes par l'Accord CTOI se conforment à toutes les mesures de conservation et de gestion de la CTOI ; et
- ii) qu'il assume et continuera d'assumer effectivement ses responsabilités en tant qu'État du pavillon en ce qui concerne le suivi et le contrôle des activités de pêche de ce navire ; et
- iii) qu'il a pris des mesures efficaces contre le propriétaire, l'armateur et le capitaine (le cas échéant) en réponse aux activités de pêche INN qui ont abouti à l'inclusion du navire dans la Liste des navires INN, y compris des poursuites et l'imposition de sanctions de sévérité adéquate ;

ou

- b) que le navire a changé de propriétaire et que le nouveau propriétaire peut établir que le propriétaire précédent n'a plus d'intérêts opérationnels, juridiques, financiers ou réels, directs ou indirects, dans le navire ni n'exerce aucun contrôle sur celui-ci et que le nouveau propriétaire n'a pas participé à des activités de pêche INN dans les 5 années précédentes ;
ou
- c) que le navire a été coulé ou détruit ; ou
- d) que toutes les poursuites et/ou sanctions concernant le navire qui a mené des activités de pêche INN ont été conclues par la CPC proposante et par l'État du pavillon du navire.

Il est à noter que les informations et les preuves ont été reçues par le Secrétariat plus de 55 jours avant la réunion annuelle du Comité d'Application, ce qui, dans des circonstances habituelles, aurait dû faire l'objet d'un examen par la procédure intersessions de radiation. Toutefois, il a été convenu entre l'Autorité de la Thaïlande et le Secrétariat de la CTOI que la demande serait présentée à la réunion du Comité d'Application (CdA21), étant donné que la Thaïlande n'est pas l'État du pavillon du navire CHOTCHAINAVEE 35.

INFORMATIONS COMMUNIQUEES AU SECRETARIAT DE LA CTOI

Des informations et des preuves ont été reçues en ce qui concerne le navire sans pavillon, CHOTCHAINAVEE 35, qui avait été inclus dans la Liste des navires INN de la CTOI en juin 2019. Les informations et les preuves ont été soumises par la Thaïlande, qui était l'auteur de la demande d'inscription INN de ce navire. Comme l'attestent les preuves disponibles, la question relative au navire CHOTCHAINAVEE 35 a fait l'objet de poursuites pénales auprès de la Cour suprême de Thaïlande, la Cour concluant que le navire non-thaïlandais CHOTCHAINAVEE 35 avait légalement pêché dans les eaux du Puntland conformément à la législation de la République fédérale de Somalie.

RECOMMANDATION/S

Que le CdA21 :

- 1) **PRENNE NOTE** des informations soumises dans le document IOTC-2024-CoC21-07b qui l'aideront dans ses délibérations à l'égard de la demande de retrait du navire CHOTCHAINAVEE 35 de la Liste des navires INN de la CTOI.
- 2) **PRENNE NOTE** de la décision de la Cour suprême de la Thaïlande que le navire CHOTCHAINAVEE 35 était dûment autorisé à pêcher dans les eaux du Puntland.
- 3) **NOTE** que l'auteur de la demande du retrait du navire CHOTCHAINAVEE 35 de la Liste des navires INN de la CTOI n'est pas l'État du pavillon du navire.
- 4) Formule une **RECOMMANDATION** pour examen à la Vingt-huitième Session de la Commission.



N° 0511.3/2298

Department of Fisheries
Kaset Klang, Chatuchak
Phahonyothin Road
Bangkok 10900 Thailand

27 février B.E. 2567 (2024)

Cher M. Paul de Bruyn,

Objet : Demande de retrait du navire CHOTCHAINAVEE 35 de la Liste des navires INN de la CTOI

Nous vous adressons le présent courrier pour résoudre la question concernant le chalutier dénommé CHOTCHAINAVEE 35, qui avait été proposé pour inscription dans la Liste des navires INN de la CTOI par la CPC en raison de soupçons d'exercice d'activités de pêche INN dans la zone de compétence de la CTOI sans l'autorisation pertinente. En conséquence, la Commission a inclus le navire dans la Liste des navires INN de la CTOI en 2019 et la Thaïlande a, depuis lors, engagé des poursuites judiciaires à l'encontre de ce navire.

Nous vous informons que la Cour suprême a rendu sa décision finale de classer l'affaire pour ce qui concerne le navire CHOTCHAINAVEE 35. Cette décision a été prise en l'absence de preuves supplémentaires indiquant toute infraction à la législation commise par le navire. En outre, le Ministère de la pêche et des ressources marines du Gouvernement fédéral de Somalie a officiellement confirmé la légitimité de la délivrance d'une licence de pêche au navire CHOTCHAINAVEE 35 pour opérer dans les eaux somaliennes. Cette confirmation a été motivée par une demande raisonnable de l'État somalien du Puntland, comme indiqué dans la correspondance officielle. Le gouvernement de la Thaïlande a donc été invité à abandonner les poursuites relatives à la pêche INN à l'encontre du navire CHOTCHAINAVEE 35 dans les eaux somaliennes. Veuillez consulter le document ci-joint, comportant le verdict de la Cour suprême, pour plus de détails.

Au regard des informations fournies, nous vous demandons respectueusement de bien vouloir envisager de retirer le navire de pêche CHOTCHAINAVEE 35 de la Liste des navires INN de la CTOI.

En outre, nous prions le Secrétariat de bien vouloir diffuser ces informations, dans les meilleurs délais, à toutes les Parties contractantes et Parties coopérantes non-contractantes de la CTOI.

Soyez assuré de notre entière coopération.

Cordialement,


(Mr. Bancha Sukkaew)
Directeur Général

M. Paul de Bruyn
Secrétaire exécutif, Commission des Thons de l'Océan Indien
Secrétariat de la CTOI Blend Seychelles Building (2nd floor)
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Division de la gestion des flottilles et des opérations de pêche
E-mail: overc.dot@gmail.com

Note: ce qui suit est disponible en anglais seulement.

(Translation)

Attachment 1

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Judgment

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In the Name of His Majesty the King

No.3284/2564

Supreme Court

Date: 5 August 2021

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Criminal Case

-Signature-

(Miss Wisitorn Prakan)

Court Officer, Experienced Level

Between	Public Prosecutor, Office of the Attorney General	Prosecutor
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	GREEN LAUREL INTERNATIONAL SARL	First Defendant
	Mr. Supachot Sangsukiam	Second Defendant
	Miss Surakan Sangsukiam	Third Defendant
	SVG Fisheries Development Co., Ltd.	Fourth Defendant
	Mr. Wanchai Sangsukiam	Fifth Defendant
	Mr. Prawit Koedsuwan	Sixth Defendant

Subject: Offenses against the Fisheries Act

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The prosecutor filed the petition objecting the Judgment of the Court of Appeal dated 16 July 2020, and the petition was accepted by the Supreme Court on 22 April 2021.

The prosecutor sued and pleaded that the first defendant is a limited company entity registered in the Republic of Djibouti, which engages in fishing business, having the second and third defendants as the authorized directors to affix signatures and the Company's seal binding the Company; the first defendant is the owner of a fishing vessel named CHOTCHAINAVEE 35 registered in the Republic of Djibouti -- a Djiboutian trawl-type fishing vessel with a size of 398.29 gross tons; the fourth defendant is a limited company entity registered in Thailand, which engages in the fishing industry- related business serving as an agent in filing entry-exit notifications and carrying out all actions related to fishing vessels and aquatic animals on fishing vessels to government agencies in Thailand, having the second, third, and fifth defendants as the authorized directors to affix signatures and the Company's seal binding the Company; the sixth defendant is in control of the CHOTCHAINAVEE 35 fishing vessel (captain). On 5 May 2017 before midnight, the six defendants

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jointly brought CHOTCHAINAVEE 35, a non-Thai fishing vessel operating unauthorized fishing in the Federal Republic of Somalia, which is an illegal fishing, to dock at Tha Chin Port, Tha Chin Sub-district, Mueang Samut Sakhon District, Samut Sakhon Province in Thailand, which is a violation of the law. The incident took place in Tha Chin Sub-district, Mueang Samut Sakhon District, Samut Sakhon Province and all the related areas on the Gulf of Thailand. On 27 July 2017, the officials seized a vessel named CHOTCHINAVEE 35 and the fish caught from the waters of the Federal Republic of Somalia kept on board, totaling 71 items, with the total value of 26,237,880 baht, which was the property that the six defendants jointly used and obtained from committing such offences and regarded as exhibits, which were subject to punishment according to the Royal Ordinance on Fisheries B.E. 2558 (2015), Sections 94, 159, the Criminal Code, Sections 32, 33, 83, by seizure of the exhibits -- fishing vessel and aquatic animals.

All the six defendants denied the charge.

The Court of First Instance considered and ruled that all the six defendants were guilty according to the Royal Ordinance on Fisheries B.E. 2558 (2015), Sections 94, 159 in conjunction with

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the Criminal Code, Section 83, and each of the six defendants was subject to a fine of 131,189,400 baht. The attestation of the six defendants was beneficial to the trial, so the punishment was reduced to one-third per person according to Section 78 of the Criminal Code, with the remaining fine of 87,459,600 baht per person. If all the six defendants fail to pay the fine, the first and fourth defendants shall be dealt with under the Criminal Code, Section 29. Meanwhile, the second, third, fifth and sixth defendants shall be dealt with under the Criminal Code, Sections 29, 30. The third, fifth and sixth defendants shall be detained in lieu of a fine exceeding one year but not exceeding two years, and the fishing vessel and aquatic animals shall be seized.

The first to fifth defendants appealed.

The Court of Appeal's Environmental Litigation Division reversed the decision to dismiss the case.

The prosecutor filed the petition

The Supreme Court's Environmental Litigation Division has reviewed the consultation meeting report. The undisputed facts by the parties were that the first defendant was a limited company entity registered in the Republic of Djibouti with the objective of operating a fishing business, having the second and third defendants as the authorized directors to affix signatures and the Company's seal binding the Company. The second and third defendants are the children of the fifth

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defendant. The first defendant is the owner of a fishing vessel named CHOTCHAINAVEE 35 registered in the Republic of Djibouti -- a Djiboutian trawl-type fishing vessel with a size of 398.29 gross tons. The fourth defendant is a limited company entity registered in Thailand, which engages in the fishing industry- related business, having the second, third, and fifth defendants as the authorized directors to affix signatures and the Company's seal binding the Company. Meanwhile, the sixth defendant was in control of CHOTCHAINAVEE 35 fishing vessel (captain). On 25 December 2016, the first defendant ordered and arranged for the sixth defendant to take the fishing vessel CHOTCHAINAVEE 35 with its crew from Thailand at Chotchainavee Port, Mueang Samut Sakhon District, Samut Sakhon Province to the port of Bosaso, Puntland State, Federal Republic of Somalia. The first defendant requested its representative in the Puntland State to apply for a fishing license, and a fishing license was issued by the Department of Fisheries and Marine Resources, Puntland State, Federal Republic of Somalia to operate fishing from 27 February 2017 to 25 May 2017, according to a copy of the License, Document No. Jor.36, Sheet 3, together with its translation, Document No. Jor.39, Sheet 8. After that, the sixth defendant took the CHOTCHAINAVEE 35 fishing vessel to engage in fishing in the exclusive economic zone using trawls in Bosaso, the Puntland state waters,

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6-24 nautical miles from the coast of Bosaso. On 16 April 2017, the vessel returned to Thailand on the same route, leaving Bosaso, Puntland State, Federal Republic of Somalia and passing through the Straits of Malacca, Singapore Strait, and the Gulf of Thailand. In the meantime, the first defendant assigned the fourth defendant to be the representative to submit an application for permission to bring the CHOTCHAINAVEE 35 fishing vessel, a foreign fishing vessel, to dock at Tha Chin Union Port, Samut Sakhon Province to unload aquatic animals. The fourth defendant authorized Mr. Yothin Petchyothin to notify the ships entering, moving, and leaving according to the Power of Attorney, Documents No. Jor. 26 and Jor. 27. On 1 May 2017, Mr. Yothin, the representative of the fourth defendant, submitted an application to bring a foreign vessel to dock at Tha Chin Union Port to the officers at the aquatic animal checkpoint, Samut Sakhon Province by electronic mail. However, the application form was incorrect and supporting documents were incomplete; therefore, the officers did not accept the application. Then, on 3 May 2017, Mr. Yothin further submitted an application together with additional documents to the officer in person. Mr. Charan Meeraksa, Fishery Scientist, Senior Professional Level, served as the Head of the Samut Sakhon Provincial Aquatic Animal

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Checkpoint examined the application and approved the vessel to dock in accordance with the request for docking a foreign fishing vessel at a port, Document No. Jor. 40, Sheet 18 and Sheet 19. Later, around 4 May 2017, approximately at midnight or on 5 May 2017 at approximately 00.30 a.m., the CHOTCHAINAVEE 35 fishing vessel got stuck in the shallow area of the Mahachai Estuary, Samut Sakhon Province. On that day, the officers of the Samut Sakhon Regional Harbor Office imposed a fine on the sixth defendant in the offense under the Navigation in Thai Waters Act B.E. 2556 (2013), Section 20, at the amount of 5,000 baht, according to a copy of the memorandum of fines and the receipt. Document No. Jor. 31. The CHOTCHAINAVEE 35 fishing vessel docked at Tha Chin Union Port in Samut Sakhon Province on 7 May 2017. Prior to this, the Department of Fisheries of Thailand had sent an inquiry letter to the federal government of the Federal Republic of Somalia concerning the permission for the CHOTCHAINAVEE 35 fishing vessel to carry out fisheries in the waters of the Federal Republic of Somalia. The federal government of the Federal Republic of Somalia, by the Ministry of Fisheries and Marine Resources, issued a letter dated 4 May 2017 informing the Department of Fisheries of Thailand that the Minister of Fisheries and Marine Resources of the Federal Republic of Somalia, as agreed by the member states, had the sole authority to issue a fishing

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license to foreign fishing vessels entering Somali waters. Any other licenses issued by the member states would be void. Therefore, the Department of Fisheries of Thailand was asked to reject the request for docking at the port of the CHOTCHAINAVEE 35 fishing vessel because the vessel was involved in illegal, unreported, and unregulated fishing in Somali waters, according to a copy of Letter No. MFMR/OM/133/17, Document No. Jor.14, Sheet 17 and Sheet 18, with its translation in Sheet 54 and Sheet 55. Police officers therefore seized one vessel named CHOTCHAINAVEE 35 and 71 items of aquatic animals with the value of 26,237,880 baht as exhibits according to the Criminal Case Exhibit List, Document No. Jor. 45. After that, the federal government of the Federal Republic of Somalia by the Ministry of Fisheries and Marine Resources issued a letter dated 5 June 2017 to the Department of Fisheries of Thailand informing that the Ministry of Fisheries and Marine Resources had been contacted by the Puntland State. The Puntland State explained the point of view and various environmental situations while issuing a fishing license to the CHOTCHAINAVEE 35 fishing vessel. Moreover, various agencies in the Puntland State had a strong feeling that the Ministry of Fisheries and Marine Resources had not provided Puntland State with proper procedures as outlined in the constitution. Thus, the Ministry of Fisheries and Marine Resources deemed it appropriate to consider

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a request from the Puntland State for taking a further appropriate action. Therefore, a thorough investigation was carried out on the issuance of a fishing license to the CHOTCHAINAVEE 35 fishing vessel, taking into account the Puntland State's request and the amount of time required for investigation which would last a long time. The Ministry of Fisheries and Marine Resources therefore requested the release of the CHOTCHAINAVEE 35 fishing vessel from allegations of illegal, unreported, and unregulated fishing in Somali waters according to a copy of Letter No. MFRM/OM/159/17 along with the translation, Document No. Jor.12, Sheet 131 and Sheet 132. Later, the federal government of the Federal Republic of Somalia by the Ministry of Foreign Affairs and International Cooperation issued a letter dated 11 July 2017 to the Ministry of Foreign Affairs of Thailand, referring to Letter No. MFRM/OM/159/17, dated 5 June 2017, requesting the release of the CHOTCHAINAVEE 35 fishing vessel from the allegations of illegal, unreported, and unregulated fishing in Somali waters. The Ministry of Foreign Affairs and International Cooperation consulted with the Ministry of Fisheries and Marine Resources of the federal government of the Federal Republic of Somalia, and the Puntland State Government, and certified the validity of the license

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issued to the CHOTCHAINAVEE 35 fishing vessel, asked the Thai government to release the CHOTCHAINAVEE 35 fishing vessel from custody on suspicion of illegal fishing in Somali waters, and requested termination of further investigations into the validity of the fishing license issued to the CHOTCHAINAVEE 35 fishing vessel according to a copy of Letter No. MFA/FRS/MO/3540/2017 with its translation, Document No. Jor.15, Sheets 6 to 8.

There was a question to be diagnosed according to the prosecutor's petition whether the six defendants jointly brought a fishing vessel other than Thai fishing vessels that engages in illegal fishing into the Kingdom. The prosecutor filed a petition that the six defendants jointly brought the CHOTCHAINAVEE 35 fishing vessel to fish in the waters of the Federal Republic of Somalia under a license from the Puntland State, which is a member state of the Federal Republic of Somalia whereby the defendants had not filed an application for a license with the Federal Republic of Somalia. The license issued by the Puntland State to all the six defendants to carry out fisheries had not been recognized or certified by the Federal Republic of Somalia. When the Department of Fisheries of Thailand inquired the federal government of the Federal Republic of Somalia, the federal government of the Federal Republic of Somalia informed that the Minister of Fisheries and Marine

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Resources of the federal government of the Federal Republic of Somalia, as agreed by the member states, had the sole authority to issue fishing licenses to foreign vessels engaged in fishing in Somali waters. Any other licenses issued by the member states would be void. Therefore, the Department of Fisheries of Thailand was asked to reject the request of the CHOTCHAINAVEE 35 fishing vessel to dock at the port because the vessel was involved in illegal fishing. Even though later, after the federal government of the Federal Republic of Somalia notified the Thai government that it certified the validity of the license issued by the Puntland State for the CHOTCHAINAVEE 35 fishing vessel, the illegally issued and void license since the beginning could not become valid and effective again. Therefore, it shall be deemed that all the six defendants were engaged in fishing in the territorial waters of the Federal Republic of Somalia without a valid license. It also appeared according to the testimony of the prosecutor's witness Mr. Cherdchoo Raktabutr, Director-General of the Treaty and Law Department, Ministry of Foreign Affairs, that before the CHOTCHAINAVEE 35 fishing vessel set off for fishing in Somali waters, the fifth defendant had met with and inquired the witness about fishing operations in the Federal Republic of Somalia and the Puntland State, the fifth defendant asked the witness if Puntland was a state or not. The witness replied that Puntland is not a state, but the Federal

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Republic of Somalia is a state. Therefore, an agreement on fisheries cooperation with the Puntland State was not possible. This shows that the fifth defendant was aware of the limitations of the Puntland State fishing license prior to leaving to fish in the Federal Republic of Somalia. However, although Mr. Cherdchoo's testimony was as claimed by the prosecutor, when considering the testimony of Mr. Cherdchoo, who is the prosecutor's witness, from the beginning, Mr. Cherdchoo explained the background of why the fifth defendant requested a meeting with the witness at the Ministry of Foreign Affairs. The fifth defendant introduced himself to the witness that he was the Director and Honorary Counsel of the Offshore Fisheries Association and had been advised by the Assistant Minister of Foreign Affairs to meet with the witness to discuss the difficulties of fishing in accordance with the Royal Ordinance on Fisheries B.E. 2558 (2015), which had recently been promulgated as fishing under Thai law must be conducted with a country with which the Thai government has a memorandum of understanding on cooperation in fisheries. In addition, the fifth defendant also mentioned fishing operations in the Federal Republic of Somalia and Puntland State. The witness told the fifth defendant that an agreement on fisheries cooperation with the Puntland State was not possible, but it could be done with the Federal Republic of Somalia Only. This shows that

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the fifth defendant, as the Director and Honorary Advisor of the Offshore Fisheries Association, contacted Mr. Chedchoo for assistance to inform him of the difficulty in offshore fisheries faced by the members of the Offshore Fisheries Association because fishing under Thai law must be conducted with a country with which the Thai government has a memorandum of understanding on cooperation in fisheries. Mr. Cherdchoo explained to the fifth defendant that an agreement on fisheries cooperation could only be made with the Federal Republic of Somalia. Therefore the fifth defendant inquired about the memorandum of understanding between the Thai government and the federal government of the Federal Republic of Somalia. The fifth defendant did not inquire Mr. Cherdchoo for the purpose of fishing in the waters of the Phunland State, seeking permission from the Puntland State, or obtaining permission from the federal government of the Federal Republic of Somalia. The fact that the first to fifth defendants requested permission to engage in fishing in the waters of the Puntland State, and that the Puntland state allowed the six defendants to fish in the Puntland State waters show that the first to fifth defendants wished to engage in legal fishing in the Puntland State

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waters, and the granting of a license by the Puntland State would lead the six defendants to believe that fishing in Puntland waters was legally permitted under the Fisheries Act of the Federal Republic of Somalia. The second, third and fifth defendants are Thai nationals, so it was difficult for them to understand that fisheries in Puntland State waters required only a license from the federal government of the Federal Republic of Somalia. If the second, third and fifth defendants had known that the application for fishing in Puntland waters required a license from the federal government of the Federal Republic of Somalia, it is believed that the second, third and fifth defendants would have applied for a fishing license with the federal government of the Federal Republic of Somalia. The behavior of the second, third and fifth defendants indicated that the six defendants had no intention of fishing in violation of the laws of the Federal Republic of Somalia. In addition, the Department of Fisheries of Thailand had sent an inquiry letter to the federal government of the Federal Republic of Somalia regarding the permission of the CHOTCHAINAVEE 35 fishing vessel to fish in Somalia's waters and the federal government of the Federal Republic of Somalia informed the Department of

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Fisheries of Thailand that the Minister of Fisheries and Marine Resources of the federal government of the Federal Republic of Somalia, as agreed by the member states, had the sole authority to issue fishing licenses to foreign fishing vessels that come to operate fisheries in Somali waters, and other licenses issued by the member states would be void. This shows that the federal government of the Federal Republic of Somalia reaffirmed that the authority to issue licenses for foreign vessels to fish in the territory of the Federal Republic of Somalia was vested in the federal government of the Federal Republic of Somalia. However, later, the federal government of the Federal Republic of Somalia sent a letter to the Department of Fisheries of Thailand stating that the Ministry of Fisheries and Marine Resources was contacted by the Puntland State, and it explained various perspectives and circumstances while issuing a fishing license for the CHOTCHAINAVEE 35 fishing vessel. Moreover, various agencies in the Puntland State had a strong feeling that the Ministry of Fisheries and Marine Resources did not provide the Puntland State with proper procedures as outlined in the constitution. Thus, the Ministry of Fisheries and Marine Resources deemed it appropriate to consider a request from the Puntland State for taking a further appropriate action. Therefore, a thorough

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-16-

investigation was carried out on the issuance of a fishing license to the CHOTCHAINAVEE 35 fishing vessel, taking into account the Puntland State's request and the amount of time required for the investigation, which would last a long time. The Ministry of Fisheries and Marine Resources therefore requested the release of the CHOTCHAINAVEE 35 fishing vessel from allegations of illegal, unreported, and unregulated fishing in Somali waters according to a copy of Letter along with its translation, Document No. Jor.12, Sheet 131 and Sheet 132. It shows that the Puntland State, a member state of the Federal Republic of Somalia, disputed the authority to grant a license to fish in Puntland waters to the federal government of the Federal Republic of Somalia. Later, the federal government of the Federal Republic of Somalia by the Ministry of Foreign Affairs and International Cooperation therefore sent a letter to the Ministry of Foreign Affairs of Thailand, referring to the letter according to a copy of Letter, Document No. Jor.12, Sheet 131, requesting the release of the CHOTCHAINAVEE 35 fishing vessel from illegal fishing charges. This shows that the federal government of the Federal Republic of Somalia reviewed the Puntland State's dispute on the authority

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Certified Correct Translation


(Pennapa Riabroi, Ph.D.)

(Translation)

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in issuing licenses for foreign vessels to fish in Puntland waters and agreed that it was vested in the Puntland State, not the federal government of the Federal Republic of Somalia. The federal government of the Federal Republic of Somalia considered this issue and found that the Puntland State had the authority to issue a license for the CHOTCHAINAVEE 35 fishing vessel to fish in Puntland waters. Therefore, a letter was issued according to Document No. Jor. 15, Sheet 6 and Sheet 7, to the Thai government certifying the validity of the license issued to the CHOTCHAINAVEE 35 fishing vessel. Therefore, it shall be deemed that the license issued by the Puntland State allowing the CHOTCHAINAVEE 35 fishing vessel to fish from 27 February 2017 to 24 May 2017 according to a copy of the License, Document No. Jor. 36, Sheet 3 issued by the Puntland State is a license for the CHOTCHAINAVEE 35 fishing vessel, which is not a Thai fishing vessel, to legally fish in Puntland waters in accordance with the law of the Federal Republic of Somalia. Thus, fisheries operations of the non-Thai CHOTCHAINAVEE 35 fishing vessel are not illegal fishing. Evidence of the prosecutor is inadmissible to confirm that the six defendants jointly brought the fishing vessel, which is not a

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Thai fishing vessel to carry out illegal fishing into the Kingdom. The Supreme Court agreed with the judgment of the Court of Appeal, and the prosecutor's petition did not sound reasonable.

Confirmation of the judgment

Mr. Korpong Suwanchutha

-Signature-

Mr. Panlert Boonliang

-Signature-

Mr. Rangsan Rojcheewin

-Signature-

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(Translation)

Criminal Court

15 February 2022

On the date for the pronouncement of the judgment today, the second defendant, as the person himself and a representative of the first defendant and the third defendant; the fifth defendant, as the person himself and a representative of the fourth defendant and the sixth defendant; the attorney of the first to third defendants; the attorney of the fourth and fifth defendants; the attorney of the sixth defendant came to the court. Meanwhile, the prosecutor duly acknowledged the appointment, but was not present.

The judgment has been pronounced to the parties present in the court and it is deemed that the prosecutor has acknowledged the judgment according to the law.

Witness notified/Read

- GREEN LAUREL INTERNATIONAL SARL

Company Seal-

-Company Logo-

SVG Fisheries Development Co., Ltd.

-Signature-

(Mrs. Panida Ngamaksorn) Recorder/Reader

..... Absent	Prosecutor -Signature-	First Defendant
..... -Signature-	Second Defendant -Signature-	Third Defendant
..... -Signature-	Fourth Defendant -Signature-	Fifth Defendant
..... -Signature-	Sixth Defendant -Signature-	Attorney of the First to Third Defendants
..... -Signature-	Attorney of the Fourth and Fifth Defendants -Signature-	Attorney of the Six Defendants

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(Pennapa Riabroi, Ph.D.)

(Translation)

Attachment 2

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Certificate of Case Termination
Criminal Court

This is to certify that the Criminal Case, Black Case No. Or1241/2561, Red Case No. Or 1170/2562 between the Public Prosecutor of the Office of Special Criminal Litigation 5, Office of the Attorney General, the Prosecutor, and GREEN LAUREL INTERNATIONAL SARL Company by Miss Surakan Sangsukiam, authorized director, first defendant; Mr. Supachot Sangsukiam, second defendant; Miss Surakan Sangsukiam third defendant; SVG Fisheries Development Co., Ltd. by Mr. Wanchai Sangsukiam, authorized director, fourth defendant; Mr. Wanchai Sangsukiam, fifth defendant; Mr. Prawit Koedsuwan, sixth defendant, regarding offenses against the Royal Ordinance on Fisheries is now terminated after the pronouncement of the Judgment of the Supreme Court on 15 February 2022.

-Signature-

Issued on 18 February 2022

-Signature-

(Mr. Nattachat Songsong)

Judge

-Supreme Court Seal Affixed-

Certified Correct Copy

-Signature-

(Miss Wisitorn Prakan)

Court Officer, Experienced Level

-Supreme Court Seal Affixed-

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Daranee/Draft/Type

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(Pennapa Riabroi, Ph.D.)

