



IOTC-2024-S28-08 [E]

ADDITIONAL INFORMATION FROM INDONESIA CONCERNING ONE VESSEL IN THE 2024 IOTC PROVISIONAL IUU VESSELS LIST

Prepared by IOTC Secretariat, 12 May 2024

PURPOSE

To provide additional information, which has been received from Indonesia by the IOTC Secretariat, to the Commission (S28) to assist it in taking a decision on:

- one vessel included in the 2024 IOTC Provision IUU Vessel List: Appendix 5 of the CoC21 Report ([IOTC-2024-CoC21-R](#)).

INFORMATION REPORTED TO THE IOTC SECRETARIAT

Indonesia has provided the additional information reproduced in Appendix 1.

RECOMMENDATION

That the Commission (S28):

- **NOTE** the information provided in document IOTC-2024-S28-08, which will assist it in its deliberations on if the Indonesian flagged fishing vessel, BELMETI, should be included in the 2024 IOTC IUU Vessels List.

Appendix 1

ADDITIONAL INFORMATION FROM INDONESIA CONCERNING ONE VESSEL IN THE 2024 IOTC DRAFT IUU VESSEL LIST

In light of the report and supplementary details received from Australian authorities concerning the status of the fishing vessel KM BELMETI, duly listed on the 2024 IOTC Provisional IUU Vessel List, Indonesia deems it imperative to present further pertinent information as follows:

1. Upon receiving additional details from Australia regarding the identity of the captain and the crew, Indonesia has meticulously traced the crew members based on the information provided. This thorough investigation led to the identification of one crew member bearing a distinctive family name associated with individuals residing in the Rote area. Subsequently, collaborative efforts were initiated with various authorities in the region, confirming the residence of the crew members in Papela Village - Rote.
2. The surveillance station unit officer stationed in Kupang, located approximately 12 hours away from Papela Village - Rote, is actively engaged in locating the crew members within the specified area.
3. The Indonesian Government, through the Directorate of Fishery Resources Surveillance, has issued a directive (Letter Number B.472/PSDKP.4/PW.110/V/2024 dated May 6th, 2024) instructing the Head Station of Surveillance in Kupang to conduct an extensive investigation and examination into this matter.
4. The Head Station of Surveillance in Kupang has duly delegated the task to the Fisheries Inspector to conduct a thorough investigation and gather pertinent data on the crew members as provided by Australia, including photographs, full names, and dates of birth. These individuals are known to be located in Papela Village, Rote Ndao, Rote, East Nusa Tenggara Province.
5. Fisheries Inspector successfully located three crew members of the BELMETI on Tuesday, May 7th, 2024. Subsequently, they proceeded to initiate a formal request for information, including an Investigation and Interrogation Report, against Mr. Muhammad Garajang (Captain), Br. Nurul (Crew), and Br. Hasan Pelo (Crew).
6. From the results of the inquiry, the following facts emerged:
 - a. Muhammad Garajang openly acknowledged his tenure as a fisherman, commencing post his completion of junior high school.

b. Muhammad Garajang admitted to encountering an inspection by an Australian patrol boat. According to the report submitted by AFMA to the RPOA IUU Secretariat in Indonesia, the inspection occurred on July 22nd, 2022. Garajang, along with the entire crew of BELMETI, conceded their lack of familiarity with the Indonesia-Australia border, relying solely on a portable GPS device. The inspection ensued after three days at sea, during which Australian authorities confiscated fishing equipment and discarded tuna onboard, intended for bait. Following the inspection, the Australians instructed the BELMETI crew to return to Rote.

c. Approximately one month after the encounter with an Australian patrol boat, Muhammad Garajang embarked on another fishing expedition with Nurul, Mustakim, Imran, and Rusmin. Once again, they were intercepted by an Australian patrol boat. Directed to Datuk Island, south of Pasir Island, the crew of BELMETI underwent quarantine on the island. Later that night, another vessel was seized by Australian authorities and joined the crew in quarantine on Datuk Island. Garajang could not ascertain the name of the detained vessel, provisionally referred to as "X." Two days following the seizure of vessel X, it was incinerated by the Australians, witnessed by the entire BELMETI crew. Subsequently, upon the burning of vessel X, the Australian patrol boat apprehended another Indonesian ship, tentatively named "Y." The BELMETI crew members were then instructed by Australian officers to board vessel Y and return to Rote. Garajang presumed that BELMETI had also suffered the same fate of incineration by Australian authorities.

7. Given the outcomes derived from the inquiries made to Mr. Muhammad Garajang, the captain of BELMETI, it has been determined that there exists a necessity to collect and delve into further data and information. Particularly, the apprehension of BELMETI one month after the initial incident requires validation from Australian authorities to confirm the accuracy of the statement provided by Captain Garajang. Therefore, the key points necessary confirmation required from Australia are as follows:

a. Is there any available data or information concerning the fishing vessel KM BELMETI, whose captain, Mr. Muhammad Garajang, was apprehended by the Australia authority approximately one month subsequent to the initial arrest in July 2022?

b. Is there any existing data or information regarding the inspection of Muhammad Garajang and the crew of BELMETI by an Australian patrol boat approximately one month after the initial arrest in July 2022, leading to their direction to Pulau Datuk, situated south of Pulau Pasir, and subsequent quarantine on that island?

- c. Can the incident involving the burning of captured Indonesian boats, as recounted by Muhammad Garajang, subsequent to the arrest of BELMETI be corroborated by available information?
 - d. Is there any documented evidence supporting the assertion made by Mr. Muhammad Garajang and the entire crew of BELMETI that the vessel was returned to Rote and transferred to ship Y, as per their statement?
8. The Ministry of Marine Affairs and Fisheries has conducted an exposure with the Head Station of Surveillance in Kupang and the Fisheries Inspector on Thursday, 9 May 2024 with the result are outline as follows:
- a. Presently, the current whereabouts of BELMETI remain unknown. Australian authorities have confirmed the destruction of fishing equipment, consisting of a 2000 m longline, 50 hooks, 2 handlines, and 2 reels, along with a catch of 5 kg of dried fish and 5 fresh fish (skipjack).
 - b. Due to the absence of conclusive evidence, the prosecution of criminal violations relating to KM BELMETI cannot be pursued. As an alternative, administrative sanctions are being considered.
 - c. Administrative sanctions may be imposed on business actors/vessel owners holding business permits under Government Regulation (PP) No. 5 of 2021 concerning the Implementation of Risk-Based Business Licensing. Although Muhammad Garanjang is identified as the vessel owner and captain of BELMETI without a business permit, the exposure results indicate the potential imposition of administrative sanctions, given the vessel's classification as a small-scale fisherman exempt from mandatory business permits. To substantiate Garanjang's status as a small-scale fisherman, an estimate of the vessel's Gross Tonnage (GT) was calculated based on Australia's report to Indonesia, as depicted in the provided screenshot.
 - d. Utilizing the estimated GT calculation derived from Australia's data submission, the vessel's approximate length is assessed to be 13 meters. Following searches and comparisons with similar ships in the Rote area, the Kupang PSDKP Station team obtained corroborative ship size data: length (L) = 13 m, width (B) = 1.5 m, depth (D) = 0.8 m. Subsequently, the GT size is calculated using the formula $GT = 0.25 \times L \times B \times D \times 0.7$ (in accordance with Minister of Transportation Regulation Number 8 of 2013 concerning Ship Measurements), producing the following result:

If length (L) = 13 m, width (B) = 1.5 m, depth (D) = 0.8 m and coefficient (f) 0.70 for ships with a slightly sloping bottom shape from the middle to the side of the ship, it is generally used for motorboats. then based on the formula calculation the value is obtained:

$$GT = 0,252 \times 13 \times 1.5 \times 0.8 \times 0,7 \rightarrow GT = 3.53 \cong 4$$

- e. Based on the estimated Gross Tonnage (GT) calculation, BELMETI's size is determined to be approximately $3,53 \cong 4$ GT. Consequently, it falls within the category of small fishermen as defined by Article 1 number 11 of Law of the Republic of Indonesia Number 45 of 2009, which states that "Small Fishermen are people whose livelihood is fishing to meet their daily living needs using fishing vessels of a maximum size of 5 (five) gross tons (GT)." As KM BELMETI's estimated GT is below 5 GT, it unequivocally qualifies as a small fishing vessel under Indonesian law.
- f. Furthermore, regarding the obligation to possess a business license, it is pertinent to note that KM BELMETI falls within the category of vessels exempted from this requirement. This exemption is outlined in Article 27 paragraph (5) of the Law of the Republic of Indonesia Number 6 of 2023 concerning the Stipulation of Government Regulations in Law of the Republic of Indonesia Number 2 of 2022 concerning Job Creation. This article explicitly states that "Obligations to fulfill Business Licensing as specified in paragraph (1) and/or possess the Business Licensing document as specified in paragraph (3) do not apply to Small Fishermen." Therefore, BELMETI, being classified as a small fishing vessel, is exempt from the obligation to obtain a business license as per Indonesian law.
- g. In light of the exposure findings, it has been determined that Muhammad Garanjang is regarded as both the owner and the captain of the vessel BELMETI. Consequently, there is a possibility that administrative sanctions may be imposed upon him. This conclusion stems from the assessment of the vessel's ownership and operational leadership, coupled with the circumstances surrounding the vessel's activities as outlined in the exposure report. Thus, based on this evaluation, administrative sanction may be deemed appropriate in response to any identified infractions or regulatory non-compliance associated with BELMETI.
- h. Administrative sanctions, in this case, could entail cumulative administrative sanction in the form of Governmental Order of not getting government services to obtain permits to carry out fishing activities outside the Indonesian fisheries management area and administrative fines with calculations following prescribed guidelines:

Type of Violation	Fine Calculation	Amount of the Fine
The violation towards the fishing activity within the fisheries	1000 % X 0,75 (Productivity of	IDR 1,408,500.00

management area (WPPNRI) and/or within the high seas that is not aligned with the requirement for Business Permit, is subject to administrative fines of 1000% multiplied by vessel productivity multiplied by the benchmark of fish price multiplied by the size of gross tonnage multiplied by the number of operating days.	tuna longline) X IDR.15,650.00 (Benchmark Price of Skipjack) X 4 GT X 3 day.	
Total		IDR 1,408,500.00
One Million Four Hundred Thousand and Five Hundred Rupiah		

- i. The imposition of these sanctions underscores the unwavering commitment and firm stance of the Indonesian Government. Such measures are implemented to demonstrate the utmost seriousness in upholding regulatory compliance and ensuring accountability within the fisheries sector.
9. Based on the result of exposure, the Ministry of Marine Affairs and Fisheries has decided to impose the captain of BELMETI multiple administrative sanction as follows:
 - a. Governmental Order to refrain captain of BELMETI, Muhammad Garajang, from fishing beyond the national jurisdiction; and
 - b. Administrative fines of IDR 1,408,500.00 based on Letter of Fines Imposition to be expected issued by Tuesday, 14 May 2024. Based on the letter, the Ministry of Finance will issue the billing of fines to be paid by the captain of BELMETI, Muhammad Garajang, within the week.
 10. Indonesia expects that this case can be resolved within the week of Commission meeting. Therefore, Indonesia requests the Commission to provide the time and opportunity for Indonesia to submit further information and closely work with Australia on this case during S28.

DOCUMENTATION



Image Caption: From left to right Fisheries Inspector (Male), Nurul (ABK KM. BELMETI), Hasan Pelo (ABK KM. BELMETI), Muhamad Grajang (NAKHODA KM. BELMETI), Fisheries Inspector (Female)

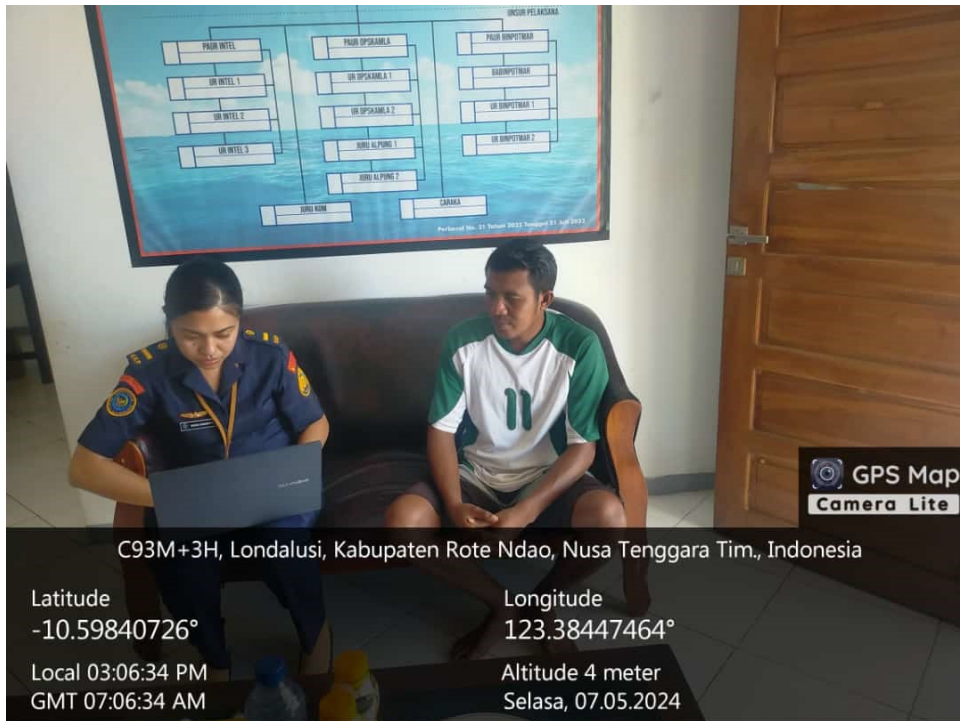


Image Caption: Documentation of the process of requesting information by the Fisheries Inspector for the crew of the KM BELMETI.