
INFORMATION RELATED TO PRESUMED IUU FISHING ACTIVITIES IN THE IOTC AREA**Prepared by IOTC Secretariat, 28 February 2025**

PURPOSE

To bring to the attention of the Compliance Committee, information received from the Seychelles, South Africa and the United Kingdom regarding seven fishing vessels; one vessel registered to China, one vessel registered to India and five vessels registered to Sri Lanka. The activities undertaken by these vessels are presumed to have undermined the effectiveness of conservation and management measures adopted by the Indian Ocean Tuna Commission and the national law of the reporting CPCs.

INFORMATION REPORTED TO THE IOTC SECRETARIAT

Both Seychelles and South Africa submitted information for the inclusion of the vessels in the 2025 Draft IOTC IUU Vessels List. The submissions were received after the established deadline of 70 days before the Compliance Committee. Therefore, the three vessels reported by Seychelles and South Africa have not been included in the 2025 Draft IUU Vessels List, which shall be considered at the Twenty-second Session of the Compliance Committee (CoC22).

The United Kingdom's submissions are marked as "Notification of illegal activity to IOTC Secretariat" and "Recommend notification of activity to flag State."

These are presented in Annex I of this document.

RECOMMENDATION/S

That the CoC22:

- 1) **NOTE** paper IOTC-2025-CoC22-06, which provide contexts to the activities of one vessel registered to India, and three vessels registered to Sri Lanka, as reported by the United Kingdom.
 - 2) **NOTE** paper IOTC-2025-CoC22-06, which provide contexts to the activities of two vessels registered to Sri Lanka, as reported by the Seychelles.
 - 3) **NOTE** paper IOTC-2025-CoC22-06, which provide contexts to the activities of one vessel registered to China, as reported by South Africa.
 - 4) **NOTE** that paper IOTC-2025-CoC22-06, serves as notification to India for the activities of the fishing vessel registered to India: BENEDICTA.
 - 5) **NOTE** that paper IOTC-2025-CoC22-06, serves as notification to Sri Lanka of the activities of the five fishing vessels registered to Sri Lanka: IMUL-A-0603-CHW, IMUL-A-0778-CHW, IMUL-A-1562-MTR, IMUL-A-0835-KLT and IMUL-A-1895-MTR.
 - 6) **NOTE** that paper IOTC-2025-CoC22-06, serves as notification to China for the activities of the fishing vessel registered to China: LU RONG YUAN YU 829.
 - 7) **RECOMMEND** that China, India and Sri Lanka provide the Compliance Committee with information on actions that they have taken to exercise flag State controls over their vessels which operate in areas beyond national jurisdiction.
 - 8) **RECOMMEND** that China, India and Sri Lanka keep CPCs informed on the progress and outcomes of their investigations against the owner/master of the vessels mentioned in recommendations 4, 5 and 6, above.
 - 9) **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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Letters, IOTC IUU Reporting Forms and the evidence for the cases reported in this document.

To assist in the review of this document, the following provides a summary of the contents to navigate through this document.

Click on an item below to navigate to the desired section.

1. Information received from the United Kingdom against one vessel flagged to India:
 - i. Vessel **BENEDICTA**
 - a. Letter and IUU Reporting Form
 - b. Additional evidence
2. Information received from the United Kingdom against three vessels flagged to Sri Lanka:
 - i. Vessel **MUL-A-0603-CHW**
 - a. Letter and IUU Reporting Form
 - b. Additional evidence
 - ii. Vessel **IMUL-A-0778-CHW**
 - a. Letter and IUU Reporting Form
 - b. Additional evidence
 - iii. Vessel **IMUL-A-1562-MTR**
 - a. Letter and IUU Reporting Form
 - b. Additional evidence
3. Information received from the Seychelles against two vessels flagged to Sri Lanka:
 - i. Vessel **IMUL-A-0835-KLT**
 - a. Letter and IUU Reporting Form
 - b. Additional evidence
 - ii. Vessel **IMUL-A-1895 MTR**
 - a. IUU Reporting Form
 - b. Additional evidence
4. Information received from South Africa against one vessel flagged to China:
 - i. Vessel **LU RONG YUAN YU 829**
 - a. IUU Reporting Form



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

Dr Paul DeBruyn
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

21 January 2025

Dear Dr DeBruyn,

Resolution 24/03 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-7325.

As required in paragraphs 5 and 6 of Resolution 24/03 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-7325 is submitted with this letter.

The attached evidence shows that:

- On the 9th January 2025, the Senior Fisheries Protection Officer boarded and inspected the vessel IND-TN-15-MM-7325, BENEDICTA.
- The vessel had previously been added to the IOTC IUU Vessels list in May 2023 having been found to be fishing illegally in September 2022. Despite this it had been given a licence by the Indian authorities on 19th November 2024 to operate within Indian waters.
- The vessel was not on the IOTC Record of Authorised Vessels but had tuna products on board. The captain admitted to fishing illegally and catching tuna within BIOT waters.
- The vessel had not submitted a request to transit BIOT waters.
- The vessel had no functioning VMS on board at the time of inspection, no documents detailing its international callsign, the fishing gear was not marked and had no national logbook onboard.
- The vessel was detained, found to be guilty and fined £20,100. To date they have paid £5,000 and the vessel has been released.
- On 13th January 2025, the BIOT Administration wrote to India informing them of the situation, to date no response has been received.

The BIOT Administration notes the commitment made by India during CoC21 to work collaboratively with the UK to tackle IUU fishing and to, within six months, provide a plan to the Compliance Committee for installing VMS on its vessels, to date we have seen neither of the commitments undertaken. We also note that this vessel is currently on the IUU Vessels List and as such we can only submit this vessel to IOTC Compliance Committee with recommendation **b) 'Notification of illegal activity to IOTC Secretariat. Recommended notification of activity to flag state'**

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 blue ink, appearing to read 'J. Moir Clark', with a stylized flourish at the end.

Mr J. Moir Clark

UK Delegation to IOTC

Supporting evidence: IOTC Reporting form for Illegal Activity and associated documentation for
IND-TM-15-MM7325, BENEDICTA.

ANNEX I

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 [superseded by Resolution 24/03] 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 BIOT/Chagos Archipelago..

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)	BENEDICTA IND-TN-15-MM7325
b	Current Flag (previous flag/s, if any)	India
c	Date first included on IOTC IUU Vessel List (if applicable)	May 2023
d	Lloyds IMO Number, if available	N/A
e	Photo	Yes
f	Call Sign (previous call sign, if any)	
g	Owner (previous Owner/s, if any)	Paul Surgen, S/O Jesinthappan
h	Operator (previous Operator/s, if any) and Master/Fishing Master	Paul Surgen, S/O Jesinthappan
i	Date of alleged IUU fishing activities	09/01/2025
j	Position of alleged IUU fishing activities	5°55.7 S 72°45.0 E
k	Summary of alleged IUU activities (see section B for more detail)	(a), (h) and (k).
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Reported to flag State
m	Outcome of actions taken	None

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 18/03 [superseded by Resolution 24/03] 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 Vessel is not on the RAV but is on the IUU list.
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 Admitted to fishing in BIOT waters, tuna products on board.
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 No VMS, no logbook, incomplete paperwork, gear not marked

C. Associated Documents

Inspection Report titled: MB025_BENEDICTA_20250109_InspectionReport

Photographic Evidence titled: MB025_BENEDICTA_20250109_PhotographicEvidence

Notification of Vessel Inspection to flag state, sent 13th January 2025. Titled:
20250113_INDTN15MM7325_BENEDICTA_BIOT_GoI

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	

BIOT INSPECTION REPORT – MB025

1. SUMMARY

Date and time of boarding	09/01/2025 08:14
Patrol type and number	FIPA176
Vessel name	BENEDICTA
Vessel type	LL
Vessel flag and port of reg.	INDIA – COLACHEL & KANYAKUMARI
Vessel Registration No.	IND-TN-15-MM-7325
IOTC# (if registered)	-
Vessel Captain's name	PAUL SURGEN
SFPO	Marion BOURASSEAU
BPV crew assisting	Kevin DUTHIE
<p><u>Action Taken:</u></p> <p>The FV was detected by radar and stopped on the Great Chagos Bank (GCB), to the north west. The position was monitored throughout the night and from the first sighting to the boarding it remained roughly the same. The crew was compliant with SFPO's instructions and not aggressive, English was spoken. Some handlines were in the water when the workboat approached the FV and they were hauled by the fishermen to facilitate the inspection.</p> <p>The inspection of the FV uncovered about 10 handlines baited with small tuna, and fish recently caught on deck and in the hold.</p> <p>The captain admitted to fishing for one day on the GCB, targeting "red fish" and using tuna as bait. He showed on the GPS tracker where the tuna had been caught previously, 10 NM away from GCB and inside of BIOT. The FV was towing a skiff with two outboard engines, used to catch the tunas, according to the captain. The FV and captain (also owner) had previously been boarded in 2022, found fishing illegally and given a verbal warning. It had also been added to the IOTC vessel list in May 2023.</p> <p>Following the inspection, the FV was instructed to follow the BPV to DG for investigation.</p>	

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

Date and time of first sighting	08/01/2025 23:56						
Sighted by: (<i>insert name</i>)	SFPO	Radar	X	Visual			
Position of target	5°55.7 S 72°45.0 E						
Course	49	Speed	1.6	Range	11.9	Bearing	339
Time Fisheries Pennant and Sierra Quebec 3 raised	6:30			Time Vessel hailed on VHF CH16 and/or MF 2182 kHz			
Time target requested to stop and prepare for boarding.	8:00			Response to request for boarding.		Compliant, prepared for boarding	

BIOT INSPECTION REPORT – MB025

Comment:

3. LAUNCHING OF RHIB

Time RIB launched	7:30	RIB Crew (Names)	Donald MacFarlane, William FARQUHAR, Kevin DUTHIE, Marion BOURASSEAU
<u>Comment:</u>			

4. BOARDING DETAILS

Date and time vessel boarded	09/01/2025 08:14	Position boarded	5°58.29S 72°42.707E
BPV crew assisting	Kevin DUTHIE		
Language used by FV crew	English	Cards used (Y/N)	N
Language card numbers used			

5. CAPTAIN and CREW DETAILS

Captain's name	PAUL SURGEN	Nationality	IND
Captain's address	[REDACTED]		
Captain's D.o.B	[REDACTED]	No. of crew inc. Captain	15
Nationality of Crew	Indian		
Are any crew under 18 or have health issues (Y/N), if 'Y' provide details.	N		

6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	BENEDICTA
International Callsign	-
Flag State	IND
Authorisation to Fish/Fishing Licence No.	TN-L273160/24
Valid from / to (dd/mm/yyyy)	02/01/2023 / 01/01/2026
Port of Registration	COLACHEL
Registration Number	IIND-TN-15-MM-7325
FV owner name and details (as per licence)	PAUL SURGEN, [REDACTED] - [REDACTED]
Fishing logbook No.	-
Issuing Authority	
Date of last logbook entry (dd/mm/yyyy)	
Position of last entry	
Boat Departure Form/Port Exit Documents (Y/N): if Y provide port and date of departure.	N: no departure form. Departed Cochin on 29/12/2024

BIOT INSPECTION REPORT – MB025

Insurance documentation (Y/N)	N		
Names and addresses of owners			
Overall length (ft/m)	20.8m	Engine Power (KW/hp)	180HP
Other paperwork:			

7. INTERVIEW WITH CAPTAIN (informal – not under caution)

Time of interview	08:17	To or from fishing grounds	Fishing in BIOT	Port of departure	Cochin
Fish onboard?	Y	Where caught?	In GCB and its vicinity	When caught?	Last 3 days
Destination			ETA		

Comments:

The captain admitted to have come directly from India to BIOT and been fishing in the GCB for 1 day, using handlines. During the inspection, the captain explained that the tuna had been caught to be used as a bait for “red fish”. The tuna coming from some 10 NM away from the GCB and the targeted “red fish” coming from the shallow waters of the GCB. When asked about the skiff that was under tow, the captain explained that it was used to take 4 of the crew to go catching tuna with handlines.

Captain declared having some 200kg of fish onboard all caught in BIOT

8. VESSEL INSPECTION

Fishing gear type	Handline				
<u>Comments</u>					
Handline baited with minor tuna (KAW)					
Catch onboard (estimated/reported t)	1 t				
IOTC species onboard (Y/N)	N		Endangered species onboard (Y/N)	N	
Description of catch	About 200kg of tuna: YFT, KAW, DOT About 200 – 800kg of other fish: red snapper, jobfish, emperors, grouper				
<u>Comments:</u> estimated 1 ton					

9. BIOT ORDINANCE NON-COMPLIANCE (Y/N)

Section 5 (1(c)): Possession of sea cucumbers or molluscs	N
Section 6 (1(a)): Fishing using prohibited fishing gear	N
Section 6 (2): Possession of prohibited fishing gear	Y
Section 7 (1): Fishing without a license	Y
Section 9 (1): Fishing gear not stowed and readily available for fishing	Y
Section 16: Obstruction of a Fisheries Protection Officer	N

BIOT INSPECTION REPORT – MB025

Other:	
<u>Comments:</u> Possession of wire trace Fishing in BIOT MPA	

10. IOTC IUU Activity (Resolution 24/03). Applies to vessels, Owners, Operators and Masters that undertake fishing and fishing related activities, for IOTC species, or by IOTC Conservation and Management Measures (CMMs), within the IOTC Area.(Activities relevant to BIOT)

Para.	Definition of IUU Fishing Activities	Indicate (Y/N)
4) a.	Is the vessel engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 19/04, nor recorded in the Active list of vessels?	Y
4) c.	Has the vessel failed to record or report its catches in accordance with IOTC CMMs or has made false reports?	Y
4) d.	Has the vessel taken or landed undersized fish in contravention of IOTC CMMs?	N
4) f.	Has the vessel used prohibited fishing gear in contravention of IOTC CMMs?	N
4) g.	Has the vessel 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?	N
4) h.	Is the vessel 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?	Y
4) j.	Is the vessel engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identity or registration?	N
4) k.	Is the vessel engaged in fishing or fishing related activities in contravention of any other binding IOTC CMMs (indicate non-compliance with CMMs in Section 1.1)?	Y

1.1 IOTC CMM Non-Compliance

Resolution	Subject	Indicate (X)
19/04	IOTC Record of vessels (documents/logbook/markings)	X
15/03	Vessel VMS (operational, tamperproof)	X
17/07	Illegal gear (largescale driftnets >2.5km)	
12/04	Turtle de-hookers and line cutters	X
19/03	Capture and retention of mobulid rays	

BIOT INSPECTION REPORT – MB025

Resolution	Subject	Indicate (X)
17/05	Shark fins	
12/09	Thresher sharks	
<p><u>Comments:</u> 19/04 17. a) (iv): vessel doesn't carry documents detailing its International callsign 19/04 19. b): floats not marked with the letters or numbers of the vessel 19/04 20. Vessel doesn't keep a bound fishing national logbook with consecutively numbered pages onboard</p>		

11. SFPO ACTIONS TAKEN (Y/N)

Vessel and Master detained and escorted to DG	X
FPN issued and catch and gear seized	
Master given verbal warning and released	
No further action, vessel released	
<u>Comments:</u>	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	8:50	Time RIB recovered to BPV	9:00
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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	IOTC database reference:	RAV online version
Vessel previously boarded (Y/N)	Y	Inspection report ID	006AJK
Master previously boarded (Y/N)	Y	Inspection report ID	006AJK
Owner previously boarded (Y/N)	Y	Inspection report ID	006AKJ
Crew previously boarded (Y/N)	Unk	Inspection report ID	
<p><u>Comments:</u> Found fishing illegally during inspection 006AJK when it was given a verbal warning and escorted out of the area. The FV has been on the IOTC IUU list since 10/05/2023.</p>			

Marion BOURASSEAU
 BIOT Senior Fisheries Protection Officer

09/01/2025



[Fig.1] Portside (and skiff)



[Fig.2] Starboard side



[Fig.3] Stern



[Fig.4] Bow (and skiff)



[Fig.5] GPS (SFPO's GPS on the left)



[Fig.6]. GPS tracker



[Fig.7] Wheelhouse



[Fig.8]. Fishing gear: handline with baited hooks



[Fig.9] Prepared bait



[Fig.10] Very fresh catch on deck



[Fig.11] Hold lid off



[Fig.12] Catch in the hold: KAW, YFT, grouper



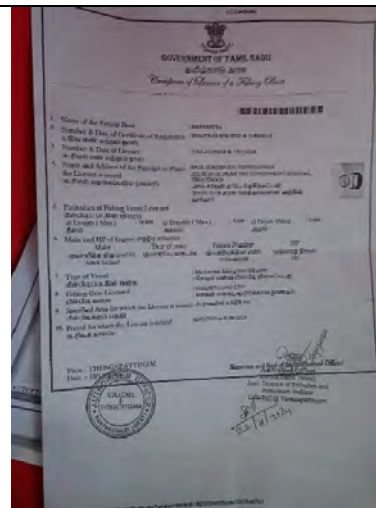
[Fig.13] Catch in the hold: red snappers, jobfish, emperors



[Fig.14] Hold: compartments full of ice



[Fig.15] Hold mostly full of ice



[Fig.16] Fishing license



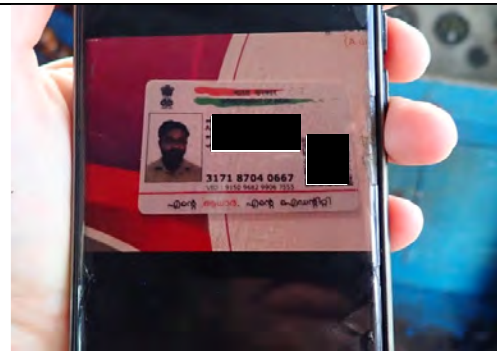
[Fig.17] Boat's licence



[Fig.18] Crew (captain/owner on the right)



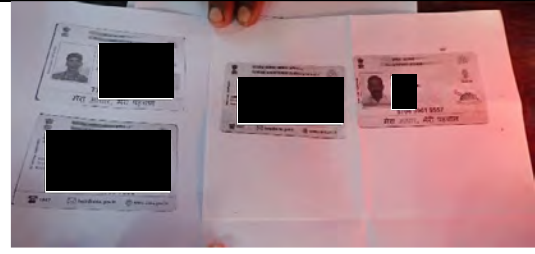
[Fig.19] Captain's ID



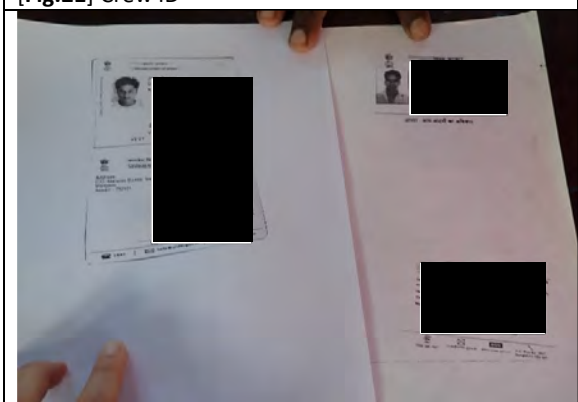
[Fig.20]. Crew ID



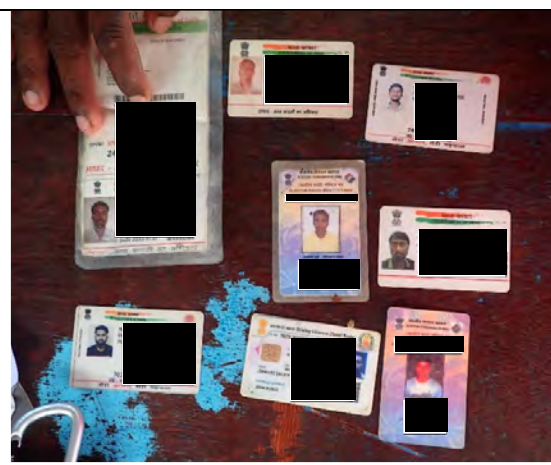
[Fig.21] Crew ID



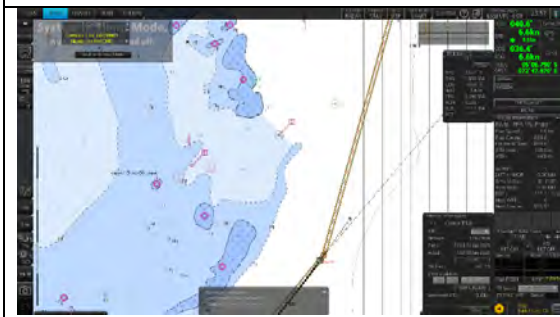
[Fig.22] Crew IDs



[Fig.23] Crew IDs



[Fig.24] Crew IDs (including captain's ID middle top)



[Fig.25] ECDIS screenshot with FV position in green on edge of GCB



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

Sanjay Pandey
AC(Fy); DoF, GoI

13 January 2025

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; pl_pndn@yahoo.com; jsfy@nic.in; animalfishminister@gmail.com; ahsec@tn.gov.in

Dear Dr Pandey

Report on the inspection of the Indian flagged vessel IND-TN-15-MM-7325 (BENEDICTA) in the waters of the British Indian Ocean Territory (BIOT) and request for assistance.

The Indian flagged vessel IND-TN-15-MM-7325 (BENEDICTA) was boarded and inspected on suspicion of being involved in illegal activities, namely illegal fishing in BIOT waters on 9th January 2025. The vessel was not on the IOTC list of Authorised Fishing Vessels, had not submitted a transit reporting form to the BIOT Authorities and had been previously listed on the IOTC IUU list on 10th May 2023. The vessel was fishing illegally without a licence within BIOT waters, and has been detained by the BIOT authorities. We will update you with the outcomes

We note that the vessel was issued a licence by the Indian authorities on the 19th November 2024 despite being on the IUU list. We also note that there has been no collaboration from India with the BIOT authorities despite the statements made by India at CoC21 or to CoC Members on the status of the actions undertaken by India to combat IUU fishing as a whole, as has been stated by India since CoC19.

I attach the inspection report and photographs for reference. 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 J. Moir Clark
UK Delegation to IOTC

Attached: Inspection Report for: IND-TN-15-MM-7325 (BENEDICTA)



BRITISH INDIAN OCEAN TERRITORY
MAGISTRATES' COURT
CERTIFICATE OF CONVICTION

Case Number: **002-25**

This is to certify that on the 14th day of January 2025, Mr Paul Surgenb attended the Magistrate's Court in Diego Garcia and on his own admission a guilty plea was entered to the following charges:

1. Fishing other than in accordance with a licence, contrary to section 7(2)(a) of the Fisheries (Conservation and Management) Ordinance 2007.
2. Carrying prohibited fishing gear in the British Indian Ocean Territory, contrary to section 6(2) of the Fisheries (Conservation and Management) Ordinance 2007.

SENTENCE

On the 15th day of January 2025, Mr Paul Surgenb was sentenced for the offence set out above, as follows:

1. Awarded a £15,000 fine for fishing without a licence within British Indian Ocean Territory.
2. Awarded a £5,000 fine for carrying prohibited fishing gear.

An additional £100 court fees have been added to the outstanding balance, bringing the total amount to **£20,100** for the defendant to pay in full, within the next 30 days.

The small fishing vessel and engines will remain in Diego Garcia as collateral until the balance has been settled in full, an application will be made for its forfeiture under section 20.

RESULT OF HEARING

The defendant, having pleaded guilty to both charges, on the 15th day of January 2025, the magistrate awarded a penalty in the form of two fines;

Charge 1 - Fishing other than in accordance with a licence, contrary to section 7(2)(a) of the Fisheries (Conservation and Management) Ordinance 2007, has a maximum penalty of £500,000.

The defendant has been awarded a fine in the sum of £15,000.

Charge 2 – Carrying prohibited fishing gear in the British Indian Ocean Territory, contrary to section 6(2) of the Fisheries (Conservation and Management) Ordinance 2007, has a maximum penalty of £50,000.

The defendant has been awarded a fine in the sum of £5,000.

The court has added £100 in costs to the penalties, bringing the total amount to £20,100 for the defendant to pay in full, within the next 30 days. The small fishing vessel and engines will remain in Diego Garcia as collateral until the balance has been settled in full, an application will be made for its forfeiture under section 20.

All fishing gear is to be forfeited and destroyed, save for sufficient gear to allow them to fish and feed themselves on course back to India.



.....
Roger Malone
Magistrate
Diego Garcia
British Indian Ocean Territory
21st day of January 2025



BRITISH INDIAN OCEAN TERRITORY

MAGISTRATES' COURT

RECORD OF PROCEEDINGS

Case Number: **002-25**

Name: Mr Paul Surgenb

The above-named person appeared in the Magistrate's Court on the 14th day of January 2025 on the following charge(s):

CHARGE ONE

STATEMENT OF OFFENCE

Fishing otherwise than in accordance with a licence, contrary to section 7(2)(a) of the Fisheries (Conservation and Management) Ordinance 2007

PARTICULARS OF OFFENCE

PAUL SURGEN, on or about the 9th day of January 2025, were the Master of an Indian registered fishing boat known as BENDICTA, which was being used for fishing within the fishing waters of the British Indian Ocean Territory otherwise than in accordance with a fishing licence.

CHARGE TWO

STATEMENT OF OFFENCE

Having prohibited fishing gear on a fishing boat, contrary to section 6(2) of the Fisheries (Conservation and Management) Ordinance 2007

PARTICULARS OF OFFENCE

PAUL SURGEN, on the 9th day of January 2025, were the Master of an Indian registered fishing boat known as BENDICTA, on which there was found, within the fishing waters of the British Indian Ocean Territory, prohibited fishing gear, namely trace wire.



A handwritten signature in black ink, consisting of several loops and a trailing line, positioned above a horizontal dotted line.

Clerk of the Magistrates' court
Diego Garcia
British Indian Ocean Territory

21st January 2025



Dr Paul DeBruyn
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

21 January 2025

Dear Dr DeBruyn,

Resolution 24/03 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-0603-CHW (DILARA PUTHA 1) (IOTC No. 12212)

As required in paragraphs 5 and 6 of Resolution 24/03 a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting fishing contrary to IOTC Conservation Management Measures for the Sri Lankan flagged vessel IMUL-A-0603-CHW (DILARA PUTHA 1) is submitted with this letter.

The attached evidence shows that:

- The Senior Fisheries Protection Officer boarded and inspected the vessel IMUL-A-0603-CHW (DILARA PUTHA 1) on 4 September 2024. The vessel was traveling and fishing together with IMUL-A-0778-CHW (Mitun Putha).
- The identity of the vessel was not clear and a vessel with the same number (IMUL-A-0603-CHW) but a different name was inspected in BIOT on 10 May, and under yet another name at inspection on 9 January 2024 (reported to IOTC in 2024).
- The vessel was on the IOTC Record of Authorised Vessels, #12212.
- The vessel had not submitted a request to transit BIOT waters.
- The vessel had no functioning VMS on board as required for all IOTC authorised vessels and went 'silent' 23rd August.
- Gear was stowed and the fish in the hold was older than one day.
- The vessel was in contravention of a number of IOTC Conservation Management Measures (e.g. Not carrying documents detailing International callsign, valid certificates of vessel registration and valid authorisation to fish/tranship not presented, AFV engaged in or associated with IUU fishing, marker buoys/floats not correctly marked, VMS not fully operational).
- The vessel was not detained and the Master was instructed to leave the FCMZ and return to Sri Lanka.
- On 11 September 2024, the BIOT Administration wrote to Sri Lanka and requested that they conduct a regulatory investigation into the activities of the vessel for presumed IUU in BIOT waters, confirm ownership, share any VMS tracks, and report any outcomes of actions taken against the owner and Master (skipper) of the vessel regarding any violation of the fisheries regulations of Sri Lanka.
- To date, no response has been provided by Sri Lanka.

The BIOT Administration notes and welcomes the longstanding bilateral relationship it has with Sri Lanka in order to combat IUU which includes action taken by the Sri Lankan Authorities to prosecute the owners and Masters of IUU vessels. Noting there was no direct evidence of IUU in BIOT waters, but also noting discrepancies in the vessel's name, failure to utilise VMS, and a

number of other contraventions of IOTC Conservation Management Measures, and in the absence of any response from Sri Lanka to our letter dated 11 September 2024 detailing the actions Sri Lanka has taken, 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.’*

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 blue ink, appearing to read 'J. Moir Clark', with a stylized flourish at the end.

Mr J. Moir Clark

UK Delegation to IOTC

Supporting evidence: IOTC Reporting form for Illegal Activity and associated documentation for
IMUL-A-0603-CHW (DILARA PUTHA 1)

ANNEX I

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 (superseded by Resolution 24/03) 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 BIOT/Chagos Archipelago. .

A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	DILARA PUTHA 1 IMULA0603CHW
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
f	Call Sign (previous call sign, if any)	4SF3562
g	Owner (previous Owner/s, if any)	WARNAKULASOORIYA NOYEL RANJAN FERNANDO
h	Operator (previous Operator/s, if any) and Master/Fishing Master	WNR FERNANDO and W.J.N. FERNANDO
i	Date of alleged IUU fishing activities	04/09/2024
j	Position of alleged IUU fishing activities	5°21.17 S 71°56.32 E
k	Summary of alleged IUU activities (see section B for more detail)	(k).Contravention of IOTC CMMs (e.g. valid certificates of vessel registration and valid authorisation to fish/tranship not presented, marker buoys/floats not correctly marked, VMS not fully operational)
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Reported to flag State
m	Outcome of actions taken	

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 18/03 (superseded by Resolution 24/03) contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

Item	Definition	Indicate
a.	engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04 (superseded by Resolution 19/04), nor recorded in the Active list of vessels; or	
b.	engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	
c.	failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	
d.	taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	
e.	engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	
f.	used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	
g.	transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	
h.	engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	
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

Notification of Vessel Inspection and Request for Assistance Letter, sent 11th September 2024. Titled: 20240906_BIOT_DFAR_IMUL-A-0603-CHW_IMULA_0778_CHW_IMULA_0778_PTM

Inspection Report titled: MB018_DILARA_PUTHA_1_20240904_InspectionReport_REV1

Photographic Evidence titled: MB018_DILARA_PUTHA_1_20240904_PhotographicEvidences

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	

BIOT INSPECTION REPORT – MB019

1. SUMMARY

Date of boarding	04/09/2024		
Patrol type and number	FIPA167		
Vessel name	DILARA PUTHA 1		
Vessel type	MU		
Vessel flag and port of reg.	Sri Lanka – Negombo		
Vessel Registration No.	IMULA0603CHW		
IOTC# (if registered)	12212		
Vessel Captain's name	W. J. N. FERNANDO		
SFPO	Marion BOURASSEAU		
BPV crew assisting	Kevin DUTHIE		
<p><u>Action Taken:</u></p> <p>2 FV found stopped on the West of Island Vache Marine inside of the lagoon of Perros Banhos. They immediately started to run away but were intercepted with the FRC.</p> <p>Crew and captain compliant to SFPO's instruction but very little talkative.</p> <p>Captain of FV explained that they stopped in Perros Banhos to get a shelter from the strong wind. When asked about the catch onboard and where is was caught, captain didn't give any answer. He nevertheless explained that he was traveling and fishing together with IMULA0778CHW (inspection report MB019. He explained that their intention was to go fishing in Saya de Malha Bank, in international waters on the west of BIOT after they had stopped in Perros Banhos.</p> <p>The inspection of the deck revealed that no gear was missing. All hooks mounted on wire trace.</p> <p>The catch was older than a day and composed mainly by big sharks on ice including a possible tiger sharks. About 30kg of dried small sharks, and 50kg of other fish, dried as well.</p> <p>Captain was given a verbal warning and escorted NE, out of BIOT by BPV.</p>			

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

Date and time of first sighting	04/09/2024 11:20		(DD/MM/YY HH:MM)	
Sighted by: (insert name)	Marion BOURASSEAU	<input checked="" type="checkbox"/> Radar	<input type="checkbox"/> Visual	<input checked="" type="checkbox"/> X
Position of target	5°25.2 S 71°49.61 E			
Course				
Speed	0			
Range	6			
Bearing	100			
<u>Comments:</u>				
Fisheries Pennant and Sierra Quebec 3 Raised	04/09/24 11:40		(DD/MM/YY HH:MM)	

BIOT INSPECTION REPORT – MB019

Vessel called on VHF CH16 and MF 2182.0	04/09/24 12:10	(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	04/09/24 12:40	(DD/MM/YY HH:MM)
Response to request for boarding	<i>Compliant</i>	

3. LAUNCHING OF RHIB

Time RHIB launched	04/09/24 12:15		(DD/MM/YY HH:MM)
RHIB Crew (<i>names</i>)	Donald MACFARLANE, Kevin DUTHIE, William FARQUHAR		
<u>Comments on the approach to the FV:</u> Stopped and wait for inspection.			
Photographic Evidence Collected (See Annex 1).	Port	Y / 1	
	Starboard	Y / 3	
	Stern	Y / 2	
	Fishing gear	Y / 6	
	Other		

4. BOARDING DETAILS

Date and time vessel boarded	04/09/24 13:30		(DD/MM/YY HH:MM)
Position vessel boarded	5°21.17 S 71°56.32 E		
BPV crew assisting	Kevin DUTHIE		
Language spoken	English		
Language Cards used Y/N	N	Numbers used	

5. CREW DETAILS

Captain's name	W. J. N. FERNANDO		
Captain's nationality	Sri Lankan		
Captain's address	[REDACTED]		
Captain's D.o.B	[REDACTED]	[REDACTED]	(DD/MM/YY)
Number of crew (inc. Captain)	6		
Nationality of Crew	Sri Lankan		
Are any crew under 18 (Y/N), if 'Y' provide details below			
N			
Do any crew have health issues (Y/N), if 'Y' provide details below.			
N			

BIOT INSPECTION REPORT – MB019

<u>Health issue details:</u>		
Photographic Evidence Collected (See Annex 1).	Captain ID	Y / 2
	Other crew ID	Y / 2
	Other	

6. VESSEL DOCUMENTS and REGISTRATION

Vessel Name	DILARA PUTHA 1		
International Callsign	4SF3562		
Flag State	SRI LANKA		
Authorisation to Fish/Fishing Licence No.	23HSIMUL5385CHW		
Valid from / to (dd/mm/yyyy)	03/01/2024 – 20/01/2025		
Port of Registration	Negombo		
Registration Number	IMULA0603CHW		
FV owner name and details (as per licence)	WARNAKULASOORIYA NOYEL RANJAN FERNANDO		
Fishing logbook No.	LB-18 4215		
Issuing Authority	Department of Fisheries and Aquatic Resources		
Date of last entry (dd/mm/yyyy)	04/07/2024		
Position of last entry	Daily catch data		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	Y, Negombo 09/08/2024		
Insurance documentation (Y/N)	N		
Names and addresses of owners			
Overall length (ft/m)	12.80m	Engine Power (KW/hp)	120 Hp
Other paperwork:			
Photographic Evidence Collected (See Annex 1).	Licence	Y / 4	
	Logbook	Y / 3	
	Boat Departure/Exit	Y / 4	
	Other		

BIOT INSPECTION REPORT – MB019

7. INTERVIEW WITH CAPTAIN

Time of interview	13:30	(HH:MM)
Travelling to or from fishing grounds?	Travelling to Saya de Malha Bank	
Port and date of departure	Negombo 09/08/2024	
Total amount of fish onboard (t)	500kg to 1 ton	
If fish onboard where caught?		
If fish onboard when caught?	Over the last few weeks	
If fish onboard how caught?	Longline	
Destination	Saya de Malha Bank in international waters	
Next port of call	Negombo	
ETA	(DD/MM/YY)	
<p><u>Comments:</u></p> <p>Not a formal interview.</p> <p>Captain doesn't answer when asked about the catch onboard and its origin.</p> <p>When questioned about the reason why the boat was stopped in Perros Banhos, Captain explained that they were taking shelter for the expected strong wind, before heading towards Saya de Malha Bank.</p>		

8. VESSEL INSPECTION

Fishing gear type	Longline and Gillnet		
<u>Comments</u>			
2.5km of net and 800 hooks on wire trace			
Catch onboard (estimated/reported t)	Estimated 500kg to 1t.		
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	Y
Description of catch	1SKJ in ice, dried reef fish about 20kg, dried sharks, sharks in ice about 300kg		
<u>Comments</u>			
Catch in the hold not entirely visible. Some silky sharks (FAL) and one or two possible tiger sharks.			
Photographic Evidence Collected (See Annex 1).	Gear	Y / 7	
	Catch	Y / 5	
	Hold	Y / 6	
	Other		

BIOT INSPECTION REPORT – MB019

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

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

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

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

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

BIOT INSPECTION REPORT – MB019

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Y	
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	Y	
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Y	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Y	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	Y	
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).	Y	
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)?	N	X
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	Y	
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.	Y	
15/03 1: Does the vessel have VMS on board?	Y	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	N	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))	Y	
15/03 9. Is the VMS not working due to technical failure?	Unk.	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	N	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	Unk.	
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	Unk.	
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	Unk.	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	Unk.	

BIOT INSPECTION REPORT – MB019

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

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> Escorted out of BIOT	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	13:55	(HH:MM)
Time RHIB recovered to the BPV	14:25	(HH:MM)
<u>Comments:</u>		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Y	IOTC number	12212
Date authorised from	03/01/2024	Date authorised to	20/01/2025

BIOT INSPECTION REPORT – MB019

Vessel currently authorised to fish in IOTC area of competence (Y/N)			Y
Version of IOTC database referenced:			Online
Vessel previously boarded (Y/N)	Y	Inspection report ID	DT005
Master previously boarded (Y/N)	Unk	Inspection report ID	
Owner previously boarded (Y/N)	Y	Inspection report ID	DT005
Crew previously boarded (Y/N)	Unk.	Inspection report ID	
<u>Comments:</u> Boarded 10/05/2023 by the Royal Marines. Name of boat and skipper changed, same owner, same registration number. The previous skipper is also the owner.			

Marion BOURASSEAU

04/09/2024

BIOT Senior Fisheries Protection Officer



[Fig.1] Portside



[Fig.2] Starboard side



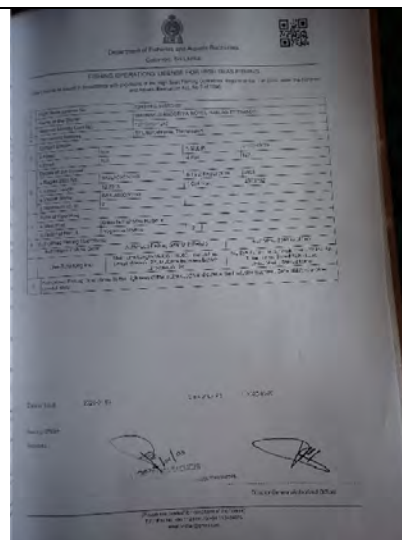
[Fig.3] Stern



[Fig.4] Bow



[Fig.5] Skipper license



[Fig.6]. Fishing licence



[Fig.7].GPS



[Fig.8]. VMS



[Fig.9] VMS



[Fig.10] Catch in the hold: Tiger sharks and Silky sharks



[Fig.11] Hold: 1 skipjack tuna



[Fig.12] Catch: dried silky sharks



[Fig.13] *Catch: dried reef fish in a bag*



[Fig.14] Fishing gear: AIS marker buoys



[Fig.15] Fishing gear: net



[Fig.16] Fishing gear: hooks on wire trace



Dr Paul DeBruyn
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

21 January 2025

Dear Dr DeBruyn,

Resolution 24/03 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-0778-CHW (MITUN PUTHA 5) (IOTC #18061)

As required in paragraphs 5 and 6 of Resolution 24/03 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-0778-CHW (MITUN PUTHA 5) is submitted with this letter.

The attached evidence shows that:

- The Senior Fisheries Protection Officer boarded and inspected the vessel IMUL-A-0778-CHW (MITUN PUTHA 5) on 4 September 2024. It was operating in conjunction with IMUL-A-0603-CHW (DILARA PUTHA 1) (IOTC No. 12212)
- The vessel was on the IOTC Record of Authorised Vessels, #18061.
- The vessel had not submitted a request to transit BIOT waters.
- The vessel had no functioning VMS on board as required for all IOTC authorised vessels.
- The vessel was fishing in BIOT waters without a license. The only fresh fish on deck was reef fish, but older catch in the hold included IOTC species of tuna.
- The vessel was in contravention of a number of other IOTC Conservation Management Measures (e.g. Not carrying documents detailing International callsign, valid certificates of vessel registration and valid authorisation to fish/tranship not presented, AFV engaged in or associated with IUU fishing, marker buoys/floats not correctly marked, VMS not fully operational).
- The vessel was not detained for operational reasons and the Master was instructed to leave the FCMZ and return to Sri Lanka.
- On 11 September 2024, the BIOT Administration wrote to Sri Lanka and requested that they conduct a regulatory investigation into the activities of the vessel, confirm ownership, and report any outcomes of actions taken against the owner and Master (skipper) of the vessel regarding any violation of the fisheries regulations of Sri Lanka.
- To date, no response has been provided by Sri Lanka.

The BIOT Administration notes and welcomes the longstanding bilateral relationship it has with Sri Lanka in order to combat IUU which includes action taken by the Sri Lankan Authorities to prosecute the owners and Masters of IUU vessels. However, in the absence of any details of the actions taken / conclusion of the case to date, and noting that whilst there was IUU fishing in BIOT waters the catch included reef fish, and further noting that the vessel, on the AFV list, was fishing without a VMS and in contravention of a number of other IOTC conservation Management Measures, 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.'

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 blue ink, appearing to read 'J. Moir Clark', with a stylized flourish at the end.

Mr J. Moir Clark

UK Delegation to IOTC

Supporting evidence: IOTC Reporting form for Illegal Activity and associated documentation for
IMUL-A-0778-CHW (MITUN PUTHA 5)

ANNEX I

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 (superseded by Resolution 24/03) 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 BIOT/Chagos Archipelago.

A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	MITUN PUTHA 5 IMULA0778CHW
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
f	Call Sign (previous call sign, if any)	4SF4751
g	Owner (previous Owner/s, if any)	W.F.A. THARANGA SOVIS
h	Operator (previous Operator/s, if any) and Master/Fishing Master	WFAT SOVIS and W.J.L. PEIRIS
i	Date of alleged IUU fishing activities	04/09/2024
j	Position of alleged IUU fishing activities	5°20.9 S 71°56.18 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. Valid certificates of vessel registration and valid authorisation to fish/tranship not presented, AFV engaged in or associated with IUU fishing, marker buoys/floats not correctly marked, VMS not fully operational)
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Reported to flag State
m	Outcome of actions taken	

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 18/03 (superseded by Resolution 24/03) 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

Inspection Report titled: MB019_MITUN_PUTHA_5_20240904_InspectionReport_to_send_REV1

MB019_MITUN_PUTHA_5_20240904_PhotographicEvidences

Notification of Vessel Inspection and Request for Assistance Letter, sent 11th September 2024.

Titled: 20240906_BIOT_DFAR_IMUL-A-0603-CHW_IMULA_0778_CHW_IMULA_0778_PTM

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	

BIOT INSPECTION REPORT – MB019

1. SUMMARY

Date of boarding	04/09/2024		
Patrol type and number	FIPA167		
Vessel name	MITUN PUTHA 5		
Vessel type	MU		
Vessel flag and port of reg.	Sri Lanka – Negombo		
Vessel Registration No.	IMULA0778CHW		
IOTC# (if registered)	18061		
Vessel Captain's name	W. J. L. PEIRIS		
SFPO	Marion BOURASSEAU		
BPV crew assisting	Kevin DUTHIE		
<u>Action Taken:</u>			
<p>2 FVs found and stopped on the West of Island Vache Marine inside of the lagoon of Perros Banhos. They immediately started to steam away but were intercepted with the FRC.</p> <p>Crew and captain were compliant with the SFPO's instructions but were not very communicative otherwise. Captain of the MITUN PUTHA 5 explained that they stopped in Peros Banhos to get a shelter from a storm. He also admitted that they were fishing on the East of Speakers Bank, inside of BIOT. His intention was to go fishing at Saya de Mala Bank, in international waters on the west of BIOT after the stop he had made here at Perros Banhos.</p> <p>The inspection of the deck revealed that no gear was missing but all hooks were mounted on wire trace. Only one reef fish caught from the day was found onboard, the rest of the catch being older. The catch was composed from some big sharks in ice including a shortfin Mako, a few tunas and RRU. About 100kg of dried small sharks, and 100kg of other fish, dried as well.</p> <p>Captain was given a verbal warning and escorted NE, out of BIOT by BPV.</p>			

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

Date and time of first sighting	04/09/2024 11:20		(DD/MM/YY HH:MM)
Sighted by: (insert name)	Marion BOURASSEAU	<input checked="" type="checkbox"/> Radar	<input checked="" type="checkbox"/> Visual X
Position of target	5°25.2 S 71°49.61 E		
Course			
Speed	0		
Range	6		
Bearing	100		
<u>Comments:</u>			
Fisheries Pennant and Sierra Quebec 3 Raised	04/09/24 11:40		(DD/MM/YY HH:MM)

BIOT INSPECTION REPORT – MB019

Vessel called on VHF CH16 and MF 2182.0	04/09/24 12:10	(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	04/09/24 12:40	(DD/MM/YY HH:MM)
Response to request for boarding	<i>Compliant</i>	

BIOT INSPECTION REPORT – MB019

3. LAUNCHING OF RHIB

Time RHIB launched	04/09/24 12:15		(DD/MM/YY HH:MM)
RHIB Crew (<i>names</i>)	Donald MACFARLANE, Kevin DUTHIE, William FARQUHAR		
<u>Comments on the approach to the FV:</u>			
Stopped and wait for inspection.			
Photographic Evidence Collected (See Annex 1).	Port	Y / 3	
	Starboard	Y / 2	
	Stern	Y / 1	
	Fishing gear	Y / 6	
	Other		

4. BOARDING DETAILS

Date and time vessel boarded	04/09/24 13:38		(DD/MM/YY HH:MM)
Position vessel boarded	5°20.9 S 71°56.18 E		
BPV crew assisting	Kevin DUTHIE		
Language spoken	English		
Language Cards used Y/N	N	Numbers used	

5. CREW DETAILS

Captain's name	W. J. L. PEIRIS		
Captain's nationality	Sri Lankan		
Captain's address	[REDACTED]		
Captain's D.o.B	[REDACTED]	(DD/MM/YY)	
Number of crew (inc. Captain)	6		
Nationality of Crew	Sri Lankan		
Are any crew under 18 (Y/N), if 'Y' provide details below			
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	Y / 2	
	Other crew ID	Y / 2	
	Other		

6. VESSEL DOCUMENTS and REGISTRATION

BIOT INSPECTION REPORT – MB019

Vessel Name	MITUN PUTHA 5		
International Callsign	4SF4751		
Flag State	SRI LANKA		
Authorisation to Fish/Fishing Licence No.	Not shown when requested		
Valid from / to (dd/mm/yyyy)			
Port of Registration	Negombo		
Registration Number	IMULA0778CHW		
FV owner name and details (as per licence)	W. F. A. THARANGA SOVIS		
Fishing logbook No.	LB-18 3751		
Issuing Authority	Department of Fisheries and Aquatic Resources		
Date of last entry (dd/mm/yyyy)	21/01/2024		
Position of last entry	Daily catch data		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	Y, Negombo 09/08/2024		
Insurance documentation (Y/N)	N		
Names and addresses of owners			
Overall length (ft/m)	14.08m	Engine Power (KW/hp)	280 Hp
Other paperwork:			
Photographic Evidence Collected (See Annex 1).	Licence	N	
	Logbook	Y / 3	
	Boat Departure/Exit	Y / 4	
	Other		

BIOT INSPECTION REPORT – MB019

7. INTERVIEW WITH CAPTAIN

Time of interview	14:00	(HH:MM)
Travelling to or from fishing grounds?	Travelling from East of Speakers Bank to Mala Bank	
Port and date of departure	Negombo 09/08/2024	
Total amount of fish onboard (t)	500kg to 1 ton	
If fish onboard where caught?	5°21' S 71°56' E	
If fish onboard when caught?	Over the last few weeks	
If fish onboard how caught?	Longline	
Destination	Mala Bank in international waters	
Next port of call	Negombo	
ETA	(DD/MM/YY)	
<p><u>Comments:</u></p> <p>Not a formal interview.</p> <p>Captain declares having some sharks but no tuna onboard, caught inside of BIOT around position 5°21' S 71°56' E.</p> <p>When questioned about the reason why the boat was stopped in Peros Banhos, Captain explained that they were taking shelter from the expected storm.</p>		

8. VESSEL INSPECTION

Fishing gear type	Longline and Gillnet		
<u>Comments</u>			
2.5km of net and 600 hooks on wire trace			
Catch onboard (estimated/reported t)	Estimated 500kg to 1t.		
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	Y
Description of catch	About 100kg of dried shark, dried reef fish, 1 shark fin, rainbow runner RRU: on ice and dried, dried DOL and GBA, about 300kg of sharks in ice.		
<u>Comments</u>			
Catch in the hold not entirely visible. Some silky sharks (FAL) and a shortfin mako (SMA).			
Photographic Evidence Collected (See Annex 1).	Gear	Y / 5	
	Catch	Y / 5	
	Hold	Y / 6	
	Other		

BIOT INSPECTION REPORT – MB019

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

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

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

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

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

BIOT INSPECTION REPORT – MB019

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Y	
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	N	
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Y	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Y	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	Y	
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).	Y	
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)?	N	X
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	Y	
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.	Y	
15/03 1: Does the vessel have VMS on board?	Y	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	N	
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))	Y	
15/03 9. Is the VMS not working due to technical failure?	Unk.	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	N	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	Unk.	
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	Unk.	
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	Unk.	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	Unk.	

BIOT INSPECTION REPORT – MB019

IOTC Resolution	Yes/No	Non-Compliant (X)
17/05 2. and 3 a) For sharks fresh (on ice) has the vessel retained all parts of the shark except heads, guts and skins, with the exception of species prohibited by IOTC?	Y	
17/05 2 and 3 b) For sharks frozen, has the vessel retained for all sharks, fins amounting to >5% of the weight of sharks on board?	Y	
17/05 5. Have shark fins been removed from the carcass?	Y	
12/09 2. Are there any parts or whole carcass of thresher sharks on board?	N	
19/04 11. b) Does the AFV comply with all relevant IOTC CMMs?	N	
<u>Comments</u> No functional VMS, fishing illegally in BIOT, doesn't show a valid fishing licence, endangered species of shark onboard.		

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> Escorted out of BIOT	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	14:10	(HH:MM)
Time RHIB recovered to the BPV	14:25	(HH:MM)
<u>Comments:</u>		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Y	IOTC number	18061
Date authorised from	18/01/2024	Date authorised to	14/02/2025

BIOT INSPECTION REPORT – MB019

Vessel currently authorised to fish in IOTC area of competence (Y/N)		Y
Version of IOTC database referenced:		Online
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)	Unk.	Inspection report ID
<u>Comments:</u>		

Marion BOURASSEAU

04/09/2024

BIOT Senior Fisheries Protection Officer



[Fig.1] Portside



[Fig.2] Starboard side



[Fig.3] Stern



[Fig.4] Bow



[Fig.5] Skipper license



[Fig.6]. Captain (yellow shirt) and crew



[Fig.7].GPS showing position where previously fishing



[Fig.8]. VMS



[Fig.9] VMS



[Fig.10] Catch in the hold: Silky shark and shortfin mako



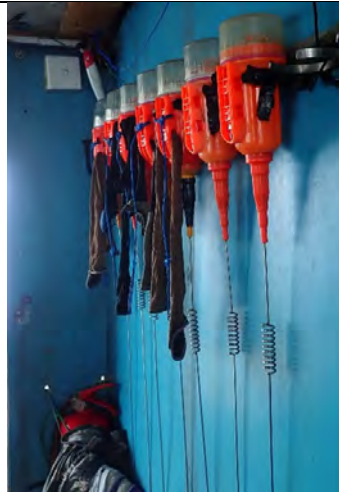
[Fig.11] Catch in the hold: yellow tail crescent



[Fig.12] Catch: dried fish (DOL)



[Fig.13] Catch: dried small sharks



[Fig.14] Fishing gear: AIS marker buoys



[Fig.15] Fishing gear: net



[Fig.16] Fishing gear: hooks on wire trace



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

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

11 September 2024

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

Dear Mr Kahawatta,

Notification of vessel inspections on Sri Lankan Flagged vessels in BIOT waters: IMUL-A-0603 CHW, DILARA PUTHA 1 (IOTC No. 12212) and IMUL-A-0778-CHW, MITUM PUTHA 5 (IOTC No. 18061).

On 4th September 2024 the Senior Fisheries Protection Officer inspected the vessels IMUL-A-0603-CHW (DILARA PUTHA 1) and IMUL-A-0778-CHW (MITUM PUTHA 5). Both vessels were found inside the lagoon of Peros Banhos, off the normal transit route, they both claimed they had come there to shelter. The captain of the MITUM PUTHA admitted to having fished illegally inside of BIOT waters. They had a number of IOTC managed species onboard and so will be reported to IOTC.

A vessel with the same registration number as DILARA PUTHA 1 (IMUL-A-0603-CHW), was previously inspected on 10th May 2023. At the time, according to the boat departure form it was called SHANIKA DUWA, although the name on the side of the vessel and in valuation and insurance documents was given as ST JUDE, it also looks like there has been a change of owner. We initially reported IMUL-A-0603-CHW to you on 9th January 2024, it was suspected of fishing in BIOT waters along with another vessel, IMUL-A-0619-CHW (SHEHAN 1). Despite both vessels having large quantities of fish on board it was not considered there was enough evidence for a conviction and the vessels were reported to IOTC under category a), for information only, no further action recommended, see document IOTC-2024-CoC21-06_Rev1. Can you please confirm the identity of the vessel and the details of the owner.

We would be grateful if you could investigate the activities of these vessels (IMUL-A-0603-CHW and IMUL-A-0778-CHW) regarding possible fishing in BIOT waters, and ask that you share with us any VMS data you have from them from 28th August up to the current time (9th September). We note that while the vessels both departed from port on 9th August, according to the DFAR Boat Departure Cancelled list the vessels went silent on 22nd August and 23rd August respectively.

I attach the two boarding reports for reference, 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

Emily Ager
BIOT Administrator, Director of Fisheries

James Moir Clark
UK Delegation to IOTC



Dr Paul DeBruyn
Executive Secretary
Indian Ocean Tuna Commission
Mahe
Seychelles

21 January 2025

Dear Dr DeBruyn,

Resolution 24/03 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-1562-MTR, RANASHURA 06 (IOTC No. 17052)

As required in paragraphs 5 and 6 of Resolution 24/03 a completed IOTC Reporting form for Illegal Activity and accompanying evidence supporting fishing contrary to IOTC Conservation Management Measures for the Sri Lankan flagged vessel IMUL-A-1562-MTR, RANASHURA 06 (IOTC No. 17052) is submitted with this letter.

The attached evidence shows that:

- On the 29 August 2024, the Senior Fisheries Protection Officer boarded and inspected the vessel IMUL-A-1562-MTR, RANASHURA 06.
- The vessel was on the IOTC Record of Authorised Vessels # 17052.
- The vessel had not submitted a request to transit BIOT waters and was off the normal transit route.
- The vessel had no functioning VMS on board at the time of inspection. The captain stated that it was not active due to some electrical problems, the lights on the unit had also been taped over and according to the DFAR Boat Departure Cancelled list it had been 'silent' since 22nd July. As the vessel is on the IOTC Record of Authorised Vessels it is required to carry a functional VMS on board according to Resolution 15/03, and this is also required under the Sri Lankan Fisheries Act.
- No evidence of IUU in BIOT waters was found. The catch in the hold included Skipjack Tuna and sharks.
- The vessel was in contravention of a number of IOTC Conservation Management Measures (e.g. Valid certificates of vessel registration and valid authorisation to fish/tranship not presented, documents with the vessel name and detailing horsepower not presented, marker buoys/floats not correctly marked, VMS not fully operational).
- The vessel was not detained and the Master was instructed to leave the FCMZ and return to Sri Lanka.
- On 11 September 2024, the BIOT Administration wrote to Sri Lanka and requested that they conduct a regulatory investigation into the activities of the vessel to ascertain why, as a vessel on the AFV list, it was operating outside of the Sri Lankan EEZ without a functioning VMS.
- To date, no response has been provided by Sri Lanka

The BIOT Administration notes and welcomes the longstanding bilateral relationship it has with Sri Lanka in order to combat IUU which includes action taken by the Sri Lankan Authorities to prosecute the owners and Masters of IUU vessels. However, in the absence of any details of the actions taken / conclusion of the case to date, 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.'*

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 blue ink, appearing to read 'J. Moir Clark', with a stylized flourish at the end.

Mr J. Moir Clark

UK Delegation to IOTC

Supporting evidence: IOTC Reporting form for Illegal Activity and associated documentation for
IMUL-A-1562-MTR, RANASHURA 06

ANNEX I

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 (superseded by Resolution 24/03) On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC Area, attached are details of illegal activity recorded by UK(OT) in British Indian Ocean Territory.

A. Details of Vessel

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	RANASHURA 06 IMULA1562MTR
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
f	Call Sign (previous call sign, if any)	4SF5235
g	Owner (previous Owner/s, if any)	T.M.S. THARANGA THENNAKOON
h	Operator (previous Operator/s, if any) and Master/Fishing Master	T.M.S. THARANGA THENNAKOON and L. SURANGA ISHARA
i	Date of alleged IUU fishing activities	28/08/2024
j	Position of alleged IUU fishing activities	5°29.36 S 72°49.136 E
k	Summary of alleged IUU activities (see section B for more detail)	(k).Contravention of IOTC CMMs (e.g. Valid certificates of vessel registration and valid authorisation to fish/tranship not presented, documents with the vessel name and detailing horsepower not presented, marker buoys/floats not correctly marked, VMS not fully operational)
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	Reported to flag State
m	Outcome of actions taken	

B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 18/03 (superseded by Resolution 24/03) contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

That a vessel has, within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures:

Item	Definition	Indicate
a.	engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 15/04 (superseded by Resolution 19/04), nor recorded in the Active list of vessels; or	
b.	engaged in fishing or fishing related activities when its flag State is without quota, catch limit, or effort allocation under IOTC Conservation and Management Measures where applicable; or	
c.	failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; or	
d.	taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; or	
e.	engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; or	
f.	used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; or	
g.	transhipped fish to, or otherwise participated in joint operations with, support or re-supply vessels that are not included on the IOTC Record of Authorised Vessels or not on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area or	
h.	engaged in fishing or fishing related activities in waters that are under the national jurisdiction of a coastal State without the permission or authorisation of that State or in contravention of the laws and regulations of that State (without prejudice to the sovereign rights of the State concerned to undertake enforcement measures against such a vessel); or	
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

Inspection Report titled: MB017_RANASHURA_06_20240828_InspectionReport_REV1_BH

Photographic Evidence titled: MB017_RANASHURA_06_20240828_PhotographicEvidences

Notification of Vessel Inspection and Request for Assistance Letter, sent 11th September 2024.
Titled: 20240829_BIOT_DFAR_IMUL-A-1562-MTR

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	

BIOT INSPECTION REPORT – MB017

1. SUMMARY

Date of boarding	28/08/2024
Patrol type and number	FIPA166
Vessel name	RANASHURA 06
Vessel type	MU
Vessel flag and port of reg.	Sri Lanka – Mirissa
Vessel Registration No.	IMULA1562MTR
IOTC# (if registered)	17052
Vessel Captain's name	L. SURANGA ISHARA
SFPO	Marion BOURASSEAU
BPV crew assisting	William FARQUHAR

Action Taken:

FV spotted at 1:01 on the radar, drifting in the North-East corner of GCB and on a distance of 10NM. It started to move a couple of hours later, firstly with an erratic course in the GCB then heading NE.

The FV was boarded at 8:49.

The inspection of the deck revealed that no gear was missing, whereas the drums to store the hooks were half empty: on their way back to Sri Lanka, the crew of FV had started to secure them. The remaining hooks were mounted on wiretrace. No signs of recent fishing activity were found onboard. The catch in the hold was under the ice and couldn't be seen by SFPO. According to captain, it was composed by mainly skipjack tuna and sharks. Captain explained that they were heading back to Sri Lanka after being fishing in the International Waters out of BIOT (Saya de Malha Bank). He justified the fact that they were stopped by a low oil level in the engine.

Captain was informed of that wire trace is a prohibited gear and no further action was taken.

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

Date and time of first sighting	28/08/2024 1:01	(DD/MM/YY HH:MM)		
Sighted by: (insert name)	Lukas KISIELEWSKI	Radar	X	Visual
Position of target	5°46.8 S 73°29.1 E			
Course	160			
Speed	1.6			
Range	10			
Bearing	062			
<u>Comments:</u>				
Fisheries Pennant and Sierra Quebec 3 Raised	28/08/24 7:50	(DD/MM/YY HH:MM)		

BIOT INSPECTION REPORT – MB017

Vessel called on VHF CH16 and MF 2182.0	28/08/24 8:26	(DD/MM/YY HH:MM)
Target requested to stop and prepare for boarding	28/08/24 8:26	(DD/MM/YY HH:MM)
Response to request for boarding	<i>Compliant</i>	

BIOT INSPECTION REPORT – MB017

3. LAUNCHING OF RHIB

Time RHIB launched	28/08/24 8:38		(DD/MM/YY HH:MM)
RHIB Crew (<i>names</i>)	Donald MACFARLANE, Kevin DUTHIE, William FARQUHAR		
<u>Comments on the approach to the FV:</u>			
Stopped and wait for inspection.			
Photographic Evidence Collected (See Annex 1).	Port	Y / 4	
	Starboard	Y / 5	
	Stern	Y / 4	
	Fishing gear	Y / 6	
	Other		

4. BOARDING DETAILS

Date and time vessel boarded	28/08/24 8:49		(DD/MM/YY HH:MM)
Position vessel boarded	5°29.36 S 72°49.136 E		
BPV crew assisting	William FARQUHAR		
Language spoken	English		
Language Cards used Y/N	N	Numbers used	

5. CREW DETAILS

Captain's name	L. SURANGA ISHARA		
Captain's nationality	Sri Lankan		
Captain's address	[REDACTED]		
Captain's D.o.B	[REDACTED]	(DD/MM/YY)	
Number of crew (inc. Captain)	6		
Nationality of Crew	Sri Lankan		
Are any crew under 18 (Y/N), if 'Y' provide details below			
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	Y / 4	
	Other crew ID	Y / 2	
	Other		

6. VESSEL DOCUMENTS and REGISTRATION

BIOT INSPECTION REPORT – MB017

Vessel Name	RANASHURA 06		
International Callsign	4SF5235		
Flag State	SRI LANKA		
Authorisation to Fish/Fishing Licence No.	23EEZIMUL26452MTR		
Valid from / to (dd/mm/yyyy)	09/01/2024 / 03/01/2025		
Port of Registration	MIRISSA		
Registration Number	IMULA1562MTR		
FV owner name and details (as per licence)	T. M. S. THARANGA THENNAKOON		
Fishing logbook No.	LB GN-24 0391		
Issuing Authority	Department of Fisheries and Aquatic Resources		
Date of last entry (dd/mm/yyyy)	01/06/2024		
Position of last entry	Daily catch data		
Boat Departure Form/Port Exit Documents (Y/N): if Y provide details of port and date of departure.	Y, Mirissa 09/07/2024		
Insurance documentation (Y/N)	Y		
Names and addresses of owners	T. M. S. THARANGA THENNAKOON [REDACTED]		
Overall length (ft/m)	13.82 m	Engine Power (KW/hp)	132 Hp
Other paperwork:			
Photographic Evidence Collected (See Annex 1).	Licence	Y / 4	
	Logbook	Y / 3	
	Boat Departure/Exit	Y / 4	
	Other		

BIOT INSPECTION REPORT – MB017

7. INTERVIEW WITH CAPTAIN

Time of interview	9:00	(HH:MM)
Travelling to or from fishing grounds?	Travelling back to Sri Lanka from fishing grounds	
Port and date of departure	MIRISSA 28/07/2024	
Total amount of fish onboard (t)	Between 2 and 3 t	
If fish onboard where caught?	Mala Bank	
If fish onboard when caught?		
If fish onboard how caught?	Longline	
Destination	Sri Lanka	
Next port of call	MIRISSA	
ETA	10/09/24	(DD/MM/YY)
<p><u>Comments:</u></p> <p>Not a formal interview.</p> <p>Captain declares having 2 to 3 tons of SKJ and sharks onboard, caught outside of BIOT.</p> <p>When questioned about the reason the boat was stopped in GCB, Captain explained that they had a low oil level and had to fix the engine.</p>		

8. VESSEL INSPECTION

Fishing gear type	Longline and Gillnet		
<u>Comments</u>			
2.5km of net and 500 hooks on wire trace			
Catch onboard (estimated/reported t)	Reported 2 to 3 t		
IOTC species onboard (Y/N)	Y	Endangered species onboard (Y/N)	Unk
Description of catch	Dried SKJ, dried DOL (dorado), shark and SKJ in ice.		
<u>Comments</u>			
Catch in the hold not visible. Dried skipjack tuna (SKJ), Barracuda (GBA), Dorado (DOL).			
Photographic Evidence Collected (See Annex 1).	Gear	Y / 8	
	Catch	Y / 5	
	Hold	Y / 6	
	Other		

BIOT INSPECTION REPORT – MB017

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

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

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

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

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

BIOT INSPECTION REPORT – MB017

IOTC Resolution	Yes/No	Non-Compliant (X)
19/04 17. a) (iii) Does the vessel carry documents of Port of Registration and registered number?	Y	
19/04 17. a) (iv) Does the vessel carry documents detailing its International callsign?	Y	
19/04 17. a) (v) Does the vessel carry documents with names and addresses of owner(s) or charterer?	Y	
19/04 17. a) (vi) Does the vessel carry documents detailing overall length?	Y	
19/04 17. a) (vii) Does the vessel carry documents detailing engine power, in KW/horsepower?	N	X
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).	Y	
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)?	N	X
19/04 20. Does the vessel keep a bound fishing national logbook with consecutively numbered pages on board?	Y	
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.	Y	
15/03 1: Does the vessel have VMS on board?	Y	
15/03 7. and 9. (see Annex 1) Is the VMS fully operational?	N	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))	Y	
15/03 9. Is the VMS not working due to technical failure?	Unk.	
17/07 4. Does the vessel have large-scale driftnets on board (>2.5km)? (12/12 binding on Pakistan)	N	
12/04 8. a) Does the vessel have line cutters and turtle de-hookers on board	Unk.	
19/03 3. Has the vessel retained onboard, transhipped, landed or stored any part or whole carcass of mobulid rays (Manta and devil rays)?	Unk.	
18/02 2. Has the vessel recorded catches of blue shark in accordance with Resolution 15/01?	Unk.	
18/05 7. Has the vessel recorded catches of Striped Marlin, Black Marlin, Blue Marlin and Sailfish in accordance with Resolution 15/01?	Unk.	

BIOT INSPECTION REPORT – MB017

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

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	
Master given verbal warning and released	
No further action, vessel released	X
<u>Comments:</u> Advised that wire trace is prohibited	

12. DISEMBARKATION and RECOVERY

Time FV disembarked	9:43	(HH:MM)
Time RHIB recovered to the BPV	9:46	(HH:MM)
<u>Comments:</u>		

13. VESSEL RECORDS and HISTORY

Vessel on IOTC register (Y/N)	Y	IOTC number	17052
Date authorised from	09/01/2024	Date authorised to	12/01/2025

BIOT INSPECTION REPORT – MB017

Vessel currently authorised to fish in IOTC area of competence (Y/N)			Y
Version of IOTC database referenced:			Online
Vessel previously boarded (Y/N)	N	Inspection report ID	
Master previously boarded (Y/N)	N	Inspection report ID	
Owner previously boarded (Y/N)	Y	Inspection report ID	MB016
Crew previously boarded (Y/N)	Unk.	Inspection report ID	
<u>Comments:</u> RANASOORA 11 boarded on 30/05/2024 and possibly fishing in BIOT belongs to the same owner.			

Marion BOURASSEAU

28/08/2024

BIOT Senior Fisheries Protection Officer

BIOT INSPECTION REPORT – MB017

ANNEX 1: PHOTOGRAPH LOG

Stage of Boarding / Inspection		Type of Photograph	Number photos of
Prior to Boarding		Portside	4
		Starboard side	6
		Vessel name and identification	5
		Bow	4
		Stern	2
		Evidence of fishing	0
		FV with BPV	2
		Other	
Wheel house		Radar	2
		GPS	3
		SFPO GPS	0
		Radio equipment	0
		VMS	2
		Plotter	1
Documents		License	5
		Logbook	3
		Boat departure form	4
		Insurance	4
		Other documents	
Crew identification		Captain photos	1
		Crew member photo	1
		Captain identification	2
		Crew identification	2
Fishing activity	Fishing equipment	Nets	1
		Longline	3
		Wire trace	2
		Hand line	0
		Harpoon	0
		Pots / traps / cages	0
		Marker buoys	2
		Fishing equipment in water	0
		Other	
	Evidence of fishing	Blood on deck	0
		Catch in water	0
		Catch released alive	0
		Hauling	0
		Position Gear (start)	0
		Position Gear (end)	0
	Holds and catch storage	Hold lid on	1
		Hold lid off	4
		Catch in hold	1
		Bridge deckhead	2
		Catch on deck	0
Security seals		0	
Other (list)			

BIOT INSPECTION REPORT – MB017

IOTC Resolutions References:

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

See.....

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

Annex II Record once per set/shot/operation

Annex III Specifications for handline and trolling

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

See Paras 8 a) and 8 b)

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

a) be located within a sealed unit; and

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

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



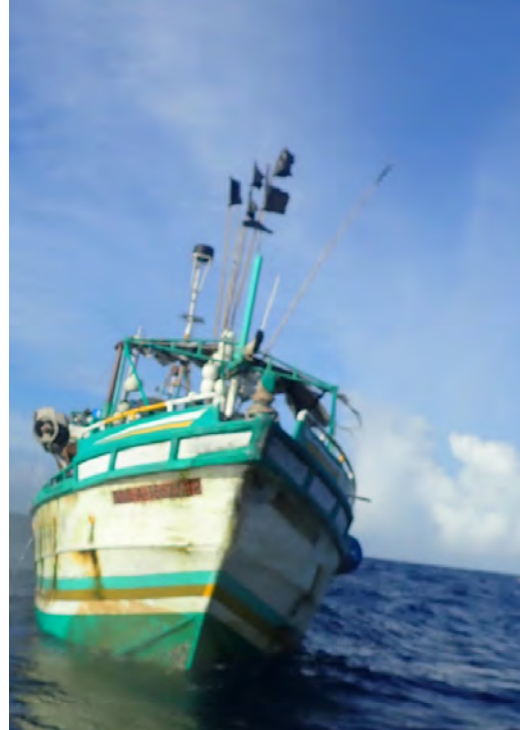
[Fig.1] Portside



[Fig.2] Starboard side



[Fig.3] Stern



[Fig.4] Bow



[Fig.5] Skipper license



[Fig.6]. Captain (on the right) and crew



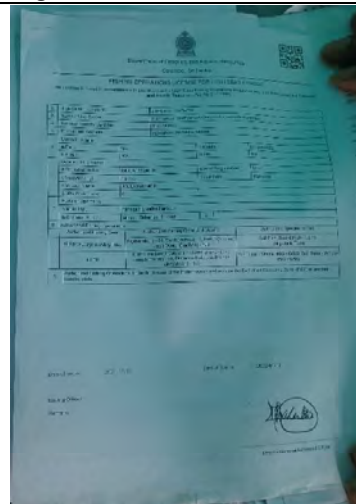
[Fig.7].GPS



[Fig.8]. Radar



[Fig.9] VMS



[Fig.10] Fishing licence for territorial seas



[Fig.11] Hold 2: no catch visible



[Fig.12] Hold 1: no catch visible



[Fig.13] Catch: SKJ in salt



[Fig.14] Catch: dried DOL and SKJ



[Fig.15] Fishing gear: longline stowed



[Fig.16] Fishing gear: hooks on wire trace



[Fig.17] Fishing gear: Net



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

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

11 September 2024

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

Dear Mr Kahawatta,

Notification of vessel inspection on Sri Lankan Flagged vessel in BIOT waters: IMUL-A-1562-MTR, RANASHURA 06 (IOTC No. 17052).

On 29th August 2024 the Senior Fisheries Protection Officer inspected the vessel IMUL-A-1562-MTR (RANASHURA 06), the vessel was heading north from the Great Chagos Bank, off the normal transit route. Although there was some fishing gear missing there was no sign of fishing or fresh fish on board so the vessel was asked to leave the territory. The vessel had a VMS unit on board but the captain stated that it was not active due to some electrical problems, the lights on the unit had also been taped over, please see photo in accompanying inspection report.

We are notifying you of this as the vessel is on the IOTC Record of Authorised Vessels and as such is required to carry a functional VMS on board according to Resolution 15/03, this is also required under the Sri Lankan Fisheries Act. We therefore recommend that you investigate the activities of this vessel and why it was operating outside of the Sri Lankan EEZ without a functioning VMS, according the DFAR Boat Departure Cancelled list the vessel went silent on 22nd July, over a month before this inspection was undertaken. A copy of the boarding report for your records.

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

Emily Ager
BIOT Administrator, Director of Fisheries

James Moir Clark
UK Delegation to IOTC

Attachment: 1) Boarding report for Ranashura 06 (IMUL-A-1562-MTR)

IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 [superseded by Resolution 24/03] 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 Seychelles waters.

COMPLETE A-Detail of the vessel, B-Details of IOTC Resolution Elements Contravened, C-Associated documents and D-Recommended action:

If you have other vessels to report, make a new submission for each vessel you wish to report on.

A. Details of Vessel

Please detail the incidents(s) in the format below

Item	Definition	Details
a	Current Name of Vessel	IMULA0835KLT
	Previous vessel name/s, if any	N/A
b	Current Flag	LKA / Sri Lanka / Sri Lanka
	Previous flag/s, if any	LKA / Sri Lanka / Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	N/A
e	Photograph of vessel, if available	DSC_0663.JPG DSC_0665.JPG DSC_0684.JPG DSC_0689.JPG
f	Call Sign	N/A
	Previous call sign, if any	N/A

g	Owner	HETTIARACHIGE MADHUSHANA SARANGI -
	Previous Owner/s, if any	N/A
h	Operator	HDL SILVA
	Previous Operator/s, if any	N/A
	Master/Fishing Master	M.K PADMASIRI
i	Date of alleged IUU fishing activities	09/06/2024
j	Position of alleged IUU fishing activities	94 NAUTICAL MILES SOUTHEAST OF MAHE WITHIN THE SEYCHELLES EEZ
k	Summary of alleged IUU activities (see section B for more detail)	<p>On June 11th 2024, flag State was informed via the Consulate of Sri Lanka in Seychelles.</p> <p>Action by Seychelles, as coastal State: The case was taken to court and during the hearing the captain pleaded guilty to one count of Fishing without a Foreign Fishing Vessel Licence. The catch has been removed from the vessel to serve as evidence during court proceeding. Catch to be auctioned or destroyed.</p>
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	<p><u>Fishing in contravention of the Seychelles Fisheries Act and associated Regulations:</u></p> <p>1) Fishing illegally in the EEZ of Seychelles without a fishing license issued by Seychelles Fishing Authority (SFA), fishing in Seychelles EEZ with prohibited fishing gear - large scale driftnet of more than 2.5 km.</p> <p>2) Catch retained on board and seized by Seychelles government total 10318 kg of whole fresh shark, 2 bags of shark fins (28 kg); Salted fish 686 kg, Sailfish 50 kg, Mix demersal (Red Snapper & Two-spot Red Snapper) 22kg.</p> <p><u>Fishing in contravention of IOTC Resolutions:</u></p> <p>Unreported Fishing:</p> <ul style="list-style-type: none"> Failure to Report Catches: During inspection, authorities discovered that the vessel did not maintain a fishing logbook on board, which a mandatory and international requirement for all fishing vessels. The absence of the logbook raises suspicions that the vessel failed to record and report its fishing activities and catch data to their national fisheries monitoring system, a clear violation of reporting regulations. This could potentially mean that large quantities of fish caught were unaccounted for, impacting stock assessments and conservation efforts.

- 1) Flag State ATF (Res 19/04) - No flag State ATF on board the vessel (the vessel was not registered on the RAV for year 2024)
- 2) VMS (Res 15/03) - No functional VMS onboard (AIS transceiver on board was switched off).
- 3) Fishing gears (Res 19/04) - Fishing gears inspected on board, drifting longline and driftnet, not marked.
- 5) Fishing logbook (Res 15/01) - No fishing logbook on board.
- 6) Conservation of Sharks (Res17/05) - Breached of data reporting species targeted and retained onboard.

m Outcome of actions taken

Penalties: The captain was fined SCR 400,000.00, and the catch on board was forfeited to the Seychelles Republic.

Compliance: The fine has been paid, and both the captain and vessel have been released. This indicates compliance with the immediate penalties imposed by the Seychelles.

Outstanding Issue: The flag state has not yet provided any information regarding further actions they might take. This is a crucial step, as the flag state has the primary responsibility for enforcing fisheries regulations on vessels flying their flag.

B. Details of IOTC Resolution Elements Contravened

Within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures, that vessel has :

- | | |
|---|---|
| <input checked="" type="checkbox"/> a. engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 19/04, nor recorder the Active list of vessels; | Indicate:
Flag State ATF (Res 19/04) - No flag State ATF on board the vessel (the vessel was not registered on the RAV for year 2024) |
| <input type="checkbox"/> 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; | Indicate:
- |
| <input checked="" type="checkbox"/> c. failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; | Indicate:
Fishing logbook (Res 15/01) - No fishing logbook on board. |
| <input type="checkbox"/> d. taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; | Indicate:
- |
| <input type="checkbox"/> e. engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; | Indicate:
- |
| <input type="checkbox"/> f. used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; | Indicate:
- |
| <input type="checkbox"/> 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 on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area; | Indicate:
- |
| <input checked="" type="checkbox"/> 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 coastal State concerned to undertake enforcement measures against such a vessel); | Indicate:
- |
| <input type="checkbox"/> i. engaged in fishing or fishing related activities whilst being without nationality; | Indicate:
- |
| <input type="checkbox"/> j. engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identification or registration; | Indicate:
- |
| <input checked="" type="checkbox"/> k. engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures; | Indicate: |

C. Associated Documents

Select associated documents and upload them

Doc No	Associated document	Upload
1	Inspection report	IUU Report for Sampath 16.pdf Offloading Report.pdf Sampath 16_31012025181244.pdf
2	Court proceedings	Information Report - IMULA0835KLT (2).pdf scanFH19 of 24 Mawalla Padmasin and ors order.pdf Sentence Mawalla.pdf Xerox Scan_24072024144035.pdf
3	Vessel documents	-
4	Vessel documents	-
5	-	-
6	-	-

Upload any other documents below, if any

-

D. Recommended Actions

Notification: *(Select one option)*

- a. Notification to IOTC Secretariat only. No further actionis recommended.
 - b. Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.
 - c. Recommended for inclusion on IOTC IUU list
-



Suspected IUU Fishing Vessel Inspection Form



1. INSPECTORS DETAILS			
Name of officer 1:	Sharon Roselie		
Name of officer 2:	Tracey Pillay		
Name of officer handed Over:	Cpl. Mervin Hypolite	Time of handover:	0954HRS
2. DATE AND PLACE OF INSPECTION			
COUNTRY: Seychelles		PORT NAME: Providence Fishing Port	
TIME STARTED: 0955HRS DATE: 11/06/2024		TIME ENDED: 1055HRS DATE: 11/06/2024	
3. VESSEL DETAILS			
NAME OF VESSEL: SAMPATH - 16 (as per Department of Fisheries and Aquatic Resources Colombo, Sri Lanka. Boat Departure Form)			
FLAG: SRI LANKA			
REGISTRATION NUMBER: IMUL-A-0835-KLT		IMO NUMBER: N/A	
LICENSE NUMBER: 24EEZIMUL08815KLT			
ISSUED BY: Department of Fisheries and Aquatic Resources Colombo, Sri Lanka			
Fishing Operations License for Fishing (National Sea)			
DATE OF ISSUE: 30/04/2024			
DATE OF EXPIRATION: 29/04/2024			
IOTC NUMBER: N/A			
TYPE OF VESSEL: Fishing Vessel		TYPE OF ENGINE: 115HP@2500 R.P.M	
YEAR OF VESSEL BUILD: 2010	LOA: 12.962	BEAM: N/A	DEPTH: N/A
FUEL CAPACITY: 6300Litres	PORT OF DEPARTURE: Beruwala, Sri Lanka	DATE: 10/05/2024	
LAST PORT CALL: Beruwala, Sri Lanka			
VESSEL PHOTO:			



Suspected IUU Fishing Vessel Inspection Form



4. DESCRIPTION OF VESSEL		
COLOUR OF VESSEL: HULL: Red, White, Blue, Black WHEELHOUSE: Red, White, Blue, Green		
HULL MATERIAL: <input type="checkbox"/> STEEL <input type="checkbox"/> WOOD <input checked="" type="checkbox"/> FIBRECLASS <input type="checkbox"/> OTHERS		
5. VESSEL CAPTAIN DETAILS		
NAME: M.K PADMASIRI	NATIONALITY: SRI LANKAN	AGE: 58 YEARS OLD
ID NUMBER: 196609403480	PASSPORT DETAILS: N/A	
6. OWNERS DETAILS		
NAME OF OWNER: Hettiarachchige Madhushana Sarangi		
NATIONALITY: N/A		
COMPANY NAME (IF ANY): N/A	CONTACT NUMBER: 0775027967	



Suspected IUU Fishing Vessel Inspection Form



EMAIL ADDRESS: madushanasarangi123@gmail.com

7. CREW DETAILS

NUMBERS OF CREW ONBOARD: 6

	NAMES	AGE	NATIONALTY
1	M.K Padmasiri	58	Sri Lankan
2	M.K Nishantha	45	Sri Lankan
3	Dimutu Kumara	30	Sri Lankan
4	C. Vijayan	27	Sri Lankan
5	W. Ranitha Lakmal	34	Sri Lankan
6	P.H.H Prasanga	51	Sri Lankan

8. DOCUMENTATION ON BOARD

- DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES COLOMBO, SRI LANKA BOAT DEPARTURE FORM
- DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES COLOMBO, SRI LANKA. FISHING OPERATIONS LICENSE FOR FISHING (NATIONAL SEA)
- DECLARATION OF SURVEY
- CERTIFICATE OF REGISTRATION
- TRANSFER OF CRAFT
- DESCRIPTION OF OWNER
- IDENTIFICATION CARDS

9. TYPE OF GEARS ONBOARD

DESCRIPTION OF NET: Gillnet

COLOUR: Green/ Darkish Green

Material made of: Cotton Nylon

OTHER GEARS: Fishing Line (Longline)

10. NAVIGATION EQUIPMENT ONBOARD

1. GPS MAP 2108 PLUS (GARMIN)

2. SEA MASTER TOKYO COMPASS



Suspected IUU Fishing Vessel Inspection Form



3. GPS ONWA

Other device found in the wheelhouse (Description):

- BLUE TRAKER VMS ConBox (SRI LANKA)
- SSB RADIO IC-M710
- DEH- 455OUB MUSIC/MOVIE PLAYER

11. COMPARTMENTS

NUMBER OF FISH HOLD: 3

Fish Hold 1 contains consumables for Crew personal use

Fish Hold 2 and 3 contains catch retained onboard. Preliminary inspections of catch onboard consist mostly of Sharks and other Species (Pelagic and Demersal Species)

REMARKS: Catch onboard are being preserved on ice.

12. CATCH ONBOARD

TYPE OF CATCH: SHARKS RAYS DEMERSAL PELAGIC

ESTIMATED FROZEN CATCH ONBOARD: 6000 KG (6Tons)

ESTIMATED SALTED CATCH ONBOARD: None found onboard during Preliminary Inspection.

PRESERVATION OF CATCH: Ice

OTHER REMARKS: Preliminary inspection conducted by Mr. Ian Laporte Fish Inspector from Seychelles Bureau of Standard (SBS), Fish Inspection and Quality Control Unit (FIQCU) department found the catch onboard still Fresh. (See attached detailed report)



Suspected IUU Fishing Vessel Inspection Form



13.

CAPTAIN/SKIPPER COMMENTS

The Skipper onboard the vessel Mr. M.K Padmasiri claims not to comprehend or able to communicate in English.

14.

INSPECTION REMARKS

On Tuesday 11th June 2024 at 09:51hrs suspected IUU Sri Lanka fishing vessel IMUL-A-0835-KLT was handed over by Cpl. Mervin Hypolite from the Special Force Unit (Boarding Team) to Seychelles Fishing Authority (SFA) Port Control Officer Sharon Roselie after being intercepted by the Seychelles Coast Guard (SCG). Additionally present onboard from the Seychelles Fishing Authority was Senior Port Control Officer Tracey Pillay and Port Control Officer Nelson Jean.

Interview with the Skipper:

The Skipper namely Mr. M.K Padmasiri claims to have departed Beruwala, Sri Lanka on 10/05/2024. As per the Skipper they arrived within the Mauritius EEZ on 22/05/2024 and fished within the Mauritius EEZ for 5 days, and on the 31/05/2024 the Skipper claimed they had engine problem and drifted for 7 days which led them within the Seychelles EEZ/Waters. Skipper claims to have tried calling on the SSB radio but each time no response. The Skipper M.K Padmasiri was asked if VMS onboard is operational and he responded the VMS is not operational. With regards to their type of fishing method Skipper M.K Padmasiri claims they use the net onboard to catch Tuna and the Tuna caught is used as bait to lure and catch sharks. Additionally, he was asked if he fished within the Seychelles EEZ/Waters and states to have not fished in the Seychelles EEZ/Waters. As per the Skipper there is about 6 tons of fish onboard the vessel.

Since the Skipper claims due to engine problem the vessel drifted within the Seychelles EEZ/Waters, he was asked if he informed Special Forces Unit Personnel of the engine problem. He responded saying he did inform the Special Forces Unit Personnel, and that one of his crew and Special Forces Unit Personnel went down the engine compartment/room to check the engine.

Furthermore Mr. M.K Padmasiri was asked if they sighted or encountered any other fishing vessel, his response was they did not see or encounter any fishing vessel.

Findings:

- Surveillance Officer Errol Raguin from the Seychelles Fishing Authority (SFA) tried retrieving vessel trajectory on both GPS devices but was unable due to settings preferences being set off.
- Vessel does not have any Coastal State licenses such as Mauritius license and Seychelles license, the license onboard only authorises the vessel to fish in Sri Lanka EEZ or Sri Lanka National Sea.



Suspected IUU Fishing Vessel Inspection Form



- Inspecting the Fish hold onboard Officers Tracey Pillay and Sharon Roselie found most catch retained onboard is stored in Fish Hold marked with 3 and 2. The catch composition as per preliminary inspection is mostly Sharks but additionally found Demersal and Pelagic Species.
- Vessel is currently not listed on Regional Fisheries Management Organisation (RFMO) IOTC (Indian Ocean Tuna Commission).
- Vessel is not listed on List of High Seas Fishing vessel from Department of Fisheries & Aquatic Resources, Sri Lanka.

15. ALLEGED IUU ACTIVITY

Seychelles Fisheries Act, Part III – Licensing Requirements

Sub – Part 1 Foreign Fishing License

11. (1) A foreign fishing vessel shall not be used for fishing or any fishing related activity in Seychelles waters or for Sedentary species on the continental shelf, except under and in accordance with a licence granted by the Authority

16. POLICE OFFICERS ON SITE

NAME OF INVESTIGATION OFFICER: Robin Legaie

RANK: Sergeant

HAND OVER DATE: 11/05/2024

TIME: 10:55HRS

LIST OF SEIZED EQUIPMENT AND DOCUMENTS BY THE POLICE:

1.Garmin – GPS map plus 2108

2.ONWA Plotter – model – KP – 11299A

17. ANNEXES

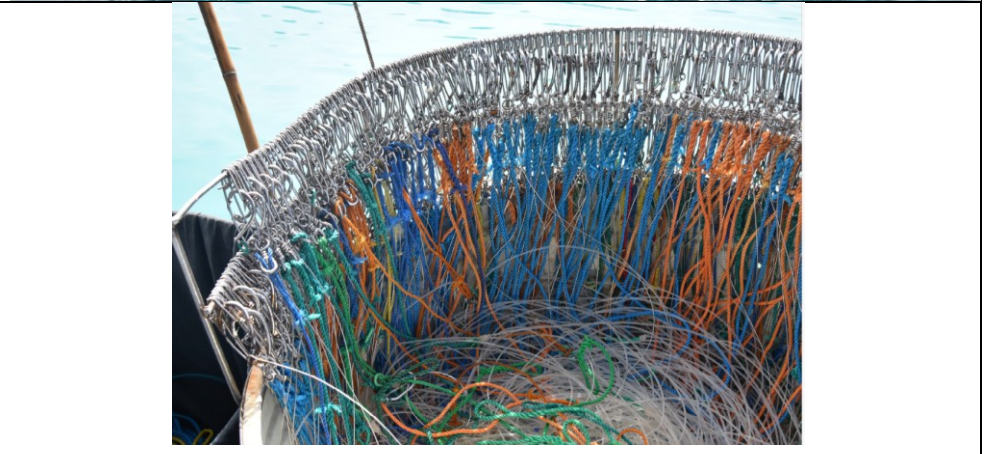


Suspected IUU Fishing Vessel Inspection Form



TRANSFER OF CRAFT / DESCRIPTION OF OWNER
CERTIFICATION OF REGISTRATION
DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES COLOMBO, SRI LANKA. FISHING OPERATIONS LICENSE FOR FISHING (NATIONAL SEA)
DEPARTMENT OF FISHERIES AND AQUATIC RESOURCES COLOMBO, SRI LANKA. BOAT DEPARTURE FORM
DECLARATION OF SURVEY
INSPECTION ON BOARD SRI LANKAN FISHING VESSEL – SAMPATH 16 IMULA 0835 KLT (SEYCHELLES BUREAU OF STANDARDS)





Fish Inspection and Quality Control Unit (FIQCU) Seychelles Bureau of Standards (SBS)	Form	Doc. No.: PRO1002/F06 Date of Issue: 10/01/2010 Revision No.: 1
	Inspection report	

SEYCHELLES BUREAU OF STANDARDS

Fish Inspection and Quality Control Unit

P. O. Box 953, Victoria, Mahe, Republic of Seychelles

Tel: (0248) 324768/15 Fax: (0248) 373826

E-mail: vetfiqcu@seychelles.net sbsorg@seychelles.net

Home page: www.seychelles.net/sbsorg



Reference Number: FIQCU/006.7/24-02

Date: 11/06/2024

Dr Jan Robinson
Chief Executive Officer
Seychelles Fishing Authority
Victoria, Mahe

Attn: Ms Marie Antoinette Saminadin – Enforcement Officer, SFA

Thru' Chief Fish Inspector

12/06/24

Dear Sir,

INSPECTION ON BOARD SRI LANKAN FISHING VESSEL - SAMPATH 16 IMILA 035 KLT'

1. Introduction

The Seychelles Competent Authority 'Fish Inspection and Quality Control Unit'(FIQCU) was requested by the Seychelles Fishing Authority on the 11th of June 2024 to perform a joint inspection onboard the Sri Lankan vessel 'SAMPATH 16 IMILA 035 KLT' that was apprehended for illegally fishing in the Seychelles Exclusive Zone. The FIQCU role was to determine the freshness of the fish on board the vessel and whether they were fit for human consumption. The inspection was carried out at the Providence Artisanal Fishing Port on the 11th June 2024.

2. Findings of the Inspection

Species of fish	Presentation	Temperature range
Shark (mix species)	Whole, gutted, fresh on ice	-0.3°C to 1.7°C
Mixed species of demersal fish	Whole and chunks, ungutted, fresh on ice	0.2°C

The core temperatures of the fish recorded ranged from -0.3 °C to 1.7 °C. It must be noted that no temperature log was available on the vessel and monitoring was done by the FIQCU own instruments.

Visual inspection of the fish showed the following characteristic: The eyes of the sharks were found bright and free of slime. The gills were found bright, appreciable and free from slime. The texture of the flesh was firm and had the colour characteristic of the species. It must also be noted that the sharks, the red snapper and other mix species of fresh fish were found fit for human consumption.



3. Conclusion

The Competent Authority therefore declares that the catch on board the 'SAMPATH 16 IMILA 035 KLT' which was stored on ice in fish hold number two and three were fit for human consumption at the time of the inspection.

FOI 

Mr. Ian Laporte
Fish Inspector



	Seychelles Fishing Authority	
	Information Report	

Information Report Details			
Report Number:		Report Date:	11/06/2024
Reporting Authorised Officer:	Mr. Roddy Allisop	E-mail:	rallisop@sfa.sc
Receivers			
Confidentiality notes	Contains confidential information		

Incident Details	
Date/s:	09/06/2024
Location/s:	05*12.120' S, 057*00.520' E SOUTH EAST OF MAHE
Alleged IUU Activity:	<p>Suspected for IUU fishing in the IOTC Area, and Seychelles waters for the following reasons;</p> <p>The vessel has fished in contravention to the Seychelles Fisheries Act 2014, the IOTC Resolutions, and Sri Lankan Legislation and its Authorisation to Fish (ATF).</p> <p>Alleged IUU Activity:</p> <ol style="list-style-type: none"> 1. Illegal Fishing: <ul style="list-style-type: none"> ○ Fishing Without a License: The vessel IMULA0835MTR is suspected of conducting fishing operations within the Exclusive Economic Zone (EEZ) of Seychelles without possessing the required fishing license or permits from the national fisheries authority. 2. Unreported Fishing: <ul style="list-style-type: none"> ○ Failure to Report Catches: During inspection of the IMULA0835MTR, authorities discovered that the vessel did not maintain a fishing logbook on board, which a mandatory and international requirement for all fishing vessels. The absence of the logbook raises suspicions that the vessel failed to record and report its fishing activities and catch data to their national fisheries monitoring system, a clear violation of reporting regulations. This could potentially mean that large quantities of fish caught were unaccounted for, impacting stock assessments and conservation efforts. <p>Fishing in Seychelles EEZ without a valid license.</p>
Applicable legislation:	<p>Identify contraventions under the Seychelles Fisheries Act;</p> <ul style="list-style-type: none"> - As per Section 58; the vessel is suspected to have Fished in Seychelles EEZ without a license. - As per Section 30 (1) (a); Suspected to have use an unregistered or unlicensed Fishing net in Seychelles waters.

	<ul style="list-style-type: none"> - As per Section 69; All species being targeted and retained onboard are in contravention section 58, and 64 (1) (j). - As per Section 64 (1) (c,h,j,l); the vessel has conducted IUU fishing activities in Seychelles waters: <ul style="list-style-type: none"> o (c); Switching of its VMS while navigating in the Seychelles Waters. o (h); fail to supply information or location of fishing activities (no log book onboard, VMS not operational, no navigational track history as per the marine chart plotter). o (j); engages in fishing that are in contraventions to the IOTC Resolutions. <p>“Seychelles Fisheries Act, Section 11.(1) A foreign fishing vessel shall not be used for fishing or any fishing related activity in Seychelles waters or for sedentary species on the continental shelf, except under and in accordance with a licence granted by the Authority.”</p>
--	---

Vessel Details			
Name	IMULA0835KLT (SAMPATH -16)		
Flag	Sri Lanka	IMO Number	N.A.
Registration Number	IMULA0835KLT	Registration Type	National (Sri Lanka)
Callsign	4SF5792	MMSI	417083534
Vessel Class	Fishing vessel		
Gear type	Mixed - longline and drift net		
Owner and address	M.K.PADMASIRI		
Operator and address	N/A		



Information/Source Details	
Information / source type	Agency inspections: <ul style="list-style-type: none"> - Seychelles Coast Guard (SCG) - Seychelles Fishing Authority (Port Control Unit - MCS) - Seychelles Police Service - Department of Environment - Health Care Agency
Details	Each agency participated in inspections on the vessel, gathering information and evidence.

Account of Incident or Activity

On the Sunday 9th June 2024, the Seychelles Fishing Authority received a report from the SCG on a potential IUU vessel reported by Mr Dominic Antat owner of Fv Old Man 01 SZ992, whereby he had informed that he received information from his skipper onboard his vessel stating that they have sighted a fishing vessel that was conducting illegal fishing in vicinity SE of Mahe. Information received by SCG vessel via satphone with the skipper Mr Jim Memee was that the personnels onboard was behaving aggressively when he told them to pick up their fishing line. The same day the Airforce was deployed to confirm the vessel position, where it was sighted on anchorage still fishing at approximately 94NM Southeast of Mahe.



On the Monday 10th June 2024, the vessel was intercepted by PS Topaz whereby the boarding team relayed in the following information before escorting the vessel to port Victoria for further investigation.

SCG boarding report:

“PS Topaz intercepted and boarded the vessel on Monday 10th June 24, the vessel was flagless with 06 POB, documents onboard states that they are from Colombo, Sri Lanka. They left port on 10th May 24. So far, the boarding team has confirmed that there are approximately 200 fresh sharks onboard.”

On Tuesday 11th June 2024 at 09:51hrs suspected IUU Sri Lanka fishing vessel IMUL-A-0835-KLT was handed over by Seychelles Coast Guard (SCG) to Seychelles Fishing Authority (SFA).

Observations and inspection conducted by the SFA :

- Flag State Authorisation to Fish (ATF) on the High Seas. The purpose of this inspection was to identify if the vessel is registered under an RFMO and what type of species it allows fish.
- Fishing Gear inspection and authorization for use by the Flag state.
- Fishing Logbook Inspection. (No fishing logbook found onboard).
- Certificate of vessel registration and Crew Nationality. (Sri Lankan Fishing vessel with Sri Lankan Crew).
- Fishing licences in neighbouring coastal countries. (No fishing licences)

Findings:

- Surveillance Officer Errol Raguin from the Seychelles Fishing Authority (SFA) tried retrieving vessel trajectory on both GPS devices but was unable due to settings preferences being set off.
- Vessel does not have any Coastal State licenses, the license onboard only authorises the vessel to fish within Sri Lanka EEZ or Sri Lanka National Sea.
- Inspecting the Fish hold onboard; The catch composition as per inspection is mostly Sharks but additionally found Demersal and Pelagic Species.
- Vessel is currently not listed on Regional Fisheries Management Organisation (RFMO) IOTC (Indian Ocean Tuna Commission).

Proposed response or follow up actions

Conclusions:

- It is recommended that vessel is prosecuted under the Seychelles Fisheries Law for IUU fishing.
- The vessel is to be listed on the IOTC list of IUU vessels for being in contraventions to the IOTCs Conservations and Management Measures.

Annexes

Seychelles Coast Guard Incident Report – (email)

IUU Inspection Report form the SFA Port Control Unit – (email)

Food Safety Report form the Seychelles Bureau of Standards – (email)

Source and information reliability	
Source/information	Admiralty code
Seychelles Coast Guard Incident Report	A1
IUU Inspection Provisional Report form the SFA Port Control Unit - MCS	A1
Food Safety Provisional Report form the Seychelles Bureau of Standards	A1

REMOVAL OF CATCH ONBOARD

DATE OF REMOVAL: 14.06.2024

TIME OF REMOVAL: 10:16HRS / 15:41HRS

STORAGE FACILITY: Cold Store on Providence fishing port.

VESSEL NAME: IMUL-A-0835 KLT SAMPATH 16

FLAG: SRI LANKA

WHOLE SHARKS

TOTAL KG: 10318 KG

SHARKS FINS

NUMBER OF GUNNY BAGS: 2 Bag

TOTAL KG: 28 KG

SALTED FISH

NUMBER OF SLING: 3 SLINGS

TOTAL KG: 686 KG

SAILFISH

TOTAL KG: 50 KG

MIX DEMERSAL (RED SNAPPER & TWO-SPOT RED SNAPPER)

TOTAL KG: 22 KG

GRAND TOTAL OF CATCH OFFLOADED: 11104 KG



IN THE SUPREME COURT OF SEYCHELLES

Reportable
[2024]
FH 19/2024

In the matter between:

THE REPUBLIC
(rep. by Mr. Galinoma & Ms. Rose)

Prosecution

and

MAWALLA KATTADILAGE PADMASIN

1st Accused

WEERASEKARAGE RANITHA LAKMAL

2nd Accused

PUNCHIHEWAHE NIMAL PRASANGA

3rd Accused

MAWALLA KATTADILAGE NISHANTHA

4th Accused

**MAWALLA KATTADILAGE
DIMUTHU KUMARA**

5th Accused

CHANDRA LUMARA VIJAYAN
(rep. by Mr. Andre)

6th Accused

Neutral Citation: *Republic v Padmasin & Ors* (FH19/2024) [2024] 12th June 2024.

Before: G. Dodin J

Heard: 12th June 2024

Delivered: 12th June 2024

ORDER

DODIN J

- [1] The suspects shall be detained at the Central Police Station only for lack of secure accommodation having been organised for them at the present time.
- [2] The Authorities concerned shall make arrangements to house the suspects outside prison or Police Station within the shortest possible delay failing which the suspects shall be free

to determine their own abode whether on the vessel or otherwise, to the satisfaction of the Court at the next Court appearance.

[3] Suspects to be brought to Court on Monday 24th June at 9:30am.

Signed, dated and delivered at Ile du Port on 12th June 2024.



Dodin J



SUPREME COURT OF SEYCHELLES

Reportable
CM88 of 2024
(Arising in CO 45 of 2024)

In the matter between

THE REPUBLIC
(Rep. by Mr. B. Galinoma)

Applicant

and

MAWALLA KATTADILAGE PADMASIRI
(Rep. by Mr. C. Andre)

Respondent

Neutral Citation: *The Republic v Padmasiri* (CM 88/2024) [2018] 27th June 2024
Before: Adeline J
Summary: Sale and disposal of perishables/Section 54 (1) (a) and (c) of the Fisheries Act, 2020.
Heard: 27 June 2024
Delivered: 27 June 2024

ORDER ON MOTION

Adeline J

[1] The Republic, the Applicant in respect of this application, brings this application by way of Notice of Motion pursuant to Section 54 (1) (a) and (c) of the Fisheries Act, 2014 (Act 20 of 2014). By its application, the Applicant pleads for an order of this Court in the following terms;

1. *An order allowing some of the highly perishable articles seized under the Fisheries Act 2014 to be sold and some of the highly perishable articles to be destroyed in accordance with Section 54 (1) (a) and (c) of the Fisheries Act 2014 for the reason set out in the attached affidavit.*

2. The Applicant supports its application by an affidavit sworn by Detective Woman Police Constable Anna-Belle Payet who is presently attached to the Priority Crime Unit at Bois De Rose.
3. Learned Counsel who in previous Court proceeding on the matter on the 24th June 2024 had indicated that he would file his objection to the application in answer to the same, now informs the Court, that he is not going to respond to the application.
4. In the absence of a response from the Respondent, I have given due consideration to the affidavit evidence of Detective Woman Police Constable Anna-Belle Payet, and the law for the making of the order being sought for.
5. The statutory provisions of Section 54 (1) (a) and (c) of the Fisheries Act, 2014 under which this application has been made is couched in the following terms;

“54. (1) The Court may, on application, order;

a. Any fish, fish products or other perishables articles seized under this Act, to be sold”

c. any or fish product or other perishable articles seized under this Act which are likely to become unfit for human consumption before the matter can conveniently be dealt with by the Court, to be destroyed.”

6. In the circumstances, this application is granted and accordingly, this Court makes the following orders;
 - a) Destruction of the salted catch weighing 686 kilograms, and
 - b) Sale of the whole frozen sharks weighing 10318 kilograms, 28 kilograms of shark fin, 50 kilograms of sailfish, and the mixed demersal (Red Snapper and two spots Red Snapper.

Signed, dated, and delivered at Ile du Port on 27 June 2024



Adeline J.



SUPREME COURT OF SEYCHELLES

Reportable
CO 45/2024

In the matter between:

THE REPUBLIC
(represented by Mr. Barry Galinoma)

Applicant/Petitioner

and

MAWALLA KATTADILAGE PADMASIRI
(represented by Mr. Clifford Andre)

Accused

Neutral Citation: *The republic v/s Padmasiri* (CO45/2024) [24th July 2024]

Before: Adeline, J

Summary: Sentencing of a convict for the offence of Fishing Without a Foreign Fishing Vessel License. Section 11 (1) read with Section 69 of the Fisheries Act, 2014.

Heard: 29th June and 18th July

Delivered: 24th July 2024

SENTENCE

Adeline J,

[1] By way of an amended formal charge pertaining to CB No.89/06/24, filed in court on the 9th July 2024, the accused, one Mawalla Kattadilage Padmasiri, now a convict, was charged with a single count of Fishing Without a Foreign Fishing Vessel License. The statement of offence reads as follows: -

“Fishing without a Foreign Fishing Vessel License, contrary to Section 11(1) read with Section 69 of the Fisheries Act, 2014 (Act 20 of 2014) and punishable under Section 58(a) of the said Act”.

[2] The particulars of the offence as written in the formal charge reads as follows: -

“Mawalla, Kattadilage, Padmasiri aged 58years old, Sri Lankan national and skipper of the Foreign Fishing Vessel (FV) Sampath 16 bearing registration number IMULA0835KLT, along with his crew, on the 9th June 2024, at approximately 94 Nautical Miles South East of Mahe, within the Seychelles EEZ, used the said Foreign Fishing Vessel, that is not licensed or authorised for fishing in Seychelles waters”.

[3] On the 24th June 2024, the accused / convict pleaded guilty to one count of Fishing Without a Foreign Fishing Vessel Licence, and after admitting the facts pertaining to the charge laid before the Court by the prosecution, he was accordingly convicted of one count of Fishing Without a Foreign Fishing Vessel Licence.

[4] In plea in mitigation, learned defence counsel submitted, that the court must take into account as a mitigation factor, the fact that the accused has pleaded guilty at the first available opportunity, at a time when the prosecution has not even disclosed to the defence the prosecution’s docket containing the relevant documents.

[5] It was submitted by learned defense counsel, that a plea of guilty at such early stage of the proceedings has saved the court valuable time and resources, and as such, the accused should be credited. Learned counsel also submitted, that the accused is the father of four children, two of whom are still dependent on him to provide them with their needs for their well-being and upbringing.

[6] It was the submission of learned counsel, that when it comes to sentencing an accused convicted of Fishing Without a Foreign Fishing Licence, the Court of appeal case of Mahalingam Kanapathy SCA CR14/2021 SCC A 36 (19th August 2022) offers good guidance as to how the court should approach sentencing, and the factors which the court has to consider to decide on a sentence that is just and reasonable.

[7] As per learned counsel’s submission, in Kanapathy (Supra), the Court of Appeal substituted the sentence imposed by the trial court, which was a fine of SCR2,500,000.00 to be paid within 14 days in default of which the accused was to be imprisoned for 2 years,

and for seizure of the fishing vessel and all its gears by a lesser sentence after taking into account the mitigating factors which the Court a quo failed to take into account.

[8] It was submitted by learned defence counsel, that in Kanapathi (Supra), the convict was ordered to pay a fine of SCR400,000.00 within a period of one month from the date the judgment that was delivered on the 19th August 2022, in default of which, the vessel and its gears as well as its equipment were to be forfeited to the republic.

[9] Learned counsel submitted, that the Court of Appeal came to this sentence after taking into account several factors and principles many of which have been developed through case law and are found in our jurisprudence. Learned counsel urged the court to rely on Kanapathy (Supra) and to impose a non-custodial sentence in the form of a fine that would be justified on account of the whole facts and circumstance of this case.

[10] In order to met out the sentence that would be just and appropriate in this case, it is necessary, at this juncture, to be clear of the penalty prescribed by law for the offence of Fishing Without a Foreign Vessel License. The penalty for such offence is prescribed under Section 58 of the Fisheries Act, 2014.

[11] Section 58 reads as follows-;

“Where a Foreign Fishing Vessel that is not licensed in accordance with Section 11 is used for fishing or any fishing related activity in Seychelles waters or for sedentary species on the continent shelf, the owner and master each commits an offence and is liable on conviction, where the foreign fishing vessel is: -

(a) of a length overall not exceeding 24 metres, to a fine not less than SCR2,500,000.00;

(b) of a length overall exceeding 24 metres but not exceeding 50 metres, to a fine not less than SCR12,500,000.00;

(c) of a length overall exceeding 50 metres or more, to a fine not less than SCR18,750,000.00 and not exceeding SCR31,250,000.00”.

[12] Furthermore, it is prescribed under Section 70 of the Fisheries Act, 2014 for forfeiture of the vessel, its gears and articles, Section 70 of the Fisheries Act, 2014 is couched in the following terms: -

"Where a person is convicted of an offence under this Act, the court may, in addition to any other penalty,

(a) order the forfeiture of the fishing vessel, any gear or article used in the commission of the offence;

(b) order the forfeiture of any fish caught in breach of this Act;

(c) order that the Master of the vessel shall be prohibited from operating or boarding any fishing vessel in Seychelles' waters for a period of two years from the date of his conviction.

[13] My reading of the sentences under Section 58 (a) – (c) of the Fisheries Act, 2014 leads me to the conclusion that they are minimum mandatory sentences and that they are limited to fines only. Therefore, there is no statutory provisions providing for a custodial sentence for Fishing Without a Foreign Fishing License under the Fisheries Act, 2014. It is also the case, that the sentences prescribed under Section 58 of the Fisheries Act, 2014 vary depending on the length of the vessel.

[14] I note, that the prosecution has not provided the court with information pertaining to the length of the fishing vessel used in the commission of the offence. Therefore, for the purpose of this sentencing exercise, because the accused/convict was charged and convicted under Section 58 (a) of the Fisheries Act, 2014, I take it that the vessel does not exceed 24 metres and as such, the convict is liable to a fine of not less than SCR2,500,000.00.

[15] My reading of Section 70 of the Fisheries Act, 2014 is that forfeiture of the fishing vessel used for the commission of the offence as well as its gears, equipment and articles are not mandatory, but rather, at the discretion of the Court, which discretion, in my view, must be exercised reasonably taking into account the whole facts and circumstances of the case.

[16] As I consider the sentence which in my opinion would be just and appropriate to reflect the facts and circumstances that the accused/convict committed the offence, I started from the premise that the offence committed by the accused/convict that led to its conviction attracts a minimum mandatory sentence of a fine of SCR2,500,000.00. I then proceeded to establish whether there are mitigating factors and extenuating circumstances that should be taken into account that would render the accused/convict liable for a lesser sentence.

[17] I have also applied the factors that have to be taken into account to the facts and circumstances that offence was committed as well as the principles enunciated by case law in our jurisprudence. The need for such an approach was stated in the case of Njue V R (2016) SCCA 12, when the court had this to say: -

"...when sentencing, a court must be guided by several principles including public interest, the nature of the offence and the circumstance it was committed, whether there is a possibility for the offence to be reformed, the gravity of the offence, the prevalence of the offender, the damage caused, any mitigating factors, the age and previous records of the accused, the period spent in custody and the accused's cooperation with law enforcement agencies. These factors can be grouped into three categories, namely, looking at the crime committed, the offender and the interest of society'.

I am reminded of the case of *Lawrence V/S Republic* 1990 SLR47, in which case the court mentioned the principles of sentences which are deterrence, prevention, and rehabilitation".

[18] Therefore, the fact that the accused/convict pleaded guilty at the first available opportunity, that in itself is a mitigating factor that cannot be ignored and its consideration necessitates a departure from the minimum mandatory sentence towards a lesser sentence.

[19] The principle that a guilty plea would earn a convict a reduction in sentence is well elaborated in Blackstones's Criminal Practice and has been put in application in *Mahalingam Kanapathi* SCA CR14/2021. Furthermore, the fact that no antecedent of the accused/convict was put before this Court to show that the accused/convict has previous

criminal convictions that would have been an aggravating factor to be taken into account, I have treated the accused/convict as a first time offender.

[20] In the final analysis, therefore, guided by the case of Kanapathi (Supra), after considering all the relevant factors and the principles of sentencing, I sentence the accused/convict Mawalla Kattadilage Padmasiri to pay a fine of SCR400,000.00 within two months from the date of this sentence in default of which the Vessel (FV) Sampath 16, its gears and other equipment on board shall be forfeited to the Republic.

[21] I order that the proceeds of sale of the frozen sharks, the shark fins, the sail fish and mix demersal (red snapper and two spot red snapper) be forfeited to the Republic.

The accused/convict has 30 days to appeal against this sentence.

[22] A copy of this order is to be served on the Commissioner of Police.

Signed, dated and delivered at Ile du Port on 24th July 2024.



IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 [superseded by Resolution 24/03] 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 Seychelles.

A. Details of Vessel

Please detail the incidents(s) in the format below

Item	Definition	Details
a	Current Name of Vessel	IMUL-A-1895 MTR
	Previous vessel name/s, if any	N/A
b	Current Flag	LKA / Sri Lanka / Sri Lanka
	Previous flag/s, if any	LKA / Sri Lanka / Sri Lanka
c	Date first included on IOTC IUU Vessel List (if applicable)	N/A
d	Lloyds IMO Number, if available	N/A
e	Photograph of vessel, if available	IMG_0157.jpeg IMG_0158.jpeg IMG_0161.JPG IMG_0164.JPG IMG_0211.jpeg IMG_0214.jpeg
f	Call Sign	PENDING

	Previous call sign, if any	N/A
g	Owner	EPG LAKJANA
	Previous Owner/s, if any	N/A
h	Operator	EPG LAKJANA
	Previous Operator/s, if any	N/A
	Master/Fishing Master	EDIRIWEERA PATABEDIGE GANUSHA LAKJANA
i	Date of alleged IUU fishing activities	24/05/2024
j	Position of alleged IUU fishing activities	79 nautical mile south east of Mahe
k	Summary of alleged IUU activities (see section B for more detail)	-
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	-
m	Outcome of actions taken	case ongoing in court

B. Details of IOTC Resolution Elements Contravened

Within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures, that vessel has :

- | | |
|---|----------------|
| <input type="checkbox"/> a. engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 19/04, nor recorded on the Active list of vessels; | Indicate:
- |
| <input type="checkbox"/> 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; | Indicate:
- |
| <input type="checkbox"/> c. failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; | Indicate:
- |
| <input type="checkbox"/> d. taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; | Indicate:
- |
| <input type="checkbox"/> e. engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; | Indicate:
- |
| <input type="checkbox"/> f. used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; | Indicate:
- |
| <input type="checkbox"/> 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 on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area; | Indicate:
- |
| <input checked="" type="checkbox"/> 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 coastal State concerned to undertake enforcement measures against such a vessel); | Indicate:
- |
| <input type="checkbox"/> i. engaged in fishing or fishing related activities whilst being without nationality; | Indicate:
- |
| <input type="checkbox"/> j. engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identification or registration; | Indicate:
- |
| <input checked="" type="checkbox"/> k. engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures; | Indicate: |

C. Associated Documents

Select associated documents and upload them

Doc No	Associated document	Upload
1	Inspection report	IUU Ispection Form.docx REMOVAL OF CATCH ONBOARD.docx
2	Inspection report	NISCC Report (IMULA1895MTR) 25052024.pdf
3	Vessel documents	IMG_0168.JPG IMG_0172.JPG IMG_0174.JPG IMG_0175.JPG IMG_0177.JPG IMG_0179.JPG IMG_0180.JPG IMG_0181.JPG IMG_0182.JPG
4	Vessel documents	scanBammanage Fernando.pdf Xerox Scan_28052024133313.pdf
5	-	-
6	-	-

Upload any other documents below, if any

-

D. Recommended Actions

Notification: *(Select one option)*

- a. Notification to IOTC Secretariat only. No further actionis recommended.
 - b. Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.
 - c. Recommended for inclusion on IOTC IUU list
-



National Information Sharing and Coordination Centre

REFLECS 3 Building, Bois de Rose Ave, Mahe, Republic of Seychelles

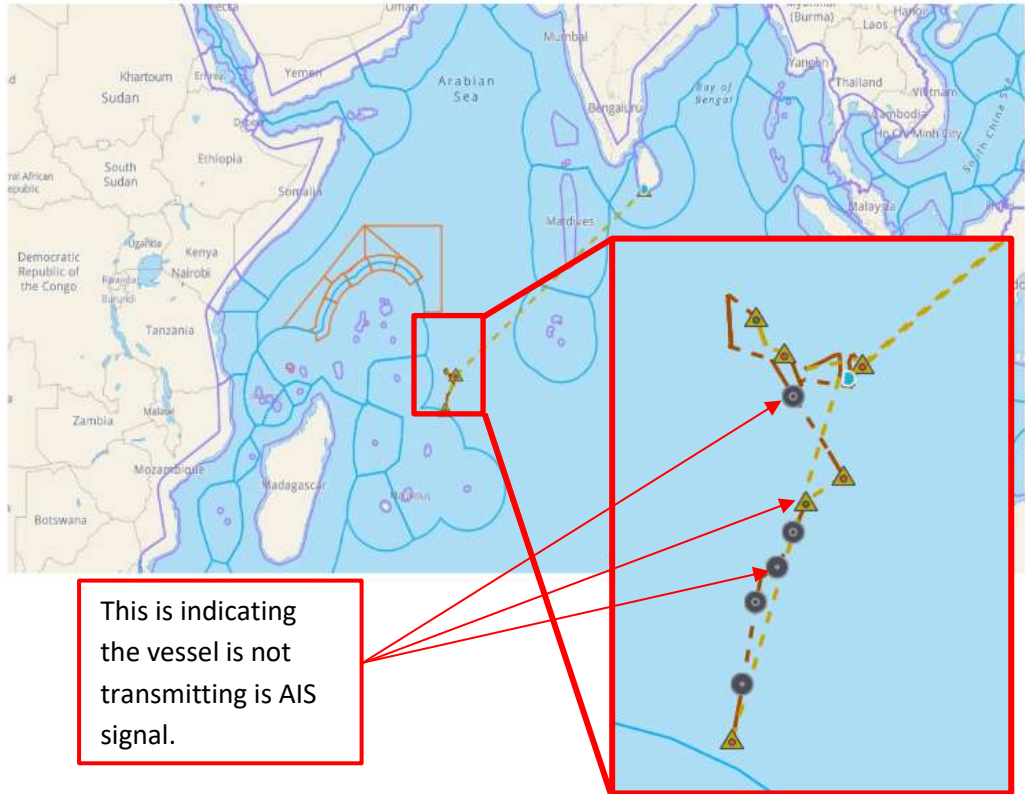
Tel: +248 385661, Email: info@niscc.gov.sc

VESSEL OF INTEREST (INTERNATIONAL)

RISK LEVEL	MEDIUM	
NAME:	IMULA 1895 MTR	DATE: 25/05/2024
MMSI:	417189541	IMO: N/A
Activity:	Possible IUU	
Area:	Seychelles Mauritius JMA (joint Management Area) , Indian Ocean	
Recommendation:	IMULA Vessels: Continuous daily monitoring of the IMULA vessels, as for being known to engage in IUU fishing activities in the eastern and southeastern regions within the Seychelles EEZ boundary, often with its AIS system turned off. FV NAEL: Additionally, continuous monitoring is recommended for the two local fishing vessels licensed to operate in the JMA.	
Owner: (or registration)	Unknown	
FLAG:	Sri Lanka	
Last port of call:	Mirissa Fisheries Harbour, Sri Lanka	
Photo: (if available)	Unavailable	

SUMMARY

Upon investigation, the last recorded activity of the IMULA vessel indicates it was operating in the JMA between 10/09/2023 and 22/10/2023. During its operation in the JMA, the vessel engaged in numerous "dark" activities (vessel not transmitting its AIS signal), a pattern frequently observed.

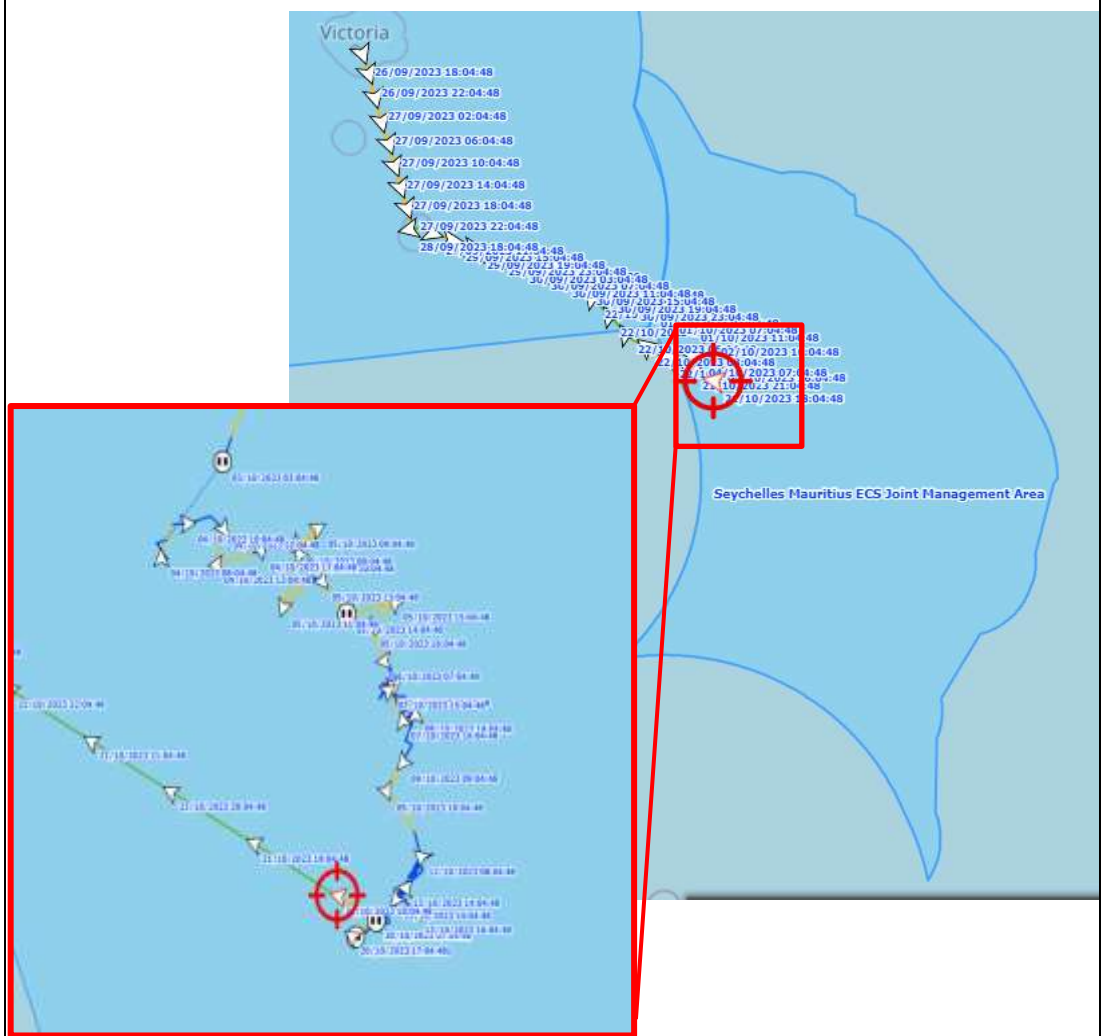


Investigations have also been conducted on the two local fishing vessels licensed to operate in the JMA PTI FRER SZ1579 and NAEL SZ1829. It was found that NAEL was operating in the JMA between 01/10/2023 and 22/10/2023. The closest distance observed between the two vessels was 95NM. While our observations cannot conclusively state that ship-to-ship (STS) transfers occurred between these vessels, the possibility remains open, given the IMULA's history of dark activities.

NAEL SZ1829
517816

Position
09°10'36.48000" S, 060°14'42.00... 8 kt
21/10/2023 18:04:48 283 °
Regular 3.2 kt
VIR G 298 °

969 / 993



Below is a timeline of the last recorded activity of the Imula 1895 MTR operating in the JMA. As you will see the vessel has had a large amount of time conducting dark activity

02/03/2024 03:37	Latest position report	
02/03/2024 03:22	Lost	3 months, Sri Lanka
01/03/2024 13:56	Found	Sri Lanka
01/03/2024 03:13	Lost	11 hours, Sri Lanka
01/03/2024 03:13	Found	Sri Lanka
29/02/2024 11:28	Lost	16 hours, Sri Lanka
29/02/2024 05:42	Found	Sri Lanka
28/02/2024 05:46	Lost	a day, Sri Lanka
28/02/2024 03:26	Port call	Mirissa Fisheries Harbour, Sri Lanka, 3 days
28/02/2024 03:26	EEZ Visit	Sri Lanka, 3 days
28/02/2024 03:26	Dark activity end	Sri Lanka
22/10/2023 14:01	 Dark Activity Start	4 months, Indian Ocean
22/10/2023 04:00		
21/10/2023 21:33	Dark activity end	Indian Ocean
20/10/2023 22:36	 Dark Activity Start	a day, Indian Ocean
20/10/2023 21:43	Fishing Operation	
20/10/2023 17:05	Meeting	With: IMULA 0064 KMN (Fishing), Indian Ocean, 43 minutes
20/10/2023 10:41	Enter International Waters	Indian Ocean, 2 days
20/10/2023 10:41	Dark activity end	Indian Ocean
25/09/2023 16:29	 Dark Activity Start	25 days, Indian Ocean
25/09/2023 09:39	Found	Indian Ocean
24/09/2023 23:27	Lost	10 hours, Indian Ocean
24/09/2023 11:55	Fishing Operation	
24/09/2023 11:11	Found	Indian Ocean
24/09/2023 02:54	Lost	8 hours, Indian Ocean

23/09/2023 22:21	Dark activity end	Indian Ocean
22/09/2023 14:33	 Dark Activity Start	a day, Indian Ocean
22/09/2023 11:23	Found	Indian Ocean
22/09/2023 02:59	Lost	8 hours, Indian Ocean
21/09/2023 21:18	Found	Indian Ocean
21/09/2023 03:50	Lost	17 hours, Indian Ocean
20/09/2023 23:33	Found	Indian Ocean
20/09/2023 03:32	Lost	20 hours, Indian Ocean
20/09/2023 03:32	Fishing Operation	
20/09/2023 03:32	Found	Indian Ocean
19/09/2023 16:47	Lost	11 hours, Indian Ocean
19/09/2023 16:47	Dark activity end	Indian Ocean
19/09/2023 02:56	 Dark Activity Start	14 hours, Indian Ocean
19/09/2023 02:56	Dark activity end	Indian Ocean
18/09/2023 15:25	 Dark Activity Start	12 hours, Indian Ocean
17/09/2023 22:06	Found	Indian Ocean
17/09/2023 09:47	Lost	12 hours, Indian Ocean
17/09/2023 04:41	Fishing Operation	
17/09/2023 04:41	Dark activity end	Indian Ocean
10/09/2023 17:40	 Dark Activity Start	6 days, Indian Ocean
10/09/2023 17:40	Enter International Waters	Indian Ocean, 15 days
10/09/2023 17:40	Dark activity end	Indian Ocean



Suspected IUU Fishing Vessel Inspection Form



INSPECTORS DETAILS			
Name of officer 1:	Tracey Pillay		
Name of officer 2:	Marie – Antoinette Saminadin		
Name of officer handed Over:	CPL Stevie Cecile	Time of handover:	15:05hrs
1. DATE AND PLACE OF INSPECTION			
COUNTRY: Seychelles	PORT NAME: Providence fishing port		
TIME START: 15:22 hrs.	TIME END: 17:40hrs		
DATE: 25/05/2024	DATE: 25/05/2024		
2. VESSEL DETAILS			
NAME OF VESSEL: Nathalia Putha	FLAG: Sri Lankan		
REGISTRATION NUMBER: IMUL-A-1895MTR	IMO NUMBER: NONE	IOTC NUMBER: NONE	
LICENSE NUMBER: 23HSIMUL5000MTR - High seas Fishing - 24/11/2023 – 23/11/2024 23EEZIMUL23729MTR – National sea – 22/08/2023 – 21/08/2024			
TYPE OF VESSEL: Multiday	TYPE OF ENGINE: Daedong HP: 247 @ 2000 RPM		
ENGINE NUMBER: D64-2KJ 339510	FUEL CAPACITY: 7000 LTS		
YEAR OF VESSEL BUILD: 09/08/2020	LOA: 14.12 M	BEAM: 4.725 M	DEPTH: 2.489 M
PORT OF DEPARTURE: Mirissa harbour DEPARTURE DATE: 12/03/2024			
3. DESCRIPTION OF VESSEL			
COLOUR OF VESSEL: Hull colours: Green/Yellow/Red Wheelhouse: colours Green/Yellow/Red			
HULL MATERIAL: Fiber Glass			



Suspected IUU Fishing Vessel Inspection Form



4. OWNERS DETAILS			
NAME OF OWNER: Ediriweera Patabedige Ganusha Lakjana NATIONALITY: Sri Lankan			
OWNER ID: 198234803740			
OWNER ADDRESS: 2 nd Lane, Sunanda Road mirissa			
5. CREW DETAILS			
NUMBERS OF CREW ONBOARD: 6			
CREW NAMES		AGE	NATIONALTY
1	Devaraj Anton Kumar	39	Sri Lankan
2	Hettiarachchilage Ruwan Chamara	43	Sri Lankan
3	Rathugamage Umesh Ishan Sanjana Fernando	24	Sri Lankan
4	Sattambi Ralalage Nuwan	42	Sri Lankan
5	Ambagahage Osca Pethum	43	Sri Lankan
6	Bammannage Malan Priyankara Fernando (Skipper)	39	Sr Lankan
6. DOCUMENTATION ON BOARD			
• MEA'S Certificate for boat of length			
• Vendor Certificate on AIS encoding			
• Fishing operation licence for high seas fishing			
• Fishing operation licence for nation sea			
• Declaration Survey			
• 6 Identification cards			
7. NAVIGATION EQUIPMENT ONBOARD			
1. Blue Traker conbox 2018 S/N 26664		5. Ico mic M710 SSB Radio	
2. Marine Navigator Sunhang SH- 1098A		6.	
3.ONWA – SK 4326		7.	
4. FULL HD LED Monitor		8.	

INTERNAL USE ONLY



Suspected IUU Fishing Vessel Inspection Form



REMARKS: All the Navigational equipment's was off in the wheelhouse, due to the battery problem as referred from the skipper of the boat.

8. COMPARTMENTS

NUMBER OF FISH HOLE: 3 holes on the main deck

1st Hole contain whole sharks and shark fins

2nd Hole contain ice.

3rd Hole contain some fishing buoys/basket of ropes

REMARKS: The Sharks are being kept in ice

9. CATCH ONBOARD

TYPE OF CATCH: SHARKS RAYS MIX DEMERSAL MIX PELAGIC

SEA CUCUMBER

SALTED FISH

SALTED SHARK

ESTIMATED FROZEN CATCH ONBOARD: 5000 KG

ESTIMATED SALTED CATCH ONBOARD: N/A

CONDITION OF STORAGE OF CATCH: Stored in Ice



Suspected IUU Fishing Vessel Inspection Form



10. CAPTAIN COMMENTS	
<p>The Skipper onboard states that they have been adrift for 16 days, and there's around 5000 kgs of sharks onboard,</p> <p>He states that they have been fishing in the Malagasy water. They have encounter battery problem, all the navigational</p> <p>Equipment was switch off in the wheelhouse.</p>	
11. POLICE OFFICERS ON SITE	
NAME OF INVESTIGATION OFFICER: Vanessa Racombo Jimroy Jeannevole	RANK: SGT RANK: SI
HAND OVER DATE: 25/05/2024	TIME: 15:47 HRS
LIST OF SEIZED EQUIPMENT AND DOCUMENTS BY THE POLICE:	
1 ONWA SK-4326	4.
2 Garmin GPS Map 2108 plus	5.
3. Sunhang SH-1098A Marine navigator	6.
5. END	

Source of Information.

- A Phone call was received on Friday 24th May 2024 from LT Jerome Philoe from coast guard to Miss Marie-Antoinette Saminadin Senior Post Harvest from SFA regarding one local fishing vessel name ST Marie has spotted a suspected Sri Lankan Fishing Vessel around 79 nautical miles south east of Mahe. SAF will depart at any time for sighting of vessel, once vessel is spotted one SCG vessel will depart port along with a surveillance officer from SFA.

Lt Jerome Philoe state that he relayed the information to SFA as he was trying to contact NISCC no one responded.

- Saturday morning at 09:42 received a forward whatsapp txt from MCS HOD Mr. Roddy Allisop, giving an update on the arrival time of the sri lankan vessel between 14:00hrs to 15:00hrs.
- MRCC send an email at 09:16hrs, vessel was intercepted 06 POB, they are claiming that they have been adrift for 16 days due to engine failure & no fuel. Patrol ship stated that there are no fish onboard but they have a fair amount of ice. Their Hygiene and health onboard does not look well, they are heavily coughing and some seems to be having fever. They have been isolated, 03 boarding team members is onboard and the Sri Lankan vessel is being towed back to Mahe.
Email sent by Cpl Dufrene R (Duty watch stander).

INTERNAL USE ONLY

Photos of the Sri lanken vessel.







AIS 4800-1

Vendor certificate on AIS encoding

District: Matarra Radio Call Sign: APPLU
 Harbour: MIRISSA Boat Number: IMULA187001E

Boat Owner's Name: E. P. Sumantha Lakshana
 Boat Owner's Address: 2nd Lane, Sumantha Road, Mirissa
 Owner ID No: 19334803740

(A) Buoy No. MMSI Model/Serial No. of buoy

1	99417	
2	99417	
3	99417	
4	99417	
5	99417	
6	99417	
7	99417	
8	99417	
9	99417	
10	99417	
11	99417	
12	99417	
13	99417	

(B) Number of Buoy

MMSI: 417169591 Serial no of Transceiver: 180000100

TRC License No: 0105/21/R

SRI LANKA ELECTRONICS
 10th Floor, 10/A, 11th Floor, 11/A, 12th Floor, 12/A, 13th Floor, 13/A, 14th Floor, 14/A, 15th Floor, 15/A, 16th Floor, 16/A, 17th Floor, 17/A, 18th Floor, 18/A, 19th Floor, 19/A, 20th Floor, 20/A, 21st Floor, 21/A, 22nd Floor, 22/A, 23rd Floor, 23/A, 24th Floor, 24/A, 25th Floor, 25/A, 26th Floor, 26/A, 27th Floor, 27/A, 28th Floor, 28/A, 29th Floor, 29/A, 30th Floor, 30/A, 31st Floor, 31/A, 32nd Floor, 32/A, 33rd Floor, 33/A, 34th Floor, 34/A, 35th Floor, 35/A, 36th Floor, 36/A, 37th Floor, 37/A, 38th Floor, 38/A, 39th Floor, 39/A, 40th Floor, 40/A, 41st Floor, 41/A, 42nd Floor, 42/A, 43rd Floor, 43/A, 44th Floor, 44/A, 45th Floor, 45/A, 46th Floor, 46/A, 47th Floor, 47/A, 48th Floor, 48/A, 49th Floor, 49/A, 50th Floor, 50/A, 51st Floor, 51/A, 52nd Floor, 52/A, 53rd Floor, 53/A, 54th Floor, 54/A, 55th Floor, 55/A, 56th Floor, 56/A, 57th Floor, 57/A, 58th Floor, 58/A, 59th Floor, 59/A, 60th Floor, 60/A, 61st Floor, 61/A, 62nd Floor, 62/A, 63rd Floor, 63/A, 64th Floor, 64/A, 65th Floor, 65/A, 66th Floor, 66/A, 67th Floor, 67/A, 68th Floor, 68/A, 69th Floor, 69/A, 70th Floor, 70/A, 71st Floor, 71/A, 72nd Floor, 72/A, 73rd Floor, 73/A, 74th Floor, 74/A, 75th Floor, 75/A, 76th Floor, 76/A, 77th Floor, 77/A, 78th Floor, 78/A, 79th Floor, 79/A, 80th Floor, 80/A, 81st Floor, 81/A, 82nd Floor, 82/A, 83rd Floor, 83/A, 84th Floor, 84/A, 85th Floor, 85/A, 86th Floor, 86/A, 87th Floor, 87/A, 88th Floor, 88/A, 89th Floor, 89/A, 90th Floor, 90/A, 91st Floor, 91/A, 92nd Floor, 92/A, 93rd Floor, 93/A, 94th Floor, 94/A, 95th Floor, 95/A, 96th Floor, 96/A, 97th Floor, 97/A, 98th Floor, 98/A, 99th Floor, 99/A, 100th Floor, 100/A

AIS 4800-1

Vendor certificate on AIS encoding

District: MATARRA Radio Call Sign: 48PTEST
 Harbour: MIRISSA Boat Number: IMULA187001E

Boat Owner's Name: E. P. Sumantha Lakshana
 Boat Owner's Address: 2nd Lane, Sumantha Road, Mirissa
 Owner ID No: 19334803740

(A) Buoy No. MMSI Model/Serial No. of buoy

1	99417008	HG-18A	18A70267
2	99417008	HG-18A	18A70277
3	99417008	HG-18A	18A70277

(B) Serial No. of Transceiver

MMSI: NOT APPLICABLE Serial No. of Transceiver: NOT APPLICABLE

TRC License No: 0115/21/R File No: LC/A/EN/333/2018
 Date: 2021/11/22

SRI LANKA ELECTRONICS
 10th Floor, 10/A, 11th Floor, 11/A, 12th Floor, 12/A, 13th Floor, 13/A, 14th Floor, 14/A, 15th Floor, 15/A, 16th Floor, 16/A, 17th Floor, 17/A, 18th Floor, 18/A, 19th Floor, 19/A, 20th Floor, 20/A, 21st Floor, 21/A, 22nd Floor, 22/A, 23rd Floor, 23/A, 24th Floor, 24/A, 25th Floor, 25/A, 26th Floor, 26/A, 27th Floor, 27/A, 28th Floor, 28/A, 29th Floor, 29/A, 30th Floor, 30/A, 31st Floor, 31/A, 32nd Floor, 32/A, 33rd Floor, 33/A, 34th Floor, 34/A, 35th Floor, 35/A, 36th Floor, 36/A, 37th Floor, 37/A, 38th Floor, 38/A, 39th Floor, 39/A, 40th Floor, 40/A, 41st Floor, 41/A, 42nd Floor, 42/A, 43rd Floor, 43/A, 44th Floor, 44/A, 45th Floor, 45/A, 46th Floor, 46/A, 47th Floor, 47/A, 48th Floor, 48/A, 49th Floor, 49/A, 50th Floor, 50/A, 51st Floor, 51/A, 52nd Floor, 52/A, 53rd Floor, 53/A, 54th Floor, 54/A, 55th Floor, 55/A, 56th Floor, 56/A, 57th Floor, 57/A, 58th Floor, 58/A, 59th Floor, 59/A, 60th Floor, 60/A, 61st Floor, 61/A, 62nd Floor, 62/A, 63rd Floor, 63/A, 64th Floor, 64/A, 65th Floor, 65/A, 66th Floor, 66/A, 67th Floor, 67/A, 68th Floor, 68/A, 69th Floor, 69/A, 70th Floor, 70/A, 71st Floor, 71/A, 72nd Floor, 72/A, 73rd Floor, 73/A, 74th Floor, 74/A, 75th Floor, 75/A, 76th Floor, 76/A, 77th Floor, 77/A, 78th Floor, 78/A, 79th Floor, 79/A, 80th Floor, 80/A, 81st Floor, 81/A, 82nd Floor, 82/A, 83rd Floor, 83/A, 84th Floor, 84/A, 85th Floor, 85/A, 86th Floor, 86/A, 87th Floor, 87/A, 88th Floor, 88/A, 89th Floor, 89/A, 90th Floor, 90/A, 91st Floor, 91/A, 92nd Floor, 92/A, 93rd Floor, 93/A, 94th Floor, 94/A, 95th Floor, 95/A, 96th Floor, 96/A, 97th Floor, 97/A, 98th Floor, 98/A, 99th Floor, 99/A, 100th Floor, 100/A



FORM SEM/07/17A

Director Regulation & Extension

MEA S Certificate for Boats of Length 24' & above fitted with Inboard Engines

PART I

1. Hull No of Vessel: IMULA 548
 2. Name & Address of Owner: M. A. Sumantha Lakshana, 2nd Lane, Sumantha Road, Mirissa
 3. Identity Card No.: 19334803740
 4. Type of Vessel: Motor Boat
 5. Builder's Name: MIRISSA
 6. Date of: 02/10/2020
 a) Commenced Construction: 02/10/2020
 b) Completed Construction: 02/10/2020
 7. Material of Hull: Aluminum
 8. Principal Dimensions:
 a) Length: 47'02" (A. 502 M)
 b) Beam: 15'06" (A. 452 M)
 c) Depth: 08'02" (A. 244 M)
 d) Designed Draught: 08'02" (A. 244 M)
 9. Main Machinery:
 a) Diesel / Petrol: 2400cc
 b) Number of Cylinders: 4
 c) Horsepower of Engine: 24 HP
 d) Make & Model: DAEWOO D04AZ
 e) Serial No: DAEWOO 329470
 f) Steering Gear Type: Hydraulic Steering System

PART II

1. Construction of Boat:
 a) Hull / Sheathing: Aluminum
 b) Deck: Aluminum
 c) Cabin: None
 d) Compartments: None
 e) Frame Work Timber & Internal: Aluminum
 f) Rudder: Aluminum
 g) Steering Gear: Hydraulic
 h) Other Fittings: None
 i) Engine Installations: None

IMULASIRI

Department of Fisheries and Aquatic Resources
 Colombo, Sri Lanka

Fishing Operations License for High Seas Fishing

(This License is issued in accordance with provisions of the High Seas Fishing Ordinance (Regulation No. 1 of 2014, under the Fisheries and Aquatic Resources Act, No. 360)

1. Name of the Licensee: M. A. Sumantha Lakshana
 2. National Identity Card No: 19334803740
 3. Residential Address: Mirissa
 4. Date of Issue: 2023-11-24
 5. Date of Expiry: 2024-11-23

6. Authorized Fishing Operations:
 a) High Seas License No: 0105/2023/0000000000000000
 b) Name of the Vessel: E.P.S. Lakshana
 c) National Identity Card No: 19334803740
 d) Residential Address: Mirissa
 e) Date of Issue: 2023-11-24
 f) Date of Expiry: 2024-11-23
 g) Authorized Fishing Operations:
 i) High Seas License No: 0105/2023/0000000000000000
 ii) Name of the Vessel: E.P.S. Lakshana
 iii) National Identity Card No: 19334803740
 iv) Residential Address: Mirissa
 v) Date of Issue: 2023-11-24
 vi) Date of Expiry: 2024-11-23

7. Signature of Licensee: M. A. Sumantha Lakshana
 8. Signature of Authorized Officer: M. A. Sumantha Lakshana

Department of Fisheries and Aquatic Resources
 Colombo, Sri Lanka

FISHING OPERATIONS LICENSE FOR HIGH SEAS FISHING

(This License is issued in accordance with provisions of the High Seas Fishing Ordinance (Regulation No. 1 of 2014, under the Fisheries and Aquatic Resources Act, No. 360)

1. Name of the Licensee: M. A. Sumantha Lakshana
 2. National Identity Card No: 19334803740
 3. Residential Address: Mirissa
 4. Date of Issue: 2023-11-24
 5. Date of Expiry: 2024-11-23

6. Authorized Fishing Operations:
 a) High Seas License No: 0105/2023/0000000000000000
 b) Name of the Vessel: E.P.S. Lakshana
 c) National Identity Card No: 19334803740
 d) Residential Address: Mirissa
 e) Date of Issue: 2023-11-24
 f) Date of Expiry: 2024-11-23
 g) Authorized Fishing Operations:
 i) High Seas License No: 0105/2023/0000000000000000
 ii) Name of the Vessel: E.P.S. Lakshana
 iii) National Identity Card No: 19334803740
 iv) Residential Address: Mirissa
 v) Date of Issue: 2023-11-24
 vi) Date of Expiry: 2024-11-23

7. Signature of Licensee: M. A. Sumantha Lakshana
 8. Signature of Authorized Officer: M. A. Sumantha Lakshana



DECLARATION OF OWNER

01. Name and Registration Number of Vessel: **NSLB 540 / 2018**

02. Name and Address of Owner's: **E.P.G. Jayasinghe, 100/1, P.O. No. 100, Colombo 10, Sri Lanka**

03. Type of Vessel/Weight of vessel: **Outboard fishing boat**

04. Builder's Name and Address: **Sevcon Lanka**

05. Date of Built: **2018**

06. Material of Hull/wood, steel, fiberglass, etc): **Fiberglass**

07. Dimensions:

- (a) Length: **4.11**
- (b) Beam: **1.52**
- (c) Depth: **0.57**
- (d) Designed draft: **0.31**

08. Machinery:

- (a) Inboard/outboard: **Inboard**
- (b) Diesel, petrol or paraffin: **Diesel**
- (c) Number of cylinders: **3 Cyls**
- (d) Horsepower of engine: **10 HP**
- (e) Maker's name and engine: **Yamaha 100 HP**
- (f) Fuel tank capacity: **50 litres**

09. Drifted speed: _____

10. Maximum range of fuel tank: _____

11. Steering gear Type: **Manual**

12. Date and date of inspection: **2023/06/22**

13. Was vessel afloat/benched/on slipway or dry dock at time of inspection: **Afloat**

13. Condition of:

- (a) Hull: Internal External Sheathing
- (b) Decks
- (c) Cargo compartment
- (d) Framework, timber and internal
- (e) Machinery and date of last overhaul
- (f) Rudder
- (g) Steering gear
- (h) Anchors and cables
- (i) Navigation lights

**Department of Fisheries and Aquatic Resources
Colombo, Sri Lanka**

FISHERIES OPERATIONS LICENSE FOR FISHERS (NATIONAL SEA)
(This license is issued under the Fisheries and Aquatic Resources Act, No. 36 of 1980)

01. EPL License Number	0202041010000
02. Registration Number of the Boat	NSLB 540/2018
03. Year of Boat Registration	2018
04. Length of the Fishing Boat	4.11 METERS
05. Material of Boat	Fibre
06. Boat Yard Number	0202041010000000
07. Reg. Number of the Supporting Net	N/A
08. Owner's Details	E.P.G. Jayasinghe
09. Name	SEVCON LANKA
10. National Identity Card No.	922611416
11. Contact number	0778218133
12. Address	100/1, P.O. No. 100, Colombo 10, Sri Lanka

Authorized Fishing Operations:

Authorized Fishing	Authorized Fishing Gear/Net Details	Authorized Species of Fish
Line Trawl fishing	Main Line Length: 1000, Branch Line Length: 500, Total Length: 1500	Big Eye Tuna, Laysan Tuna, Yellow Fin Tuna, Common Snappers
Cast net Large mesh gillnet	Mesh Size: 24, Maximum Length: 100, Total Length: 100	Yellow Fin Tuna, Laysan Tuna, Big Eye Tuna, Laysan Tuna, Common Snappers

13. Home port/Landing: **Mission Fisheries Harbour**

14. Fishing season: **All Year**

15. Fishing Duration: **All Time**

W. A. M. Pathirandera
Assistant Director
Director General of Fisheries and Aquatic Resources
District Fisheries Officer - Mission

Date of Issue: 2023-06-22 Date of Expiry: 2024-06-22

Director General/Assistant Director



II දැමි ඉන්ද්‍රිය / PART II

01. අයදුම්කරුගේ නම / Full Name of the Owner: **ආචාර්ය ජයසිංහ**

02. අයදුම්කරුගේ ලිපිනය / Address: **20/1, මල්වත්ත පාර, මිගම**

03. අයදුම්කරුගේ ජාතික හැඳුනුම්පත් අංකය / National Identity Card Number: **922611416**

04. ඉදිරිපත් කර ඇති ඉන්ද්‍රියවල සංඛ්‍යාව / Number of Nets/Equipment Presented: **02**

05. ඉදිරිපත් කර ඇති ඉන්ද්‍රියවල විස්තර / Details of Nets/Equipment Presented:

- 1. රේඛා ඉන්ද්‍රියයක් / Line Trawl: **1000 මීටර් ප්‍රධාන රේඛාවක් සහ 500 මීටර් ප්‍රධාන රේඛාවක් සහිතව**
- 2. ස්පාන්දන ඉන්ද්‍රියයක් / Cast Net: **24 මිලිමීටර් ක්ෂුද්‍ර ඉන්ද්‍රියයක් සහ 100 මීටර් ප්‍රධාන රේඛාවක් සහිතව**

W. A. M. Pathirandera
Assistant Director
Director General of Fisheries and Aquatic Resources
District Fisheries Officer - Mission

Date of Issue: 2023/06/22 Date of Expiry: 2024/06/22

IN THE SUPREME COURT

APPLICATION FOR FURTHER HOLDING OF SUSPECTS

CRIMINAL PROCEDURE CODE

SECTION 101(1)

CAP 54

NAME OF APPLICANT: I, Detective Sergeant Vanessa Racombo presently attached at the Priority Crime Unit at Bois De Rose apply to this Honorable Court for the further holding of suspects.

NAME OF SUSPECTS:

1. Devaraj Anton Kumar 39 years old of Sri Lankan national arrested on 25th May 2024, at 1649hours, at Providence.
2. Hettiarachchilage Ruwan Chamara 43 years old of Sri Lankan national arrested on 25th May 2024, at 1701 hours, at providence.
3. Rathugamage Umesh Ishan Sanjana Fernando 24 years old of Sri Lankan national arrested on 25th May 2024, at 1703hours, at Providence
4. Sattambi Ralalage Nuwan 42 years old, Crew of Sri Lankan national arrested on 25th May 2024, at 1705hours, at Providence
5. Ambagahage Osca Pethum 43 years old of Sri Lankan national arrested on 25th May 2024, at 1708hours, at Providence
6. Bammannage Malan Priyankara Fernando 39 years old, Skipper of Sri Lankan national arrested on 25th May 2024, at 1804hours, at Providence

conspicuously unlit due to a lack of electricity, save for a small flashing light situated atop its bridge.

- IV. Following identification of the suspected vessel, PS Topaz established communication with FV Ste. Marie via HF radio on Channel 16, confirming its identity. Subsequently, the boarding team initiated a comprehensive boarding operation, successfully securing the vessel. Upon inspection, the team reported to PS Topaz they encountered six Sri Lankan individuals who disclosed distressing circumstances—they had depleted their supplies of food and water and possessed only a limited quantity of fuel. Furthermore, they revealed that they had been adrift at sea for a harrowing 16 days before being aided by FV Ste. Marie, which provided them with some water.
- V. Following the operation, crucial information was promptly relayed to the Maritime Operation Centre (MOC), informing them of the developments. Subsequently, orders were issued to transport the vessel to Mahe for further processing. On 25th May 2024, around 14:30 hours, following clearance from Public Health authorities, the vessel was transferred to SCG FRB 213 and escorted to the Providence Fishing Port.
- VI. Upon reaching the Providence Fishing Port, the Seychelles Coast Guard transferred custody of the vessel and its crew members to officers of the Seychelles Fishing Authority. This handover occurred at approximately 15:05 hours and facilitated the commencement of inspection procedures by the Seychelles Fishing Authority.

XI. The Details of the vessel are provided below:

Vessel details and description	
Name of Vessel	Nathalia
Registration Number	IMULA 1895MTR
Type of Vessel	Multiday Fishing Vessel
Year of vessel Build	2020
Type of Engine	274 HP (Inboard diesel)
Length of the Fishing Boat	14.12 meters

**INQUIRIES WHICH THE
POLICE HAS CARRIED
OUT:**

The Police have carried out so far:

- I.** Nathalia vessel has been seized by the Police.
- II.** Nathalia vessel has been processed and photographed by SS&CRB.
- III.** All suspects have been arrested and detained.
- IV.** The suspects have been arrested assisted by a Translator.
- V.** GPS system devices have been seized.
- VI.** Documents in a foreign language have been seized.
- VII.** Some witnesses have given statements.

**FURTHER INQUIRIES
WHICH THE POLICE NEED
TO CARRY OUT:**

**Following are subsequent enquiries to be carried out by
the Police:**

- I.** All suspects to be cautioned and interviewed.

iii. The investigation, in this case, is currently ongoing, and it is imperative that the police are granted the necessary time to diligently collect all relevant evidence, such as to interview several witnesses and record statements from them.

iv. The alleged offense committed, specifically fishing without a foreign fishing license by foreign fishing vessels, is increasing. This situation could potentially have detrimental effects on our economy, as Seychelles does not derive any economic benefits from these unauthorized fishing activities in our waters. Consequently, this constitutes an economic crime.

Dated this 27th day of May 2024



Handwritten signature of Vanessa Racombo in cursive script, with the word "APPLICANT" printed in bold capital letters directly below it.

DETECTIVE POLICE SERGEANT VANESSA RACOMBO

report from a local fisherman aboard FV Ste. Marie regarding a suspected Sri Lankan vessel engaged in illegal fishing activities in the area.

That immediately after receiving notification from the Seychelles Coast Guard, the Seychelles Fishing Authority was promptly informed of the situation. At approximately 13:11 hours, Ms. Marie-Antoinette Saminadin, Senior Inspection Officer relayed the pertinent details to the Seychelles Police, assuring them that further information would be forthcoming upon the arrival of the suspected illegal, unreported, and unregulated (IUU) fishing vessel.

That PS Topaz departed from the SCG jetty at 15:11 hours and promptly embarked on its investigative mission. By approximately 22:10 hours, PS Topaz successfully located FV Ste. Marie, which was illuminated and anchored in the vicinity. Adjacent to FV Ste. Marie was the suspected IUU vessel, conspicuously unlit due to a lack of electricity, save for a small flashing light situated atop its bridge.

That Following identification of the suspected vessel, PS Topaz established communication with FV Ste. Marie via HF radio on Channel 16, confirming its identity. Subsequently, the boarding team initiated a comprehensive boarding operation, successfully securing the vessel. Upon inspection, the team reported to PS Topaz they encountered six Sri Lankan individuals who disclosed distressing circumstances—they had depleted their supplies of food and water and possessed only a limited quantity of fuel. Furthermore, they revealed that they had been adrift at sea for a harrowing 16 days before being aided by FV Ste. Marie, which provided them with some water.

That Following the operation, crucial information was promptly relayed to the Maritime Operation Centre (MOC), informing them of the developments. Subsequently, orders were issued to transport the vessel to Mahe for further processing. On 25th May 2024, around 14:30 hours, following clearance from Public Health authorities, the vessel was transferred to SCG FRB 213 and escorted to the Providence Fishing Port.

That upon reaching the Providence Fishing Port, the Seychelles Coast Guard transferred custody of the vessel and its crew members to officers of the Seychelles Fishing Authority. This handover occurred at approximately 15:05 hours and

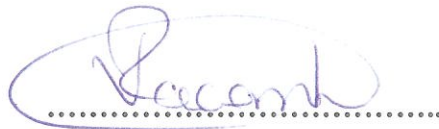
Type of Engine	274 HP (Inboard diesel)
Length of the Fishing Boat	14.12 meters

3. That the statements contained in this affidavit are based on the ongoing investigation, information provided to me by or through other law enforcement officers, investigators, and individuals with knowledge of this matter and through my review of some evidence related to this ongoing investigation.
4. This affidavit summarizes such information in order to show that there are reasonable grounds for believing that an offence has been committed under Section 7(1) read with Section 24(1) of the Fisheries Act Cap 82 and this affidavit does not purport to set forth all of the evidence gathered to date in this investigation which is still ongoing.
5. That over the course of the investigation I have conducted some inquiries so far, such as:
- vii. Nathalia vessel has been seized by the Police.
 - viii. Nathalia vessel has been processed and photographed by SS&CRB.
 - ix. All suspects have been arrested and detained.
 - x. The suspects have been arrested assisted by a Translator.
 - xi. GPS system devices have been seized.
 - xii. Documents in a foreign language have been seized.
 - xiii. Some witnesses have given statements.
6. That I am proposing that further enquiries are to be conducted by the Police, such as:
- I. All suspects to be cautioned and interviewed.
 - II. Some remaining potential witnesses are to be interviewed and to take their statements.
 - III. Awaiting analysis from seized GPS system devices to ascertain the Nathalia fishing vessel's trajectory from Sri Lanka to its interception.
 - IV. A report from SFA has not yet been obtained.

10. The averments contained in this affidavit are true to the best of my knowledge and belief.

SWORN BEFORE ME by the above-named deponent at Palais de Justice, Ile du Port, Mahe, Seychelles, on this 27th May 2024.

Dated this 27th day of May 2024.



VANESSA RACOMBO

DEPONENT



DEPUTY REGISTRAR

REMOVAL OF CATCH ONBOARD

DATE OF REMOVAL: 29.05.2024

TIME OF REMOVAL: 09:00HRS / 13:40HRS

STORAGE FACILITY: Container on Providence fishing port.

TOTAL RECORDS OF WEIGHTS: 4922

VESSEL NAME: NATHALIE IMUL-A-1895 MTR

FLAG: SRI LANKAN

WHOLE SHARKS FROM HATCH NO.1

NUMBERS OF SHARKS: 119 PCS

TOTAL KG: 4866KG

SHARKS FINS FROM HATCH NO.2

NUMBER OF GUNNY BAGS:1 Bag

TOTAL KG: 2 KG

SALTED CATCH COMPOSE OF (STOMACH)

NUMBER OF GUNNY BAGS: 3 Bag

TOTAL KG: 54 KG

GRAND TOTAL OF CATCH OFFLOADED: 4922 KG

Whole Shark Tally.

1. 30 kg
2. 60 kg
3. 56 kg
4. 116 kg
5. 142 kg
6. 50 kg
7. 102 kg
8. 86 kg
9. 98 kg
10. 132 kg
11. 26 kg
12. 120 kg
13. 246 kg
14. 76 kg
15. 304 kg
16. 192 kg
17. 128 kg
18. 154 kg
19. 60 kg
20. 46 kg
21. 152 kg
22. 58 kg
23. 216 kg
24. 226 kg
25. 212 kg
26. 118 kg
27. 140 kg
28. 136kg
29. 160 kg
30. 278 kg
31. 88 kg
32. 138 kg
33. 122 kg
34. 158kg
35. 170 kg
36. 154 kg
37. 116 kg

SUPREME COURT OF SEYCHELLES

Reportable
CM 83/2024
(Arising in CR 41/2024)

In the matter between:

THE REPUBLIC
(Represented by Mrs Luthina Monthy)

Applicant

and

BAMMANNAGE MALAN PRIYANKARA FERNANDO
(Represented by Mr Clifford Andre)

Respondent

Neutral Citation: *Rep vs Priyankara* (CM83/2024) (21 June 2024).

Before: Adeline J

Summary: Sale and disposal of perishables/Section 54(1) (a) and (c) of the Fisheries Act, 2020.

Heard: 21 June 2024

Delivered: 21 June 2024

ORDER ON MOTION

Adeline J,

- [1] The Applicant has brought this application by way of Notice of Motion under Section 54(1) (a) and (c) of the Fisheries Act, 2014 (Act 20 of 2014). By its application, the Applicant pleads to the court for the following order;

“An order allowing the highly perishable articles seized under the Fisheries Act, 2020 to be sold, and or destroyed in accordance with Section 54 (1) (a) and (c) of the Fisheries Act 2014”.

- [2] The Applicant supports its application by an affidavit sworn by one Detective Sergeant Vanessa, Racombo who is attached to the Priority Crime Unit at Bois De Rose.

- [3] Learned counsel for the Respondent raised objections to the application without filing an affidavit in reply or any form of pleadings.
- [4] Making his objection known, in his oral submissions, learned counsel contended, that this application is an abuse of process given that the “perishable are already perished”, and that has been because of the lapse by the prosecution “to do things properly”. Learned counsel submitted, that the vessel having those perishable articles on board was arrested on the 24th May 2024, clearance by public health was on the 25th May 2024, and this application was filed on the 17th June 2024. It was the submission of learned counsel, that the cargo of fish could have been saved if only “proper measure was taken”.
- [5] Based on the affidavit evidence of Sgt Racombo, the facts of this case that led to the arrest and prosecution of the accused, is that, on the 24th May 2024, the Maritime Operation Centre (MOC) received credible information from a local fisherman on board vessel FV Ste Marie of a suspected Sri Lankan vessel carrying out illegal fishing in an area around 79 nautical miles South East of the Southern of Mahe.
- [6] Such information was conveyed to the Seychelles Coast Guard then to the Seychelles Fisheries Authority as well as the Seychelles Police. At approximately 2210 hours, PS Topaz located FV Ste Marie and adjacent to it was the suspected IUU Fishing vessel. PS Topaz approached the Fishing vessel and thereafter a boarding team carried out a boarding operation and successfully secured the IUU fishing vessel.
- [7] Instructions were then given to escort the IUU Fishing vessel to Mahe. Following clearance from the Public Health Authorities on the 25th May 2024, the vessel was handed over to SCG FRB 213 then escorted to Providence Fishing Port. At Providence Fishing Port, the Coast Guard handed over custody of the IUU Fishing vessel and its crew members to officers of the Seychelles Fishing Authority to carry out inspection procedures.
- [8] Thereafter, the IUU Fishing vessel was handed over to officers from the SSCR of the Police Force who examined the vessel and completed the necessary documentation as well as taking photographs. A thorough examination of the vessel was carried out by an officer from the Digital Forensic Laboratory of the Police Force, including, an examination of its

navigation equipment. The GPS devices were removed from the vessel for subsequent analysis.

[9] A thorough search and inspection of the vessel was carried out by the police in the presence of the skipper and the translator. It was found, that there were 3 compartments and that the 1st compartment contained approximately 5000 kilograms of sharks. The 2nd compartment contained ice and the 3rd compartment contained fender balls. Thereafter, the six suspects on board the IUU Fishing vessel were arrested, and charged subsequently.

[10] On the 29th May 2024, in the presence of officers from the Seychelles Fisheries Authority, the police including the skipper and a translator, offloaded from the IUU Fishing vessel 119 whole sharks weighing a total of 4,866 kilograms, 2 kilograms of shark fins and 54 kilograms of salted catch which have since been placed in a refrigerated container. In a report produced by the Seychelles Bureau of Standards, (A1), it is reported, that with the exception of the 54 kilograms of salted catch, the sharks and the shark fins from the vessel are unfit for human consumption. It is for these reasons that the Applicant applies to this court for the orders being sought for.

[11] The statutory provisions of Section 54 (1) (a) and (c) of the Fisheries Act, 2014 under which this application is made, reads as follows;

“54.(1) The court may, on application, order:

(a) Any fish, fish products or other perishables articles seized under this Act, to be sold,

(c) any, or fish products or other perishable articles seized under this Act which are likely to become unfit for human consumption before the matter can conveniently be dealt with by the court, to be destroyed”.

[12] In the circumstances, this application is granted, and accordingly, this court orders that the 54 kilograms of salted catch be sold, and the 119 whole sharks as well as the 2 kilograms of shark fins be destroyed.

Signed, dated and delivered at Ile du Port on 21 June 2024.



IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 18/03 [superseded by Resolution 24/03] 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 South Africa.

A. Details of Vessel

Please detail the incidents(s) in the format below

Item	Definition	Details
a	Current Name of Vessel	Lu Rong Yuan Yu 829
	Previous vessel name/s, if any	N/A
b	Current Flag	CHN / China / Chine
	Previous flag/s, if any	CHN / China / Chine
c	Date first included on IOTC IUU Vessel List (if applicable)	-
d	Lloyds IMO Number, if available	8529832
e	Photograph of vessel, if available	LU RONG YUAN YU 829 CALL SIGN BCFA8.jpeg
f	Call Sign	BCFA8
	Previous call sign, if any	

g	Owner	RONGCHENG HUAHAI FISHERY CO.,LTD [China] as per arep submitted in 2019
	Previous Owner/s, if any	-
h	Operator	WANG JI AN [China] as per AREP submitted in 2019 to South Africa
	Previous Operator/s, if any	-
	Master/Fishing Master	WANG JI AN [China] as per AREP submitted in 2019 to South Africa
i	Date of alleged IUU fishing activities	25-26 November 2024
j	Position of alleged IUU fishing activities	34*13.413 S- 17*35.160 E
k	Summary of alleged IUU activities (see section B for more detail)	<p>Activities of Lu Rong Yuan Yu 829: On November 25-26, 2024, <i>Lu Rong Yuan Yu 829</i> was reported operating within South African waters without its Automatic Identification System (AIS) switched on. Local fishermen observed the vessel and captured a photograph clearly showing its call sign, BCFA8. Upon being approached, the vessel quickly departed the area. Unfortunately, the second vessel in the vicinity could not be identified due to its call sign not being visible. This vessel was reported to the flag state via IOTC assistance to engage with Chinese fisheries authority regarding the following issues pertaining these vessels,</p> <ul style="list-style-type: none"> • The status of Lu Rong Yuan Yu 829's attempts to enter the South African EEZ through the AREP system, specifically related to the documentation of Lu Rong Yuan Yu 828 submitted on May 17, 2019; November 9, 2019; and November 19, 2021. • VMS plots and logs, fishing authorizations, nationality certificates, crew lists, coastal states fishing licenses, and tonnage certificates for all the aforementioned vessels. • An explanation from the owner of these vessels regarding their activities within our EEZ. <p>The Chinese fisheries authority responded to South Africa and stated that they were allowed innocent passage to our waters. South Africa requested vms data from chines fishery authority on the initial inquiry and they failed to furnish South Africa with the vms data as requested. Due to the unavailability of AIS data and the vessels AIS being switched off in that period, these vessels are suspected to have been conducting Illegal unreported and unregulated fishing activities in our waters.</p>
l	Summary of any actions known to have been taken in respect of the alleged IUU fishing activities	<p>This vessel was reported to the flag state via IOTC assistance to engage with Chinese fisheries authority regarding the following issues pertaining these vessels,</p> <ul style="list-style-type: none"> • The status of Lu Rong Yuan Yu 829's attempts to enter the South African EEZ through the AREP system, specifically related to the documentation

of Lu Rong Yuan Yu 828 submitted on May 17, 2019; November 9, 2019; and November 19, 2021.

- VMS plots and logs, fishing authorizations, nationality certificates, crew lists, coastal states fishing licenses, and tonnage certificates for all the aforementioned vessels.
- An explanation from the owner of these vessels regarding their activities within our EEZ.

The Chinese fisheries authority responded to South Africa and stated that they were allowed innocent passage to our waters. South Africa requested vms data from chines fishery authority on the initial inquiry and they failed to furnish South Africa with the vms data as requested.

m Outcome of actions taken

The country couldn't prosecute or take action as the activity was spotted by the local fisherman with no law enforcement powers to take action, that is why the matter was referred to the flag state for further investigation and support South Africa with all the VMS and data requested. As this is one of the actions that we recommend to IOTC to provisionally put the vessel on the IUU list until China fully furnish South Africa with all the required data that was requested.

B. Details of IOTC Resolution Elements Contravened

Within the IOTC Area and in relation to species covered by the IOTC Agreement or by IOTC Conservation and Management Measures, that vessel has :

- | | |
|---|-----------------------|
| <input type="checkbox"/> a. engaged in fishing or fishing related activities and is neither registered on the IOTC Record of Authorised Vessels in accordance with Resolution 19/04, nor recorded on the Active list of vessels; | Indicate:
- |
| <input type="checkbox"/> 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; | Indicate:
- |
| <input type="checkbox"/> c. failed to record or report its catches in accordance with IOTC Conservation and Management Measures or has made false reports; | Indicate:
- |
| <input type="checkbox"/> d. taken or landed undersized fish in contravention of IOTC Conservation and Management Measures; | Indicate:
- |
| <input type="checkbox"/> e. engaged in fishing or fishing related activities during closed fishing periods or in closed areas in contravention of IOTC Conservation and Management Measures; | Indicate:
- |
| <input type="checkbox"/> f. used prohibited fishing gear in contravention of IOTC Conservation and Management Measures; | Indicate:
- |
| <input type="checkbox"/> 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 on the Record of Vessels Authorised to receive transshipments at-sea in the IOTC Area; | Indicate:
- |
| <input checked="" type="checkbox"/> 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 coastal State concerned to undertake enforcement measures against such a vessel); | Indicate:
- |
| <input type="checkbox"/> i. engaged in fishing or fishing related activities whilst being without nationality; | Indicate:
- |
| <input type="checkbox"/> j. engaged in fishing or fishing related activities having intentionally falsified or concealed its markings, identification or registration; | Indicate:
- |
| <input type="checkbox"/> k. engaged in fishing or fishing related activities in contravention of any other binding IOTC Conservation and Management Measures; | Indicate: |

C. Associated Documents

Select associated documents and upload them

Doc No	Associated document	Upload
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-
6	-	-

Upload any other documents below, if any

-

D. Recommended Actions

Notification: *(Select one option)*

- a. Notification to IOTC Secretariat only. No further actionis recommended.
 - b. Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag State.
 - c. Recommended for inclusion on IOTC IUU list
-

