



**INFORMATIONS CONCERNANT DES ACTIVITES DE PECHE INN PRESUMÉES
DANS LA ZONE CTOI**

Préparé par le Secrétariat de la CTOI, 28 février 2025

OBJECTIF

Porter à l'attention du Comité d'Application les informations reçues des Seychelles, de l'Afrique du sud et du Royaume-Uni concernant sept navires de pêche : un navire immatriculé en Chine, un navire immatriculé en Inde et cinq navires immatriculés au Sri Lanka. Les activités réalisées par ces navires sont présumées avoir nui à l'efficacité des mesures de conservation et de gestion adoptées par la Commission des Thons de l'Océan Indien et à la législation nationale des CPC déclarantes.

INFORMATIONS COMMUNIQUEES AU SECRETARIAT DE LA CTOI

Les Seychelles et l'Afrique du sud ont soumis des informations pour l'inclusion des navires dans la Proposition de liste des navires INN de la CTOI de 2025. Ces soumissions ont été reçues après le délai fixé de 70 jours avant le Comité d'Application. Par conséquent, les trois navires signalés par les Seychelles et l'Afrique du sud n'ont pas été inclus dans la Proposition de liste des navires INN de 2025, ce qui sera examiné à la Vingt-deuxième Session du Comité d'Application (CdA22).

Les soumissions du Royaume-Uni sont marquées comme « Notification au Secrétariat » et « Notification recommandée à l'État du pavillon ».

Elles sont présentées à l'Annexe I de ce document.

RECOMMANDATION/S

Que le CdA22:

- 1) **PRENNE NOTE** du document IOTC-2025-CoC22-06 qui fournit le contexte des activités d'un navire immatriculé en Inde et de trois navires immatriculés au Sri Lanka, tel que cela a été communiqué par le Royaume-Uni.
- 2) **PRENNE NOTE** du document IOTC-2025-CoC22-06 qui fournit le contexte des activités de deux navires immatriculés au Sri Lanka, tel que cela a été communiqué par les Seychelles.
- 3) **PRENNE NOTE** du document IOTC-2025-CoC22-06 qui fournit le contexte des activités d'un navire immatriculé en Chine, tel que cela a été communiqué par l'Afrique du sud.
- 4) **NOTE** que le document IOTC-2025-CoC22-06 fait office de notification à l'Inde des activités du navire de pêche immatriculé en Inde : BENEDICTA.
- 5) **NOTE** que le document IOTC-2025-CoC22-06 fait office de notification au Sri Lanka des activités de cinq navires de pêche immatriculés au Sri Lanka : IMUL-A-0603-CHW, IMUL-A-0778-CHW, IMUL-A-1562-MTR, IMUL-A-0835-KLT et IMUL-A-1895-MTR.
- 6) **NOTE** que le document IOTC-2025-CoC22-06 fait office de notification à la Chine des activités du navire de pêche immatriculé en Chine : LU RONG YUAN YU 829.
- 7) **RECOMMANDE** que la Chine, l'Inde et le Sri Lanka fournissent au Comité d'Application des informations sur les mesures qu'ils ont prises pour exercer les contrôles de l'État du pavillon sur leurs navires qui opèrent dans des zones au-delà de la juridiction nationale.
- 8) **RECOMMANDE** que la Chine, l'Inde et le Sri Lanka tiennent les CPC informées des avancées et des résultats de leurs enquêtes visant le propriétaire/capitaine des navires mentionnés aux recommandations 4, 5 et 6 ci-dessus.

- 9) **RECOMMANDE** que les CPC continuent à soumettre au Comité d'Application les informations sur les mesures qu'elles prennent afin de lutter contre des pratiques de pêche qui nuisent à l'efficacité des mesures de conservation et de gestion adoptées par la Commission des Thons de l'Océan Indien.

Courriers, Formulaire CTOI de déclaration d'activités INN et éléments de preuves pour les affaires indiquées dans ce document.

Pour aider à l'examen de ce document, ce qui suit est un résumé du contenu pour parcourir le document.

Cliquez sur un élément ci-dessous pour accéder à la section souhaitée.

1. Informations reçues du Royaume-Uni pour ce qui concerne un navire sous pavillon indien :
 - i. Navire **BENEDICTA**
 - a. Courrier et Formulaire de déclaration INN
 - b. Preuves supplémentaires
2. Informations reçues du Royaume-Uni pour ce qui concerne trois navires sous pavillon sri lankais :
 - i. Navire **IMUL-A-0603-CHW**
 - a. Courrier et Formulaire de déclaration INN
 - b. Preuves supplémentaires
 - ii. Navire **IMUL-A-0778-CHW**
 - a. Courrier et Formulaire de déclaration INN
 - b. Preuves supplémentaires
 - iii. Navire **IMUL-A-1562-MTR**
 - a. Courrier et Formulaire de déclaration INN
 - b. Preuves supplémentaires
3. Informations reçues des Seychelles pour ce qui concerne deux navires sous pavillon sri lankais :
 - i. Navire **IMUL-A-0835-KLT**
 - a. Courrier et Formulaire de déclaration INN
 - b. Preuves supplémentaires
 - ii. Navire **IMUL-A-1895 MTR**
 - a. Formulaire de déclaration INN
 - b. Preuves supplémentaires
4. Informations reçues de l'Afrique du sud pour ce qui concerne un navire sous pavillon chinois :
 - i. Navire **LU RONG YUAN YU 829**
 - a. Formulaire de déclaration INN



Dr Paul DeBruyn
Secrétaire exécutif
Commission des Thons de l'Océan Indien
Mahe
Seychelles

21 janvier 2025

Cher Dr DeBruyn,

Résolution 24/03 Visant à l'établissement d'une liste de navires présumés avoir exercé la pêche INN dans la zone de compétence de la CTOI : Navire sous pavillon indien IND-TN-15-MM-7325.

Tel que requis aux paragraphes 5 et 6 de la Résolution 24/03, un Formulaire CTOI de déclaration d'activité illicite complété ainsi que les preuves à l'appui d'activité de pêche INN dans les eaux du TBOI et de pêche contraire aux Mesures de Conservation et de Gestion de la CTOI par le navire sous pavillon indien IND-TN-15-MM-7325 sont soumis avec le présent courrier.

Les preuves ci-jointes montrent que :

- Le 9 janvier 2025, l'Officier principal de protection des pêches a arraisonné et inspecté le navire IND-TN-15-MM-7325, BENEDICTA.
- Le navire avait précédemment été ajouté à la Liste des navires INN de la CTOI en mai 2023 après avoir établi qu'il pêchait illégalement en septembre 2022. Malgré cela, le 19 novembre 2024, les autorités de l'Inde lui ont délivré une licence pour opérer dans les eaux indiennes.
- Le navire ne figurait pas dans le Registre CTOI des navires autorisés mais avait des produits de thons à bord. Le capitaine a admis pêcher illégalement et avoir capturé des thons dans les eaux du TBOI.
- Le navire n'avait pas soumis de demande de transit dans les eaux du TBOI.
- Le navire ne disposait pas de SSN opérationnel à bord lors de l'inspection, ni de documents détaillant son indicatif international d'appel, l'engin de pêche n'était pas marqué et il n'y avait pas de carnet de pêche national à bord.
- Le navire a été immobilisé, reconnu coupable et condamné à une amende de 20 100£. À ce jour, un montant de 5 000£ a été réglé et l'immobilisation du navire a été levée.
- Le 13 janvier 2025, l'Administration du TBOI a écrit à l'Inde l'informant de la situation mais aucune réponse n'a été reçue jusqu'à présent.

L'Administration du TBOI note l'engagement pris par l'Inde lors du CdA21 de travailler en collaboration avec le RU en vue de lutter contre la pêche INN et de transmettre au Comité d'Application, dans un délai de six mois, un plan d'installation du SSN sur ces navires. À ce jour, aucun de ces engagements n'a été honoré. Nous notons également que ce navire est déjà inscrit dans la Liste INN. En conséquence, nous ne pouvons soumettre ce navire au Comité d'Application de la CTOI qu'avec la recommandation **b) « Notification au Secrétariat de la CTOI. Notification recommandée à l'État du pavillon »**.

Je vous serais reconnaissant de bien vouloir diffuser ce document pour information et examen du Comité d'Application. Je vous remercie.

Cordialement,

A handwritten signature in black ink, appearing to read 'M. J. Moir Clark', with a stylized flourish at the end.

M. J. Moir Clark

Délégation du Royaume-Uni auprès de la CTOI

Preuves à l'appui : Formulaire CTOI de déclaration d'activité illicite et documentation associée
pour le navire IND-TM-15-MM7325, BENEDICTA

ANNEXE I
FORMULAIRE CTOI DE DÉCLARATION D'ACTIVITÉ ILLICITE

Rappelant la *Résolution CTOI 18/03 (remplacée par la Résolution 24/03) visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illicites, non déclarées et non réglementées dans la zone de compétence de la CTOI*, veuillez trouver ci-dessous des informations sur des activités illicites enregistrées par le RU(TOM) dans le TBOI/l'archipel des Chagos.

A. Informations sur les navires

Item	Définition	Détails
a	Nom du navire et nom(s) précédent(s) si applicable	BENEDICTA IND-TN-15-MM7325
b	Pavillon du navire et pavillon(s) précédent(s) si applicable	Inde
c	Date de première inscription du navire sur la Liste des navires INN de la CTOI	mai 2023
d	Numéro Lloyds/IMO	N/A
e	Photos du navire, si disponibles	Oui
f	Indicatif d'appel radio et indicatif d'appel radio(s) précédent(s) si applicable	
g	Armateur(s) du navire et armateur(s) précédent(s), si applicable	Paul Surgen, S/O Jesinthappan
h	Opérateur(s) du navire et opérateur(s) précédent(s) si applicable	Paul Surgen, S/O Jesinthappan
i	Date des activités INN	09/01/2025
j	Localisation des activités INN	5°55.7 S 72°45.0 E
k	Résumé des activités INN	(a), (h) et (k).
l	Résumé des actions prises	Signalé à l'État du pavillon
m	Résultat des actions prises	Aucun

B. Détails des clauses de la résolution de la CTOI violées

(Indiquez d'un « X » les clauses de la résolution 18/03 (remplacée par la Résolution 24/03) concernées, et fournir les détails nécessaires dont la date, le lieu, la source de l'information. De plus amples informations peuvent être fournies en pièce jointe si nécessaire).

Un navire, dans la zone de compétence de la CTOI et en relation avec des espèces couvertes par l'Accord de la CTOI ou par des mesures de conservation et de gestion de la CTOI :

Item	Clause	Concernée
a.	s'est engagé dans la pêche ou des activités liées à la pêche, et n'est inscrit ni sur le Registre des navires autorisés de la CTOI, conformément à la Résolution 15/04 [remplacée par la résolution 19/04], ni sur la Liste des navires en activité ; ou	X Le navire ne figure pas dans le RAV mais est inscrit dans la liste INN
b.	s'est engagé dans la pêche ou des activités liées à la pêche, alors que son pavillon ne dispose pas d'un quota, d'une limite des captures ou d'une allocation d'effort en vertu des mesures de conservation et de gestion de la CTOI, le cas échéant ; ou	
c.	n'a pas consigné ou déclaré ses prises avec exactitude, conformément aux mesures de conservation et de gestion de la CTOI ; ou	
d.	a capturé ou débarqué du poisson trop petit dans la zone CTOI, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
e.	s'est engagé dans la pêche ou des activités liées à la pêche durant des périodes de clôture de la pêche ou dans des zones fermées, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
f.	a utilisé des engins prohibés, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
g.	a transbordé du poisson, ou autrement participé à des opérations conjointes avec des navires de soutien ou de réapprovisionnement qui ne sont pas inclus sur le Registre des navires autorisés de la CTOI ; ou	
h.	s'est engagé dans la pêche ou des activités liées à la pêche dans des eaux sous la juridiction nationale d'un État côtier sans la permission ou l'autorisation de cet État ou en contravention des lois et règlements nationaux de cet État côtier (sans porter atteinte aux droits souverains de l'État côtier concerné de prendre des mesures exécutoires à l'encontre dudit navire) ; ou	X A admis avoir pêché dans les eaux du TBOI, produits de thon à bord
i.	s'est engagé dans la pêche ou des activités liées à la pêche alors qu'il était sans nationalité ; ou	
j.	s'est engagé dans la pêche ou des activités liées à la pêche en ayant intentionnellement falsifié ou caché ses marquages, son identité ou son immatriculation ; ou	
k.	s'est engagé dans la pêche ou des activités liées à la pêche dans la zone de la CTOI en contravention avec toute autre mesure contraignante de conservation et de gestion de la CTOI.	X Pas de SSN, pas de carnet de pêche, formalités incomplètes, engin non marqué

C. Documents associés

Rapport d'inspection intitulé : MB025_BENEDICTA_20250109_InspectionReport

Preuves photographiques intitulées: MB025_BENEDICTA_20250109_PhotographicEvidence

Notification d'inspection de navires et lettre de demande d'assistance, envoyée le 13 janvier 2025.
Intitulée : 20250113_INDTN15MM7325_BENEDICTA_BIOT_GoI

D. Actions recommandées

Item	Actions recommandées	Concernée
a	Notification uniquement au Secrétariat. Pas d'autre action recommandée.	
b	Notification au Secrétariat. Notification recommandée à l'État du pavillon	X
c	Recommandation d'inclusion sur la Liste INN de la CTOI	

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



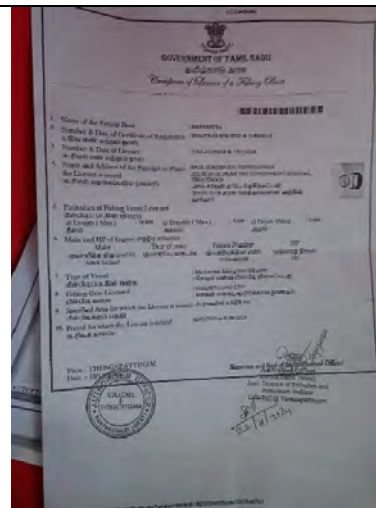
[Fig.13] Catch in the hold: red snappers, jobfish, emperors



[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)



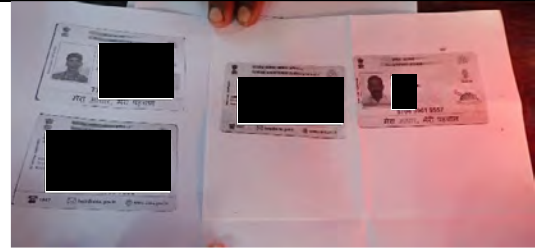
[Fig.19] Captain's ID



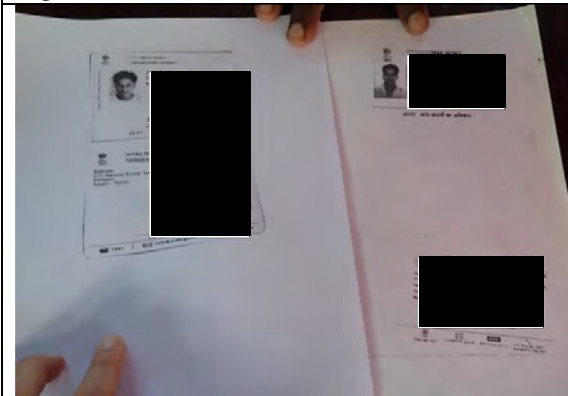
[Fig.20]. Crew ID



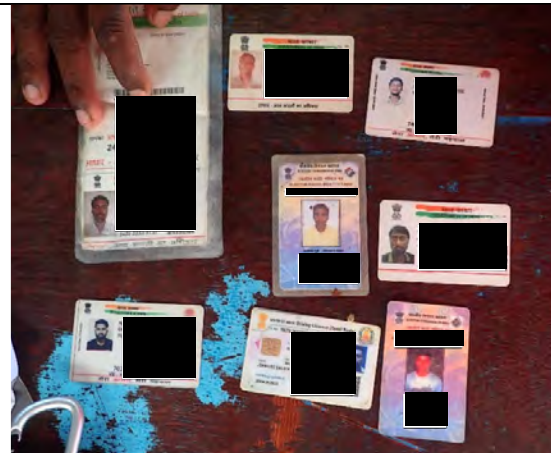
[Fig.21] Crew ID



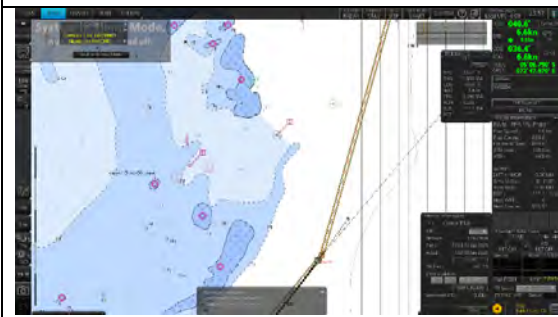
[Fig.22] Crew IDs



[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
Secrétaire exécutif
Commission des Thons de l'Océan Indien
Mahe
Seychelles

21 janvier 2025

Cher Dr DeBruyn,

Résolution 24/03 Visant à l'établissement d'une liste de navires présumés avoir exercé la pêche INN dans la zone de compétence de la CTOI : Navire sous pavillon sri lankais IMUL-A-0603-CHW (DILARA PUTHA 1) (N° CTOI 12212)

Tel que requis aux paragraphes 5 et 6 de la Résolution 24/03, un Formulaire CTOI de déclaration d'activité illicite complété ainsi que les preuves à l'appui d'une pêche contraire aux Mesures de Conservation et de Gestion de la CTOI par le navire sous pavillon sri lankais IMUL-A-0603-CHW (DILARA PUTHA 1) sont soumis avec le présent courrier.

Les preuves ci-jointes montrent que :

- L'Officier principal de protection des pêches a arraisonné et inspecté le navire IMUL-A-0603-CHW (DILARA PUTHA 1) le 4 septembre 2024. Le navire voyageait et pêchait conjointement avec le navire IMUL-A-0778-CHW (Mitun Putha).
- L'identité du navire n'était pas claire et un navire portant le même numéro (IMUL-A-0603-CHW) mais un nom différent avait été inspecté dans le TBOI le 10 mai, et sous un autre nom lors de l'inspection du 9 janvier 2024 (signalé à la CTOI en 2024).
- Le navire figurait dans le Registre CTOI des navires autorisés, n°12212.
- Le navire n'avait pas soumis de demande de transit dans les eaux du TBOI.
- Le navire n'avait pas de SSN opérationnel à bord, comme requis pour tous les navires autorisés de la CTOI et était « muet » le 23 août.
- L'engin était arrimé et le poisson dans la cale remontait à plus d'un jour.
- Le navire se trouvait en contravention avec un certain nombre de Mesures de Conservation et de Gestion de la CTOI (par ex. ne transportant pas les documents détaillant l'indicatif international d'appel, les certificats d'immatriculation du navire et l'autorisation de pêche/de transbordement en cours de validité n'ont pas été présentés, AFV engagé dans ou associé à la pêche INN, les bouées/flotteurs de marquage n'étaient pas correctement marqués et le SSN n'était pas totalement opérationnel).
- Le navire n'a pas été immobilisé et le capitaine a été sommé de quitter la FCMZ et de retourner au Sri Lanka.
- Le 11 septembre 2024, l'Administration du TBOI a écrit au Sri Lanka et lui a demandé de mener une enquête réglementaire sur les activités du navire pour des activités INN présumées dans les eaux du TBOI, de confirmer sa propriété, de transmettre tout tracé de SSN et de faire rapport sur les résultats des mesures prises à l'encontre du propriétaire et du capitaine (patron de pêche) du navire en ce qui concerne toute infraction aux réglementations des pêches du Sri Lanka.
- Jusqu'à présent, aucune réponse n'a été fournie par le Sri Lanka.

L'Administration du TBOI prend note et se félicite de la relation bilatérale de longue date qu'elle entretient avec le Sri Lanka en vue de lutter contre les activités INN, ce qui inclut la prise de mesures

par les autorités sri lankaises visant à poursuivre en justice les propriétaires et capitaines de navires INN. Notant qu'il n'y avait pas de preuves directes d'activité INN dans les eaux du TBOI, mais notant également les divergences dans le nom du navire, l'absence d'utilisation du SSN et un certain nombre de contraventions aux Mesures de Conservation et de Gestion de la CTOI, et en l'absence de réponse du Sri Lanka à notre courrier en date du 11 septembre 2024 détaillant les mesures prises par le Sri Lanka, nous soumettons ce navire au Comité d'Application de la CTOI avec la recommandation **b) « Notification au Secrétariat de la CTOI. Notification recommandée à l'État du pavillon. »**

Je vous serais reconnaissant de bien vouloir diffuser ce document pour information et examen du Comité d'Application. Je vous remercie.

Cordialement,



M. J. Moir Clark

Délégation du Royaume-Uni auprès de la CTOI

Preuves à l'appui : Formulaire CTOI de déclaration d'activité illicite et documentation associée
pour IMUL-A-0603-CHW (DILARA PUTHA 1)

ANNEXE I
FORMULAIRE CTOI DE DÉCLARATION D'ACTIVITÉ ILLICITE

Rappelant la *Résolution CTOI 18/03 (remplacée par la Résolution 24/03) visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illicites, non déclarées et non réglementées dans la zone de compétence de la CTOI*, veuillez trouver ci-dessous des informations sur des activités illicites enregistrées par le RU(TOM) dans le TBOI/l'archipel des Chagos.

A. Informations sur les navires

Item	Définition	Détails
a	Nom du navire et nom(s) précédent(s) si applicable	DILARA PUTHA 1 IMULA0603CHW
b	Pavillon du navire et pavillon(s) précédent(s) si applicable	Sri Lanka
c	Date de première inscription du navire sur la Liste des navires INN de la CTOI	N/A
d	Numéro Lloyds/IMO	N/A
e	Photos du navire, si disponibles	Oui
f	Indicatif d'appel radio et indicatif d'appel radio(s) précédent(s) si applicable	4SF3562
g	Armateur(s) du navire et armateur(s) précédent(s), si applicable	WARNAKULASOORIYA NOYEL RANJAN FERNANDO
h	Opérateur(s) du navire et opérateur(s) précédent(s) si applicable	WNR FERNANDO et W.J.N. FERNANDO
i	Date des activités INN	04/09/2024
j	Localisation des activités INN	5°21.17 S 71°56.32 E
k	Résumé des activités INN	(k) Contravention aux MCG de la CTOI (par ex. les certificats d'immatriculation du navire et l'autorisation de pêche/de transbordement en cours de validité n'ont pas été présentés, les bouées/flotteurs de marquage n'étaient pas correctement marqués, le SSN n'était pas totalement opérationnel).
l	Résumé des actions prises	Signalé à l'État du pavillon
m	Résultat des actions prises	

B. Détails des clauses de la résolution de la CTOI violées

(Indiquez d'un « X » les clauses de la résolution 18/03 (remplacée par la Résolution 24/03) concernées, et fournir les détails nécessaires dont la date, le lieu, la source de l'information. De plus amples informations peuvent être fournies en pièce jointe si nécessaire).

Un navire, dans la zone de compétence de la CTOI et en relation avec des espèces couvertes par l'Accord de la CTOI ou par des mesures de conservation et de gestion de la CTOI :

Item	Clause	Concernée
a.	s'est engagé dans la pêche ou des activités liées à la pêche, et n'est inscrit ni sur le Registre des navires autorisés de la CTOI, conformément à la Résolution 15/04 [remplacée par la résolution 19/04], ni sur la Liste des navires en activité ; ou	
b.	s'est engagé dans la pêche ou des activités liées à la pêche, alors que son pavillon ne dispose pas d'un quota, d'une limite des captures ou d'une allocation d'effort en vertu des mesures de conservation et de gestion de la CTOI, le cas échéant ; ou	
c.	n'a pas consigné ou déclaré ses prises avec exactitude, conformément aux mesures de conservation et de gestion de la CTOI ; ou	
d.	a capturé ou débarqué du poisson trop petit dans la zone CTOI, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
e.	s'est engagé dans la pêche ou des activités liées à la pêche durant des périodes de clôture de la pêche ou dans des zones fermées, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
f.	a utilisé des engins prohibés, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
g.	a transbordé du poisson, ou autrement participé à des opérations conjointes avec des navires de soutien ou de réapprovisionnement qui ne sont pas inclus sur le Registre des navires autorisés de la CTOI ; ou	
h.	s'est engagé dans la pêche ou des activités liées à la pêche dans des eaux sous la juridiction nationale d'un État côtier sans la permission ou l'autorisation de cet État ou en contravention des lois et règlements nationaux de cet État côtier (sans porter atteinte aux droits souverains de l'État côtier concerné de prendre des mesures exécutoires à l'encontre dudit navire) ; ou	
i.	s'est engagé dans la pêche ou des activités liées à la pêche alors qu'il était sans nationalité ; ou	
j.	s'est engagé dans la pêche ou des activités liées à la pêche en ayant intentionnellement falsifié ou caché ses marquages, son identité ou son immatriculation ; ou	
k.	s'est engagé dans la pêche ou des activités liées à pêche dans la zone de la CTOI en contravention avec toute autre mesure contraignante de conservation et de gestion de la CTOI.	X

C. Documents associés

Notification d'inspection de navires et lettre de demande d'assistance, envoyée le 11 septembre 2024.
Intitulée : 20240906_BIOT_DFAR_IMUL-A-0603-CHW_IMULA_0778_CHW_IMULA_0778_PTM

Rapport d'inspection intitulé : MB018_DILARA_PUTHA_1_20240904_InspectionReport_REV1

Preuves photographiques intitulées: MB018_DILARA_PUTHA_1_20240904_PhographicEvidences

D. Actions recommandées

Item	Actions recommandées	Concernée
a	Notification uniquement au Secrétariat. Pas d'autre action recommandée.	
b	Notification au Secrétariat. Notification recommandée à l'État du pavillon	X
c	Recommandation d'inclusion sur la Liste INN de la CTOI	

Note: ce qui suit est disponible en anglais seulement.

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		
<u>Action Taken:</u>			
<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



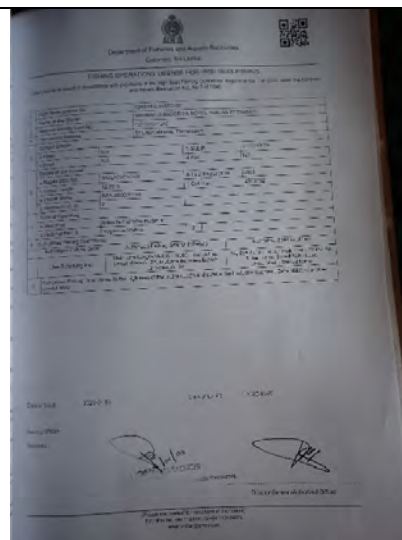
[Fig.3] Stern



[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
Secrétaire exécutif
Commission des Thons de l'Océan Indien
Mahe
Seychelles

21 janvier 2025

Cher Dr DeBruyn,

Résolution 24/03 Visant à l'établissement d'une liste de navires présumés avoir exercé la pêche INN dans la zone de compétence de la CTOI : Navire sous pavillon sri lankais IMUL-A-0778-CHW (MITUN PUTHA 5) (N° CTOI 18061)

Tel que requis aux paragraphes 5 et 6 de la Résolution 24/03, un Formulaire CTOI de déclaration d'activité illicite complété ainsi que les preuves à l'appui d'activité de pêche INN dans les eaux du TBOI et de pêche contraire aux Mesures de Conservation et de Gestion de la CTOI par le navire sous pavillon sri lankais IMUL-A-0778-CHW (MITUN PUTHA 5) sont soumis avec le présent courrier.

Les preuves ci-jointes montrent que :

- L'Officier principal de protection des pêches a arraisonné et inspecté le navire IMUL-A-0778-CHW (MITUN PUTHA 5), le 4 septembre 2024. Il opérait conjointement avec le navire IMUL-A-0603-CHW (DILARA PUTHA 1) (N° CTOI 12212)
- Le navire figurait dans le Registre CTOI des navires autorisés, n°18061.
- Le navire n'avait pas soumis de demande de transit dans les eaux du TBOI.
- Le navire n'avait pas de SSN opérationnel à bord, comme requis pour tous les navires autorisés de la CTOI.
- Ce navire pêchait sans licence dans les eaux du TBOI. Les seuls poissons frais sur le pont étaient des poissons de récif mais la capture plus ancienne dans la cale incluait des espèces de thons relevant de la CTOI.
- Le navire se trouvait en contravention avec un certain nombre d'autres Mesures de Conservation et de Gestion de la CTOI (par ex. ne transportant pas les documents détaillant l'indicatif international d'appel, les certificats d'immatriculation du navire et l'autorisation de pêche/de transbordement en cours de validité n'ont pas été présentés, AFV engagé dans ou associé à la pêche INN, les bouées/flotteurs de marquage n'étaient pas correctement marqués et le SSN n'était pas totalement opérationnel).
- Le navire n'a pas été immobilisé pour des raisons d'ordre opérationnel et le capitaine a été sommé de quitter la FCMZ et de retourner au Sri Lanka.
- Le 11 septembre 2024, l'Administration du TBOI a écrit au Sri Lanka et lui a demandé de mener une enquête réglementaire sur les activités du navire, de confirmer sa propriété et de faire rapport sur les résultats des mesures prises à l'encontre du propriétaire et du capitaine (patron de pêche) du navire en ce qui concerne toute infraction aux réglementations des pêches du Sri Lanka.
- Jusqu'à présent, aucune réponse n'a été fournie par le Sri Lanka.

L'Administration du TBOI prend note et se félicite de la relation bilatérale de longue date qu'elle entretient avec le Sri Lanka en vue de lutter contre les activités INN, ce qui inclut la prise de mesures par les autorités sri lankaises visant à poursuivre en justice les propriétaires et capitaines de navires

INN. Toutefois, en l'absence d'informations détaillées sur les mesures prises / le règlement du procès à ce jour, et notant qu'alors qu'il y a eu une pêche INN dans les eaux du TBOI la capture incluait des poissons de récif, et notant en outre que le navire, qui figure dans la liste des AFV, pêchait sans SSN en contravention avec un certain nombre d'autres mesures de conservation et de gestion de la CTOI, nous soumettons ce navire au Comité d'Application de la CTOI avec la recommandation **b)** « *Notification au Secrétariat de la CTOI. Notification recommandée à l'État du pavillon* ».

Je vous serais reconnaissant de bien vouloir diffuser ce document pour information et examen du Comité d'Application. Je vous remercie.

Cordialement,



M. J. Moir Clark

Délégation du Royaume-Uni auprès de la CTOI

Preuves à l'appui : Formulaire CTOI de déclaration d'activité illicite et documentation associée
pour le navire IMUL-A-0778-CHW (MITUN PUTHA 5)

ANNEXE I
FORMULAIRE CTOI DE DÉCLARATION D'ACTIVITÉ ILLICITE

Rappelant la *Résolution CTOI 18/03 (remplacée par la Résolution 24/03) visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illicites, non déclarées et non réglementées dans la zone de compétence de la CTOI*, veuillez trouver ci-dessous des informations sur des activités illicites enregistrées par le RU(TOM) dans le TBOI/l'archipel des Chagos.

A. Informations sur les navires

Item	Définition	Détails
a	Nom du navire et nom(s) précédent(s) si applicable	MITUN PUTHA 5 IMULA0778CHW
b	Pavillon du navire et pavillon(s) précédent(s) si applicable	Sri Lanka
c	Date de première inscription du navire sur la Liste des navires INN de la CTOI	N/A
d	Numéro Lloyds/IMO	N/A
e	Photos du navire, si disponibles	Oui
f	Indicatif d'appel radio et indicatif d'appel radio(s) précédent(s) si applicable	4SF4751
g	Armateur(s) du navire et armateur(s) précédent(s), si applicable	W.F.A. THARANGA SOVIS
h	Opérateur(s) du navire et opérateur(s) précédent(s) si applicable	WFAT SOVIS et W.J.L. PEIRIS
i	Date des activités INN	04/09/2024
j	Localisation des activités INN	5°20.9 S 71°56.18 E
k	Résumé des activités INN	(h) Pêche dans les eaux d'un État côtier sans autorisation (k) Contraventions aux MCG de la CTOI (par ex. les certificats d'immatriculation du navire et l'autorisation de pêche/de transbordement en cours de validité n'ont pas été présentés, AFV engagé dans ou associé à la pêche INN, les bouées/flotteurs de marquage n'étaient pas correctement marqués, le SSN n'était pas totalement opérationnel)
l	Résumé des actions prises	Signalé à l'État du pavillon
m	Résultat des actions prises	

B. Détails des clauses de la résolution de la CTOI violées

(Indiquez d'un « X » les clauses de la résolution 18/03 (remplacée par la Résolution 24/03) concernées, et fournir les détails nécessaires dont la date, le lieu, la source de l'information. De plus amples informations peuvent être fournies en pièce jointe si nécessaire).

Un navire, dans la zone de compétence de la CTOI et en relation avec des espèces couvertes par l'Accord de la CTOI ou par des mesures de conservation et de gestion de la CTOI :

Item	Clause	Concernée
a.	s'est engagé dans la pêche ou des activités liées à la pêche, et n'est inscrit ni sur le Registre des navires autorisés de la CTOI, conformément à la Résolution 15/04 [remplacée par la résolution 19/04], ni sur la Liste des navires en activité ; ou	
b.	s'est engagé dans la pêche ou des activités liées à la pêche, alors que son pavillon ne dispose pas d'un quota, d'une limite des captures ou d'une allocation d'effort en vertu des mesures de conservation et de gestion de la CTOI, le cas échéant ; ou	
c.	n'a pas consigné ou déclaré ses prises avec exactitude, conformément aux mesures de conservation et de gestion de la CTOI ; ou	
d.	a capturé ou débarqué du poisson trop petit dans la zone CTOI, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
e.	s'est engagé dans la pêche ou des activités liées à la pêche durant des périodes de clôture de la pêche ou dans des zones fermées, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
f.	a utilisé des engins prohibés, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
g.	a transbordé du poisson, ou autrement participé à des opérations conjointes avec des navires de soutien ou de réapprovisionnement qui ne sont pas inclus sur le Registre des navires autorisés de la CTOI ; ou	
h.	s'est engagé dans la pêche ou des activités liées à la pêche dans des eaux sous la juridiction nationale d'un État côtier sans la permission ou l'autorisation de cet État ou en contravention des lois et règlements nationaux de cet État côtier (sans porter atteinte aux droits souverains de l'État côtier concerné de prendre des mesures exécutoires à l'encontre dudit navire) ; ou	X
i.	s'est engagé dans la pêche ou des activités liées à la pêche alors qu'il était sans nationalité ; ou	
j.	s'est engagé dans la pêche ou des activités liées à la pêche en ayant intentionnellement falsifié ou caché ses marquages, son identité ou son immatriculation ; ou	
k.	s'est engagé dans la pêche ou des activités liées à pêche dans la zone de la CTOI en contravention avec toute autre mesure contraignante de conservation et de gestion de la CTOI.	X

C. Documents associés

Rapport d'inspection intitulé :

MB019_MITUN_PUTHA_5_20240904_InspectionReport_to_send_REV1

MB019_MITUN_PUTHA_5_20240904_PhographicEvidences

Notification d'inspection de navires et lettre de demande d'assistance, envoyée le 11 septembre 2024.

Intitulée : 20240906_BIOT_DFAR_IMUL-A-0603-CHW_IMULA_0778_CHW_IMULA_0778_PTM

D. Actions recommandées

Item	Actions recommandées	Concernée
a	Notification uniquement au Secrétariat. Pas d'autre action recommandée.	
b	Notification au Secrétariat. Notification recommandée à l'État du pavillon	X
c	Recommandation d'inclusion sur la Liste INN de la CTOI	

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



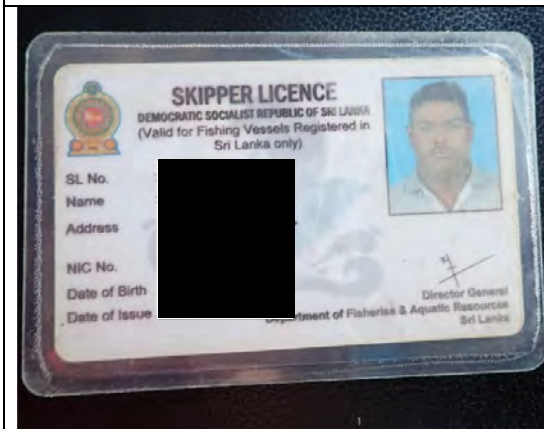
[Fig.2] Starboard side



[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



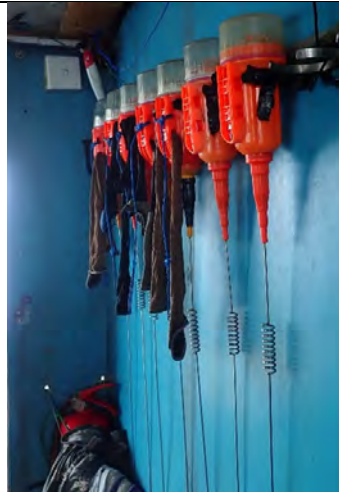
[Fig.11] Catch in the hold: yellow tail crescent



[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
Secrétaire exécutif
Commission des Thons de l'Océan Indien
Mahe
Seychelles

21 janvier 2025

Cher Dr DeBruyn,

Résolution 24/03 Visant à l'établissement d'une liste de navires présumés avoir exercé la pêche INN dans la zone de compétence de la CTOI : Navire sous pavillon sri lankais IMUL-A-1562-MTR, RANASHURA 06 (N° CTOI 17052)

Tel que requis aux paragraphes 5 et 6 de la Résolution 24/03, un Formulaire CTOI de déclaration d'activité illicite complété ainsi que les preuves à l'appui d'une pêche contraire aux Mesures de Conservation et de Gestion de la CTOI par le navire sous pavillon sri lankais IMUL-A-1562-MTR, RANASHURA 06 (No. CTOI 17052) sont soumis avec le présent courrier.

Les preuves ci-jointes montrent que :

- Le 29 août 2024, l'Officier principal de protection des pêches a arraisonné et inspecté le navire IMUL-A-1562-MTR, RANASHURA 06.
- Le navire figurait dans le Registre CTOI des navires autorisés, n°17052.
- Le navire n'avait pas présenté de demande de transit dans les eaux du TBOI et se trouvait en dehors de la trajectoire habituelle de transit.
- Le navire ne disposait pas de SSN opérationnel à bord lors de l'inspection. Le capitaine a indiqué qu'il n'était pas actif en raison de problèmes électriques, les voyants de l'unité avaient également été recouverts de ruban adhésif et d'après la liste du DFAR des départs de bateaux annulés il était « muet » depuis le 22 juillet. Étant donné que le navire figure dans le Registre CTOI des navires autorisés, il est tenu d'avoir à bord un SSN opérationnel, conformément à la Résolution 15/03, ce qui est également requis par la Loi sur les pêches du Sri Lanka.
- Aucune preuve d'activité INN dans les eaux du TBOI n'a été trouvée. La capture dans la cale incluait du listao et des requins.
- Le navire se trouvait en contravention avec un certain nombre de Mesures de Conservation et de Gestion de la CTOI (par ex. les certificats d'immatriculation du navire et l'autorisation de pêche/de transbordement en cours de validité n'ont pas été présentés, les documents indiquant le nom du navire et détaillant la puissance moteur n'ont pas été présentés, les bouées/flotteurs de marquage n'étaient pas correctement marqués et le SSN n'était pas totalement opérationnel).
- Le navire n'a pas été immobilisé et le capitaine a été sommé de quitter la FCMZ et de retourner au Sri Lanka.
- Le 11 septembre 2024, l'Administration du TBOI a écrit au Sri Lanka et lui a demandé de mener une enquête réglementaire sur les activités du navire pour déterminer pourquoi ce navire, en tant que navire figurant dans la liste des AFV, opérait en dehors de la ZEE sri lankaise sans un SSN opérationnel.
- Jusqu'à présent, aucune réponse n'a été fournie par le Sri Lanka.

L'Administration du TBOI prend note et se félicite de la relation bilatérale de longue date qu'elle entretient avec le Sri Lanka en vue de lutter contre les activités INN, ce qui inclut la prise de mesures

par les autorités sri lankaises visant à poursuivre en justice les propriétaires et capitaines de navires INN. Toutefois, en l'absence d'informations détaillées sur les mesures prises / le règlement du procès à ce jour, nous soumettons ce navire au Comité d'Application de la CTOI avec la recommandation **b) « Notification au Secrétariat de la CTOI. Notification recommandée à l'État du pavillon ».**

Je vous serais reconnaissant de bien vouloir diffuser ce document pour information et examen du Comité d'Application. Je vous remercie.

Cordialement,



M. J. Moir Clark

Délégation du Royaume-Uni auprès de la CTOI

Preuves à l'appui : Formulaire CTOI de déclaration d'activité illicite et documentation associée
pour le navire IMUL-A-1562-MTR, RANASHURA 06

ANNEXE I
FORMULAIRE CTOI DE DÉCLARATION D'ACTIVITÉ ILLICITE

Rappelant la *Résolution CTOI 18/03 (remplacée par la Résolution 24/03) visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illicites, non déclarées et non réglementées dans la zone de compétence de la CTOI*, veuillez trouver ci-dessous des informations sur des activités illicites enregistrées par le RU(TOM) dans le TBOI/l'archipel des Chagos.

A. Informations sur les navires

Item	Définition	Détails
a	Nom du navire et nom(s) précédent(s) si applicable	RANASHURA 06 IMULA1562MTR
b	Pavillon du navire et pavillon(s) précédent(s) si applicable	Sri Lanka
c	Date de première inscription du navire sur la Liste des navires INN de la CTOI	N/A
d	Numéro Lloyds/IMO	N/A
e	Photos du navire, si disponibles	Oui
f	Indicatif d'appel radio et indicatif d'appel radio(s) précédent(s) si applicable	4SF5235
g	Armateur(s) du navire et armateur(s) précédent(s), si applicable	T.M.S. THARANGA THENNAKOON
h	Opérateur(s) du navire et opérateur(s) précédent(s) si applicable	T.M.S. THARANGA THENNAKOON et L. SURANGA ISHARA
i	Date des activités INN	28/08/2024
j	Localisation des activités INN	5°29.36 S 72°49.136 E
k	Résumé des activités INN	(k) Contraventions aux MCG de la CTOI (par ex. les certificats d'immatriculation du navire et l'autorisation de pêche/de transbordement en cours de validité n'ont pas été présentés, les documents indiquant le nom du navire et détaillant la puissance moteur n'ont pas été présentés, les bouées/flotteurs de marquage n'étaient pas correctement marqués, le SSN n'était pas totalement opérationnel).
l	Résumé des actions prises	Signalé à l'État du pavillon
m	Résultat des actions prises	

B. Détails des clauses de la résolution de la CTOI violées

(Indiquez d'un « X » les clauses de la résolution 18/03 (remplacée par la Résolution 24/03) concernées, et fournir les détails nécessaires dont la date, le lieu, la source de l'information. De plus amples informations peuvent être fournies en pièce jointe si nécessaire).

Un navire, dans la zone de compétence de la CTOI et en relation avec des espèces couvertes par l'Accord de la CTOI ou par des mesures de conservation et de gestion de la CTOI :

Item	Clause	Concernée
a.	s'est engagé dans la pêche ou des activités liées à la pêche, et n'est inscrit ni sur le Registre des navires autorisés de la CTOI, conformément à la Résolution 15/04 [remplacée par la résolution 19/04], ni sur la Liste des navires en activité ; ou	
b.	s'est engagé dans la pêche ou des activités liées à la pêche, alors que son pavillon ne dispose pas d'un quota, d'une limite des captures ou d'une allocation d'effort en vertu des mesures de conservation et de gestion de la CTOI, le cas échéant ; ou	
c.	n'a pas consigné ou déclaré ses prises avec exactitude, conformément aux mesures de conservation et de gestion de la CTOI ; ou	
d.	a capturé ou débarqué du poisson trop petit dans la zone CTOI, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
e.	s'est engagé dans la pêche ou des activités liées à la pêche durant des périodes de clôture de la pêche ou dans des zones fermées, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
f.	a utilisé des engins prohibés, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
g.	a transbordé du poisson, ou autrement participé à des opérations conjointes avec des navires de soutien ou de réapprovisionnement qui ne sont pas inclus sur le Registre des navires autorisés de la CTOI ; ou	
h.	s'est engagé dans la pêche ou des activités liées à la pêche dans des eaux sous la juridiction nationale d'un État côtier sans la permission ou l'autorisation de cet État ou en contravention des lois et règlements nationaux de cet État côtier (sans porter atteinte aux droits souverains de l'État côtier concerné de prendre des mesures exécutoires à l'encontre dudit navire) ; ou	
i.	s'est engagé dans la pêche ou des activités liées à la pêche alors qu'il était sans nationalité ; ou	
j.	s'est engagé dans la pêche ou des activités liées à la pêche en ayant intentionnellement falsifié ou caché ses marquages, son identité ou son immatriculation ; ou	
k.	s'est engagé dans la pêche ou des activités liées à pêche dans la zone de la CTOI en contravention avec toute autre mesure contraignante de conservation et de gestion de la CTOI.	X

C. Documents associés

Rapport d'inspection intitulé : MB017_RANASHURA_06_20240828_InspectionReport_REV1_BH

Preuves photographiques intitulées: MB017_RANASHURA_06_20240828_PhotographicEvidences

Notification d'inspection de navires et lettre de demande d'assistance, envoyée le 11 septembre 2024.

Intitulée : 20240829_BIOT_DFAR_IMUL-A-1562-MTR

D. Actions recommandées

Item	Actions recommandées	Concernée
a	Notification uniquement au Secrétariat. Pas d'autre action recommandée.	
b	Notification au Secrétariat. Notification recommandée à l'État du pavillon	X
c	Recommandation d'inclusion sur la Liste INN de la CTOI	

Note: ce qui suit est disponible en anglais seulement.

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
<u>Action Taken:</u> <i>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.</i> <i>The FV was boarded at 8:49.</i> <i>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.</i> <i>Captain was informed of that wire trace is a prohibited gear and no further action was taken.</i>	

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>	

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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

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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 <div style="background-color: black; width: 150px; height: 15px; margin-top: 5px;"></div>		
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		

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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		

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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

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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.	

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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

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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

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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.



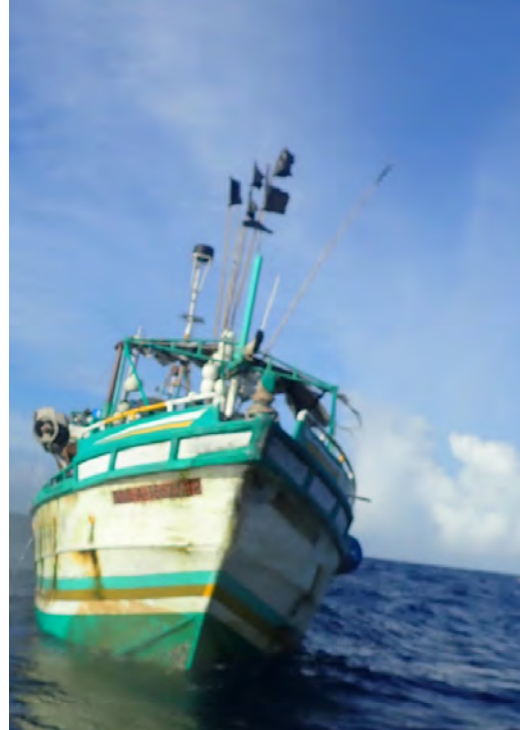
[Fig.1] Portside



[Fig.2] Starboard side



[Fig.3] Stern



[Fig.4] Bow



[Fig.5] Skipper license



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



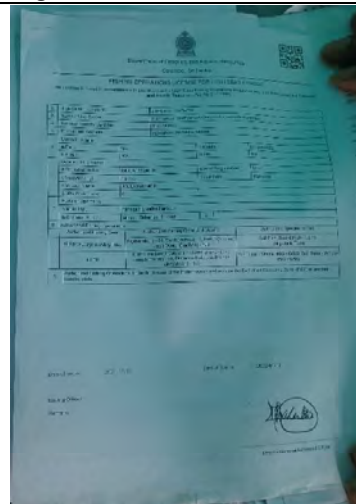
[Fig.7].GPS



[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)

FORMULAIRE CTOI DE DÉCLARATION D'ACTIVITÉ ILLICITE

Rappelant la Résolution CTOI 18/03 *[remplacée par la résolution 24/03]* visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illicites, non déclarées et non réglementées dans la zone de compétence de la CTOI, veuillez trouver ci-dessous des informations sur des activités illicites enregistrées par les Seychelles.

A. Informations sur le navire

(Décrire le(s) incident(s) dans le tableau ci-dessous)

Item	Définition	Détails
a	Nom du navire	IMULA0835KLT
	Nom(s) précédent(s) si applicable	N/A
b	Pavillon du navire	LKA/Sri Lanka/Sri Lanka
	Pavillon(s) précédent(s) si applicable	LKA/Sri Lanka/Sri Lanka
c	Date de première inscription du navire sur la Liste des navires INN de la CTOI	N/A
d	Numéro Lloyds/IMO	N/A
e	Photos du navire, si disponibles	DSC_0663.JPG DSC_0665.JPG DSC_0684.JPG DSC_0689.JPG
f	Indicatif d'appel radio	N/A
	Indicatif d'appel radio(s) précédent(s) si applicable	N/A
g	Armateur(s) du navire	HETTIARACHIGE MADHUSHANA SARANGI-
	Armateur(s) précédent(s), si applicable	N/A
h	Opérateur(s) du navire	HDL SILVA
	Opérateur(s) précédent(s) si applicable	N/A
	Capitaine du navire	M.K. PADMASIRI
i	Date des activités INN	09/06/2024
j	Localisation des activités INN	94 MILLES NAUTIQUES AU SUD-EST DE MAHÉ DANS LA ZEE DES SEYCHELLES
k	Résumé des activités INN (voir la section B pour plus de détails)	Le 11 juin octobre 2024, l'État du pavillon a été informé par l'intermédiaire du Consulat du Sri Lanka aux Seychelles. Mesures prises par les Seychelles en qualité d'État côtier : La justice a été saisie de l'affaire et, pendant l'audience, le capitaine a plaidé coupable au chef d'accusation de pêche sans licence de navire de pêche étranger. La capture a été retirée du navire pour servir de preuves au cours de la procédure judiciaire. La capture sera mise aux enchères ou détruite.

l	Résumé des actions prises	<p><u>Pêche en contravention avec la Loi des pêches des Seychelles et des Règlements associés :</u></p> <p>1) Pêche illicite dans la ZEE des Seychelles sans licence de pêche délivrée par l’Autorité des pêches des Seychelles (SFA), pêche dans la ZEE des Seychelles avec un engin de pêche interdit - grand filet dérivant de plus de 2,5 km.</p> <p>2) Capture retenue à bord et confisquée par le gouvernement des Seychelles, totalisant 10 318 kg de requins frais entiers, 2 sacs d’ailerons de requins (28 kg) ; 686 kg de poissons en saumure, 50 kg de voiliers, 22 kg d’espèces mixtes de poissons démersaux (vivaneau rouge et vivaneau chien rouge).</p> <p><u>Pêche en contravention avec les Résolutions de la CTOI :</u></p> <p>Pêche non déclarée :</p> <p>Non-déclaration des captures : lors de l’inspection, les autorités ont découvert que le navire n’avait pas de carnet de pêche à bord, ce qui est une exigence internationale obligatoire pour tous les navires de pêche. L’absence de carnet de pêche a éveillé des soupçons quant au fait que le navire avait omis d’enregistrer et de déclarer ses activités de pêche et ses données de capture à son système de surveillance des pêches national, ce qui constitue une violation manifeste des réglementations en matière de déclaration. Cela pourrait signifier que de grandes quantités de poissons capturés n’ont pas été prises en compte, affectant les évaluations des stocks et les efforts de conservation.</p> <p>1) ATF de l’État du pavillon (Rés. 19/04) - Pas d’ATF de l’État du pavillon à bord du navire (le navire n’était pas enregistré dans le RNA pour l’année 2024).</p> <p>2) SSN (Rés. 15/03) - Pas de SSN opérationnel à bord (l’émetteur-récepteur AIS à bord était éteint).</p> <p>3) Engins de pêche (Rés. 19/04) - Engins de pêche inspectés à bord, palangre dérivante et filet dérivant, non marqués.</p> <p>5) Carnet de pêche (Rés. 15/01) - Aucun carnet de pêche à bord.</p> <p>6) Conservation des requins (Rés. 17/05) - Infraction à la déclaration des données sur les espèces ciblées et retenues à bord.</p>
m	Résultat des actions prises	<p>Sanctions : Une amende de 400 000,00 SCR a été imposée au capitaine et la capture à bord a été</p>

	<p>confisquée par la République des Seychelles.</p> <p>Conformité : L'amende a été payée et le capitaine et le navire ont été libérés. Cela indique le respect des sanctions immédiates imposées par les Seychelles.</p> <p>Question en suspens : L'État du pavillon n'a toujours pas fourni d'informations concernant les mesures complémentaires qu'il pourrait prendre. Il s'agit d'une étape cruciale étant donné que l'État du pavillon a la responsabilité première de faire appliquer les réglementations des pêches par les navires battant son pavillon.</p>
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B. Détails des clauses de la résolution de la CTOI violées

Un navire, dans la zone de compétence de la CTOI et en relation avec des espèces couvertes par l'Accord de la CTOI ou par des mesures de conservation et de gestion de la CTOI :

		Indiquer
X	a. s'est engagé dans la pêche ou des activités liées à la pêche, et n'est inscrit ni sur le Registre des navires autorisés de la CTOI, conformément à la Résolution 15/04 [remplacée par la résolution 19/04], ni sur la Liste des navires en activité ; ou	ATF de l'État du pavillon (Rés. 19/04) - Pas d'ATF de l'État du pavillon à bord du navire (le navire n'était pas enregistré dans le RNA pour l'année 2024).
	b. s'est engagé dans la pêche ou des activités liées à la pêche, alors que son pavillon ne dispose pas d'un quota, d'une limite des captures ou d'une allocation d'effort en vertu des mesures de conservation et de gestion de la CTOI, le cas échéant ; ou	
X	c. n'a pas consigné ou déclaré ses prises avec exactitude, conformément aux mesures de conservation et de gestion de la CTOI ; ou	Carnet de pêche (Rés. 15/01) - Aucun carnet de pêche à bord
	d. a capturé ou débarqué du poisson trop petit dans la zone CTOI, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
	e. s'est engagé dans la pêche ou des activités liées à la pêche durant des périodes de clôture de la pêche ou dans des zones fermées, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
	f. a utilisé des engins prohibés, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
	g. a transbordé du poisson, ou autrement participé à des opérations conjointes avec des navires de soutien ou de réapprovisionnement qui ne sont pas inclus sur le Registre des navires autorisés de la CTOI ; ou	
X	h. s'est engagé dans la pêche ou des activités liées à la pêche dans des eaux sous la juridiction nationale d'un État côtier sans la permission ou l'autorisation de cet État ou en contravention des lois et règlements nationaux de cet État côtier (sans porter atteinte aux droits souverains de l'État côtier concerné de prendre des mesures exécutoires à l'encontre dudit navire) ; ou	
	i. s'est engagé dans la pêche ou des activités liées à la pêche alors qu'il était sans nationalité ; ou	
	j. s'est engagé dans la pêche ou des activités liées à la pêche en ayant intentionnellement falsifié ou caché ses marquages, son identité ou son immatriculation ; ou	
X	k. s'est engagé dans la pêche ou des activités liées à la pêche dans la zone de la CTOI en contravention avec toute autre mesure contraignante de conservation et de gestion de la CTOI.	

C. Documents associés

Sélectionnez les documents associés et téléchargez

N° doc	Document associé	Téléchargement
1	Rapport d'inspection	IUU Report for Sampath 16.pdf Offloading Report.pdf Sampath 16_31012025181244.pdf
2	Procédure judiciaire	Information Report - IMULA0835KLT (2).pdf scanFH19 of 24 Mawalla Padmasin and ors order.pdf Sentence Mawalla.pdf Xerox Scan_24072024144035.pdf
3	Documents du navire	
4	Documents du navire	
5		
6		

D. Actions recommandées

Notification : **(Sélectionnez une option)**

	a. Notification uniquement au Secrétariat. Pas d'autre action recommandée.
	b. Notification au Secrétariat. Notification recommandée à l'État du pavillon
X	c. Recommandation d'inclusion sur la Liste INN de la CTOI



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: STEEL WOOD FIBRECLASS 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

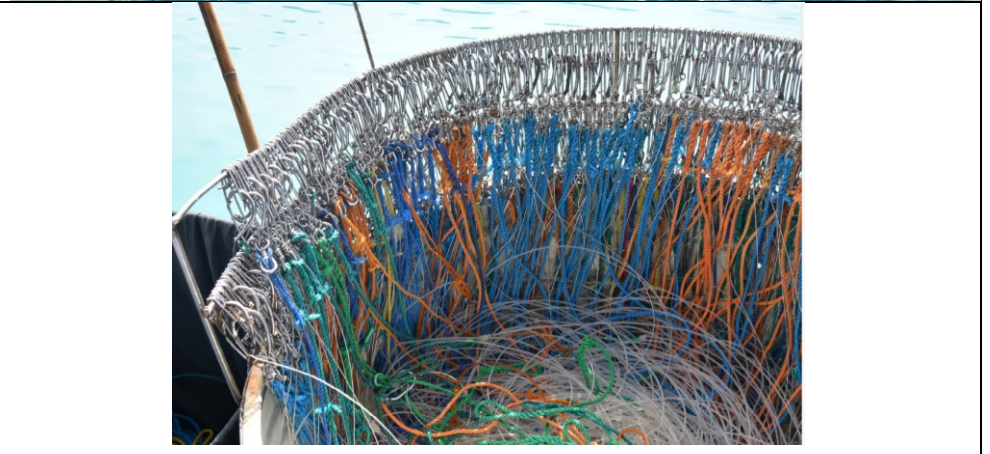


Suspected IUU Fishing Vessel Inspection Form



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>
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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.



PROPOSITION DE LISTE DES NAVIRES INN
FORMULAIRE CTOI DE DÉCLARATION D'ACTIVITÉ ILLICITE

Déclaration de navire individuel

Rappelant la Résolution CTOI 18/03 visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illicites, non déclarées et non réglementées dans la zone de compétence de la CTOI, veuillez trouver ci-dessous des informations sur des activités illicites enregistrées par les Seychelles.

Remplissez : A-Informations sur les navires, B-Détails des clauses de la résolution de la CTOI violées, C-Documents associés et D-Actions recommandées.

Pour déclarer d'autres navires, réalisez une nouvelle soumission pour chaque navire à signaler.

A. Informations sur le navire

(Décrire le(s) incident(s) dans le tableau ci-dessous)

Item	Définition	Détails
a	Nom du navire	IMUL-A-1895 MTR
	Nom(s) précédent(s) si applicable	N/A
b	Pavillon du navire	LKA/Sri Lanka/Sri Lanka
	Pavillon(s) précédent(s) si applicable	LKA/Sri Lanka/Sri Lanka
c	Date de première inscription du navire sur la Liste des navires INN de la CTOI	N/A
d	Numéro Lloyds/IMO	N/A
e	Photos du navire, si disponibles	IMG_0157.jpeg IMG_0158.jpeg IMG_0161.JPG IMG_0164.JPG IMG_0211.jpeg IMG_0214.jpeg
f	Indicatif d'appel radio	EN INSTANCE
	Indicatif d'appel radio(s) précédent(s) si applicable	N/A
g	Armateur(s) du navire	EPG LAKJANA
	Armateur(s) précédent(s), si applicable	N/A
h	Opérateur(s) du navire	EPG LAKJANA
	Opérateur(s) précédent(s) si applicable	N/A
	Capitaine du navire	EDIRIWEERA PATABEDIGE GANUSHA LAKJANA
i	Date des activités INN	24/05/2024
j	Localisation des activités INN	79 milles nautiques au sud-est de Mahé
k	Résumé des activités INN (voir la section B pour	

	plus de détails)	
l	Résumé des actions prises	
m	Résultat des actions prises	Poursuites judiciaires en cours

B. Détails des clauses de la résolution de la CTOI violées

Un navire, dans la zone de compétence de la CTOI et en relation avec des espèces couvertes par l'Accord de la CTOI ou par des mesures de conservation et de gestion de la CTOI :

		Indiquer
	a. s'est engagé dans la pêche ou des activités liées à la pêche, et n'est inscrit ni sur le Registre des navires autorisés de la CTOI, conformément à la Résolution 15/04 [remplacée par la résolution 19/04], ni sur la Liste des navires en activité ; ou	
	b. s'est engagé dans la pêche ou des activités liées à la pêche, alors que son pavillon ne dispose pas d'un quota, d'une limite des captures ou d'une allocation d'effort en vertu des mesures de conservation et de gestion de la CTOI, le cas échéant ; ou	
	c. n'a pas consigné ou déclaré ses prises avec exactitude, conformément aux mesures de conservation et de gestion de la CTOI ; ou	
	d. a capturé ou débarqué du poisson trop petit dans la zone CTOI, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
	e. s'est engagé dans la pêche ou des activités liées à la pêche durant des périodes de clôture de la pêche ou dans des zones fermées, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
	f. a utilisé des engins prohibés, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
	g. a transbordé du poisson, ou autrement participé à des opérations conjointes avec des navires de soutien ou de réapprovisionnement qui ne sont pas inclus sur le Registre des navires autorisés de la CTOI ; ou	
X	h. s'est engagé dans la pêche ou des activités liées à la pêche dans des eaux sous la juridiction nationale d'un État côtier sans la permission ou l'autorisation de cet État ou en contravention des lois et règlements nationaux de cet État côtier (sans porter atteinte aux droits souverains de l'État côtier concerné de prendre des mesures exécutoires à l'encontre dudit navire) ; ou	
	i. s'est engagé dans la pêche ou des activités liées à la pêche alors qu'il était sans nationalité ; ou	
	j. s'est engagé dans la pêche ou des activités liées à la pêche en ayant intentionnellement falsifié ou caché ses marquages, son identité ou son immatriculation ; ou	
X	k. s'est engagé dans la pêche ou des activités liées à pêche dans la zone de la CTOI en contravention avec toute autre mesure contraignante de conservation et de gestion de la CTOI.	

C. Documents associés

Sélectionnez les documents associés et téléchargez

N° doc	Document associé	Téléchargement
1	Rapport d'inspection	IUU Ispecton Form.docx REMOVAL OF CATCH ONBOARD.docx
2	Rapport d'inspection	NISCC Report (IMULA1895MTR) 25052024.pdf
3	Documents du navire	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	Documents du navire	scanBammanage Fernando.pdf Xerox Scan_28052024133313.pdf
5		
6		

Téléchargez d'autres documents ci-dessous, le cas échéant

D. Actions recommandées

Notification : *(Sélectionnez une option)*

	a. Notification uniquement au Secrétariat. Pas d'autre action recommandée.
	b. Notification au Secrétariat. Notification recommandée à l'État du pavillon
X	c. Recommandation d'inclusion sur la Liste INN de la CTOI

Des informations complémentaires peuvent être fournies ici :

[Pour déclarer d'autres navires, réalisez une nouvelle soumission pour chaque navire à signaler](#)

Note: ce qui suit est disponible en anglais seulement.



National Information Sharing and Coordination Centre

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

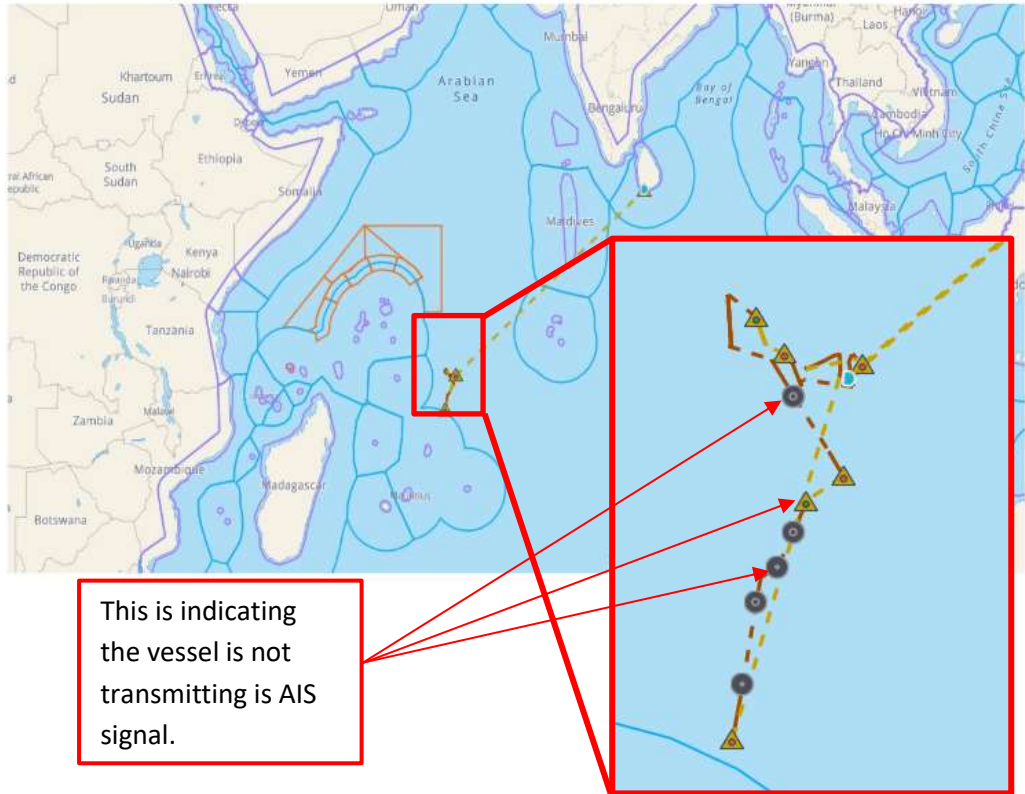
Tel: +248 385661, Email: info@niscc.gov.sc

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

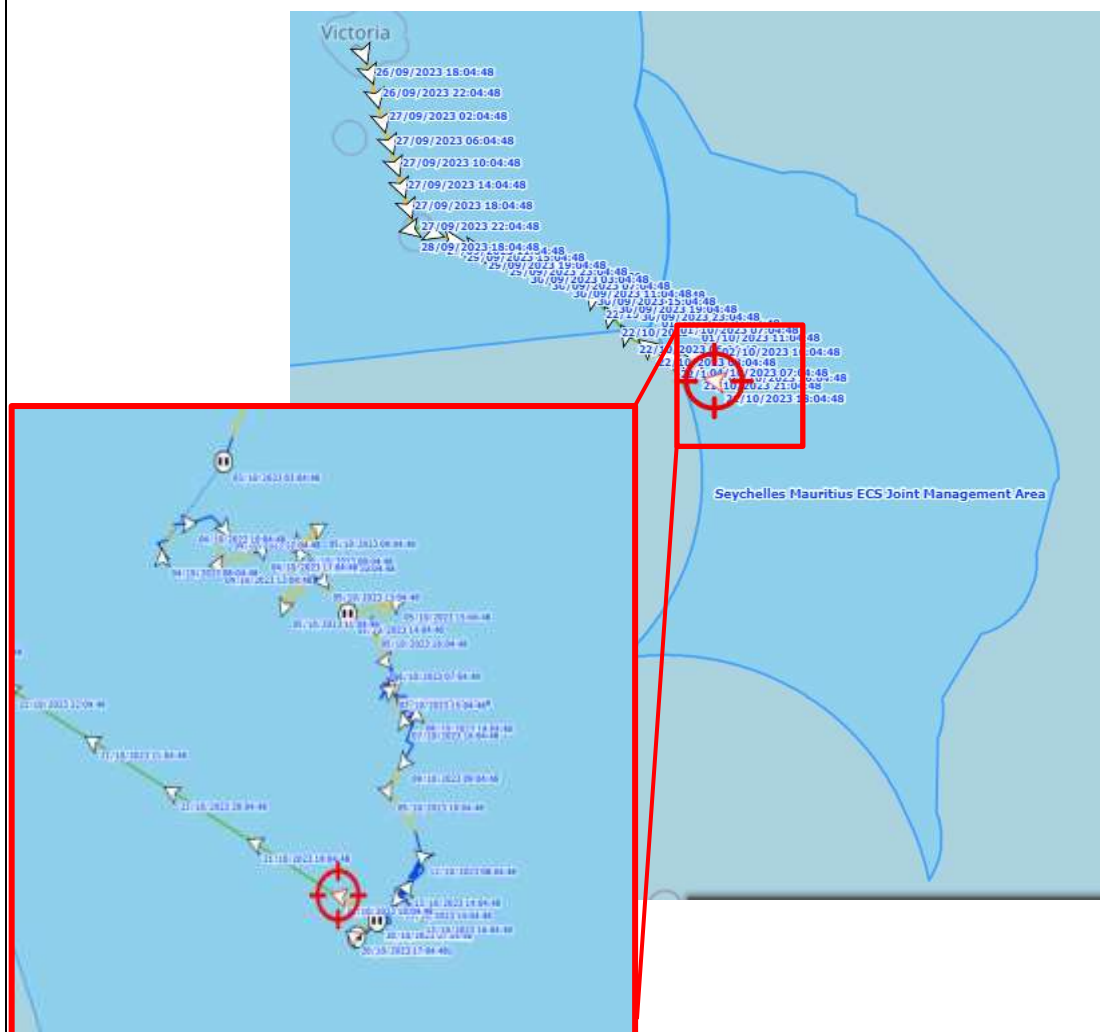
Upon investigation, the last recorded activity of the IMULA vessel indicates it was operating in the JMA between 10/09/2023 and 22/10/2023. During its operation in the JMA, the vessel engaged in numerous "dark" activities (vessel not transmitting its AIS signal), a pattern frequently observed.



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 °



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.





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



APPLICANT

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.

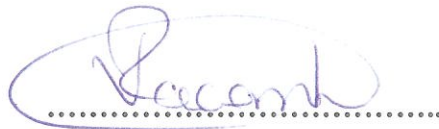
5. That over the course of the investigation I have conducted some inquiries so far, such as:
 - vii. Nathalia vessel has been seized by the Police.
 - viii. Nathalia vessel has been processed and photographed by SS&CRB.
 - ix. All suspects have been arrested and detained.
 - x. The suspects have been 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.



FORMULAIRE CTOI DE DÉCLARATION D'ACTIVITÉ ILLICITE

Rappelant la Résolution CTOI 18/03 *[remplacée par la résolution 24/03]* visant à l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illicites, non déclarées et non réglementées dans la zone de compétence de la CTOI, veuillez trouver ci-dessous des informations sur des activités illicites enregistrées par l'Afrique du sud.

A. Informations sur le navire

(Décrire le(s) incident(s) dans le tableau ci-dessous)

Item	Définition	Détails
a	Nom du navire	Lu Rong Yuan Yu 829
	Nom(s) précédent(s) si applicable	N/A
b	Pavillon du navire	CHN/Chine/Chine
	Pavillon(s) précédent(s) si applicable	CHN/Chine/Chine
c	Date de première inscription du navire sur la Liste des navires INN de la CTOI	
d	Numéro Lloyds/IMO	8529832
e	Photos du navire, si disponibles	LU RONG YUAN YU 829 CALL SIGN BCFA8.jpeg
f	Indicatif d'appel radio	BCFA8
	Indicatif d'appel radio(s) précédent(s) si applicable	BCFA8
g	Armateur(s) du navire	RONGCHENG HUAHAI FISHERY CO., LTD [Chine], d'après l'AREP soumise en 2019
	Armateur(s) précédent(s), si applicable	-
h	Opérateur(s) du navire	WANG JI AN [Chine] d'après l'AREP soumise en 2019 à l'Afrique du sud
	Opérateur(s) précédent(s) si applicable	-
	Capitaine du navire	WANG JI AN [Chine] d'après l'AREP soumise en 2019 à l'Afrique du sud
i	Date des activités INN	25-26 novembre 2024
j	Localisation des activités INN	34*13.413 S- 17*35.160 E
k	Résumé des activités INN (voir la section B pour plus de détails)	Activités du Lu Rong Yuan Yu 829: Les 25-26 novembre 2024, le <i>Lu Rong Yuan Yu 829</i> a été signalé opérant dans les eaux sud-africaines sans son Système d'identification automatique(AIS) allumé. Les pêcheurs locaux ont observé le navire et ont pris une photo montrant clairement son indicatif d'appel, BCFA8. Lorsqu'il a été approché, le navire a rapidement quitté la zone. Malheureusement, le deuxième navire à proximité n'a pas pu être identifié car son indicatif d'appel n'était pas visible. Ce navire a été signalé à l'État du pavillon avec l'assistance de la CTOI afin de discuter avec l'autorité des pêches de la Chine

		<p>des questions suivantes concernant ces navires:</p> <ul style="list-style-type: none"> • La situation des tentatives du Lu Rong Yuan Yu 829 d'entrer dans la ZEE sud-africaine à travers le système d'AREP, notamment en ce qui concerne la documentation du Lu Rong Yuan Yu 828 soumise le 17 mai 2019 ; le 9 novembre 2019 et le 19 novembre 2021. • Les tracés et registres de SSN, les autorisations de pêche, les certificats de nationalité, les listes d'équipage, les licences de pêche des États côtiers et les certificats de tonnage de tous les navires susmentionnés. • Une explication du propriétaire de ces navires sur leurs activités dans notre ZEE. <p>L'Autorité des pêches de la Chine a répondu à l'Afrique du sud en indiquant qu'ils avaient été autorisés à effectuer un passage inoffensif dans nos eaux. L'Afrique du sud a demandé les données de SSN à l'Autorité des pêches de Chine en ce qui concerne la demande initiale mais elle n'a pas soumis les données de SSN à l'Afrique du sud comme demandé.</p> <p>Compte tenu de la non-disponibilité des données d'AIS et du fait que l'AIS des navires était éteint au cours de cette période, ces navires sont soupçonnés d'avoir exercé des activités de pêche illicites, non déclarées et non réglementées dans nos eaux.</p>
l	Résumé des actions prises	<p>Ce navire a été signalé à l'État du pavillon avec l'assistance de la CTOI afin de discuter avec l'autorité des pêches de la Chine des questions suivantes concernant ces navires:</p> <ul style="list-style-type: none"> • La situation des tentatives du Lu Rong Yuan Yu 829 d'entrer dans la ZEE sud-africaine à travers le système d'AREP, notamment en ce qui concerne la documentation du Lu Rong Yuan Yu 828 soumise le 17 mai 2019 ; le 9 novembre 2019 et le 19 novembre 2021. • Les tracés et registres de SSN, les autorisations de pêche, les certificats de nationalité, les listes d'équipage, les licences de pêche des États côtiers et les certificats de tonnage de tous les navires susmentionnés. • Une explication du propriétaire de ces navires sur leurs activités dans notre ZEE. <p>L'Autorité des pêches de la Chine a répondu à l'Afrique du sud en indiquant qu'ils avaient été autorisés à effectuer un passage inoffensif dans nos eaux. L'Afrique du sud a demandé les données de SSN à l'Autorité des pêches de Chine en ce qui concerne la demande initiale mais elle n'a pas soumis les données de SSN à l'Afrique du sud comme demandé.</p>
m	Résultat des actions prises	Le pays n'a pas pu engager des poursuites ou prendre des mesures car l'activité avait été

		<p>observée par des pêcheurs locaux sans pouvoirs d'application de la loi. La question a donc été renvoyée à l'État du pavillon pour enquête complémentaire et soumission à l'Afrique du sud de tous les registres de SSN et données demandés. En tant que mesure à prendre, nous recommandons que la CTOI inscrive provisoirement le navire dans la liste INN jusqu'à ce que la Chine fournisse entièrement à l'Afrique du sud toutes les données requises qui ont été demandées.</p>
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B. Détails des clauses de la résolution de la CTOI violées

Un navire, dans la zone de compétence de la CTOI et en relation avec des espèces couvertes par l'Accord de la CTOI ou par des mesures de conservation et de gestion de la CTOI :

		Indiquer
	a. s'est engagé dans la pêche ou des activités liées à la pêche, et n'est inscrit ni sur le Registre des navires autorisés de la CTOI, conformément à la Résolution 15/04 [remplacée par la résolution 19/04], ni sur la Liste des navires en activité ; ou	
	b. s'est engagé dans la pêche ou des activités liées à la pêche, alors que son pavillon ne dispose pas d'un quota, d'une limite des captures ou d'une allocation d'effort en vertu des mesures de conservation et de gestion de la CTOI, le cas échéant ; ou	
	c. n'a pas consigné ou déclaré ses prises avec exactitude, conformément aux mesures de conservation et de gestion de la CTOI ; ou	
	d. a capturé ou débarqué du poisson trop petit dans la zone CTOI, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
	e. s'est engagé dans la pêche ou des activités liées à la pêche durant des périodes de clôture de la pêche ou dans des zones fermées, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
	f. a utilisé des engins prohibés, en contravention des mesures de conservation et de gestion de la CTOI ; ou	
	g. a transbordé du poisson, ou autrement participé à des opérations conjointes avec des navires de soutien ou de réapprovisionnement qui ne sont pas inclus sur le Registre des navires autorisés de la CTOI ; ou	
	h. s'est engagé dans la pêche ou des activités liées à la pêche dans des eaux sous la juridiction nationale d'un État côtier sans la permission ou l'autorisation de cet État ou en contravention des lois et règlements nationaux de cet État côtier (sans porter atteinte aux droits souverains de l'État côtier concerné de prendre des mesures exécutoires à l'encontre dudit navire) ; ou	X
	i. s'est engagé dans la pêche ou des activités liées à la pêche alors qu'il était sans nationalité ; ou	
	j. s'est engagé dans la pêche ou des activités liées à la pêche en ayant intentionnellement falsifié ou caché ses marquages, son identité ou son immatriculation ; ou	
	k. s'est engagé dans la pêche ou des activités liées à pêche dans la zone de la CTOI en contravention avec toute autre mesure contraignante de conservation et de gestion de la CTOI.	

C. Documents associés

Sélectionnez les documents associés et téléchargez

<i>N° doc</i>	<i>Document associé</i>	<i>Téléchargement</i>
1		
2		
3		
4		
5		
6		

D. Actions recommandées

Notification : *(Sélectionnez une option)*

	a. Notification uniquement au Secrétariat. Pas d'autre action recommandée.
	b. Notification au Secrétariat. Notification recommandée à l'État du pavillon
X	c. Recommandation d'inclusion sur la Liste INN de la CTOI

