

**CONCERNING THE LEVEL OF ILLEGAL FISHING ACTIVITIES  
REPORTED BY THE UNITED KINGDOM ON BEHALF OF ITS INDIAN  
OCEAN TERRITORIES**

**Prepared by the IOTC Secretariat**

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At the request of the United Kingdom, on behalf of its Indian Ocean Territories, the Secretariat is making available the attached document for consideration at the Seventh Session of the IOTC Compliance Committee

Alejandro Anganuzzi  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles

12 February 2010

Dear Dr Anganuzzi,

**Resolution 09/03. On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area.**

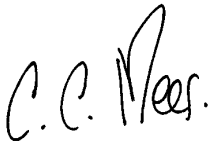
I wrote to you on 10 January 2010 on behalf of the British Indian Ocean Territory (BIOT) Administration with details of five vessels flagged to Sri Lanka carrying out IUU fishing activities in the IOTC Area, specifically within the BIOT Fisheries Conservation Management Zone during 2009. By the end of 2009 we had recorded 50 incidents involving Sri Lankan Vessels since 2002 – a significant milestone. Since the end of 2009, two further vessels have been arrested. A table of all the incidents to the end of 2009 in the waters surrounding BIOT, involving vessels registered to Sri Lanka, can be found at Annex A. I would appreciate you bringing this information to the attention of the Compliance Committee for discussion in Busan next month.

At the current time I have not compiled all the details necessary for a submission under Resolution 09/03 for the two vessels that have been arrested during 2010 but I will do so in due course.

Illegal fishing by vessels from Sri Lanka poses one of the most significant threats, risks and uncertainties to the ecosystem in the waters surrounding BIOT. Whilst the BIOT Administration utilises a range of measures to protect its fisheries, including the deployment of a fisheries protection vessel that has arrested several fishing vessels over the past 12 months, the problem continues. The UK Government on behalf of the BIOT Administration has made, and continues to make, representation to the Government of Sri Lanka but the number of vessels entering the waters surrounding BIOT shows no sign of decline.

We would be most interested to discuss this in the Compliance committee and to explore any further actions that could be taken to prevent this continuing IUU threat.

Yours sincerely



Dr C. C. Mees

Head of UK Delegation to IOTC

Cc: Colin Roberts (Director, Overseas Territories Directorate, FCO); Joanne Yeadon (BIOT Administrator), Zoe Townsley (Assistant BIOT Administrator); Andrew Allen (FCO) Scott Parnell (Sustainable Fisheries Manager, FCO), Andy Carroll (Sea Fisheries Conservation Division, DEFRA)

Annex A: A list of Sri Lankan registered vessels and shore based camps engaged in, or suspected of engaging in illegal fishing activity in the British Indian Ocean Territory between 2002 and 2009.

No.	Vessel Name	Flag	Date	Activity	Location	Lat	Long	Action
1	Dori 2	LK	19/11/2002	fishing	Middle Brother, GCB	-6.12	71.55	Arrested
2	Local Putha	LK	07/12/2002	at anchor	Peros Banhos	-5.43	71.75	Verbal warning & released
3	Champion 1	LK	07/12/2002	at anchor	Peros Banhos	-5.43	71.75	Verbal warning & released
4	Krmel 1	LK	10/12/2002	at anchor	Peros Banhos	-5.18	71.98	Verbal warning & released
5	Sisira	LK	10/12/2002	at anchor	Peros Banhos	-5.18	71.98	Verbal warning & released
6	Serarly	LK	10/12/2002	at anchor	Peros Banhos	-5.18	71.98	Verbal warning & released
7	Saura Duwa 1	LK	10/12/2002	at anchor	Peros Banhos	-5.18	71.98	Verbal warning & released
8	Dnusha Baby 1	LK	10/12/2002	at anchor	Peros Banhos	-5.18	71.98	Verbal warning & released
9	SM 83	LK	17/12/2002	fishing	Centurion Bank	-7.65	70.81	Arrested
10	Vijita	LK	17/12/2002	ran aground	Eagle Island	-6.2	71.36	Crew arrested but repatriated
11	Champion 1	LK	13/02/2003	fishing	Peros Banhos	-5.25	71.92	Arrested
12	Lakpriya	LK	17/02/2003	fishing	Pitt Bank	-7.38	71.57	Arrested
13	Chajana 4	LK	12/03/2003	fishing	Peros Banhos	-5.37	71.95	Arrested
14	Sagura Putha	LK	02/07/2003	fishing	Speakers Bank	-5.02	72.40	Arrested
15	Nelangi	LK	02/07/2003	fishing	Speakers Bank	-4.98	72.45	Arrested
16	Chajana	LK	02/07/2003	fishing	Speakers Bank	-4.72	72.40	Escaped
17	Ishara lakshany	LK	29/08/2003	fishing	Pitt Bank	-7.12	71.58	Arrested
18	Champion 1	LK	01/09/2003	fishing	Middle Brother, GCB	-6.12	71.50	Arrested
19	Lakpriya 5	LK	23/10/2003	drifting	NW of Peros Banhos	-4.77	71.77	Released
20	Ravin Putha	LK	23/10/2003	drifting	NW of Peros Banhos	-4.77	71.78	Released
21	Ruwan Putha 1	LK	02/11/2003	steaming	Western Edge GCB	-6.92	71.68	Verbal warning & released
22	Lakpriya 5	LK	10/11/2003	breakdown	Southern GCB	-6.5	72.28	towed back to Sri Lanka
23	Chutiduwa	LK	19/11/2003	fishing	Southwest GCB	-6.57	71.38	Arrested
24	Chajana	LK	20/12/2003	steaming	Sector 8 INNER	-4.43	71.30	Verbal warning & released
25	Udashika Duwa	LK	27/12/2003	drifting	Northwest GCB	-5.85	72.62	Verbal warning & released
26	Hashan Putha 1	LK	27/12/2003	drifting	Northwest GCB	-5.83	72.65	Verbal warning & released
27	Sameera Putha 2	LK	28/12/2003	breakdown	Egmont Island	-6.58	71.27	Verbal warning & released
28	Ruwan Putha 2	LK	05/01/2004	fishing	Southeast GCB	-6.48	72.38	Arrested
29	Manal 7	LK	10/01/2004	fishing	Eastern periphery GCB	-6.12	72.62	Arrested
30	Vishmi	LK	10/01/2004	fishing	Eastern periphery GCB	-6.05	72.62	Arrested
31	Ranmini	LK	26/05/2004	fishing	Northeastern FCMZ	-3.97	74.93	Arrested

32	Rushan Putha 4	LK	27/05/2004	fishing	Northeastern FCMZ	-5.13	74.07	Arrested
33	Chajana	LK	28/04/2005	fishing camp	CGB: Eagle Island	-6.2	71.37	Arrested
34	Prarthana	LK	24/05/2005	drifting	Speakers Bank	-4.77	71.37	Verbal warning & released
35	Luwan Putha	LK	25/06/2005	fishing camp	Eagle Island	-6.65	72.26	Arrested
36	Rushan Putha 6	LK	28/07/2005	fishing	Blenheim Reef	-5.32	72.26	Arrested
37	Sumudu Putha	LK	08/08/2005	fishing camp	Ile Yeye: Peros Banhos	-5.23	71.95	Arrested
38	Nuwan Putha	LK	26/08/2005	fishing camp	Moresby Island	-5.23	71.83	Arrested
39	Anjana 7	LK	11/09/2005	fishing camp	Ile Diamant: Peros Banhos	-5.23	71.45	Arrested
40	Sachith Putha	LK	11/05/2006	fishing	Eastern periphery GCB	-6.07	72.18	Arrested
41	Senaka	LK	11/05/2006	fishing	Eastern periphery GCB	-6.07	72.18	Arrested
42	Alina 1	LK	24/01/2007	fishing	Central GCB	-6.1	72.03	Arrested
43	S.T. Lanka	LK	17/02/2008	fishing	west Peros Banhos	-5.43	71.46	Arrested
44	Jhanth Putha 3	LK	12/08/2008	fishing	Central GCB	-6.01	72.01	Arrested
45	Rogier 6	LK	01/07/2009	fishing	Central GCB	-6.4	72.12	Arrested
46	Randika Putha 1	LK	25/11/2009	fishing	Central GCB	-6.02	72.22	Arrested
47	Lakshani	LK	25/11/2009	fishing	Central GCB	-6.4	72.17	Arrested
48	Suratha	LK	28/11/2009	fishing	North GCB	-5.88	72.03	Arrested
49	Sulara 3	LK	05/12/2009	fishing	Centurian Bank	-7.62	70.85	Arrested
50	Chandra Kala	LK	09/12/2009	fishing	Central GCB	-6.47	71.68	Arrested

Year	Incidents
2002	10
2003	17
2004	5
2005	7
2006	2
2007	1
2008	2
2009	6
Total	50

Alejandro Anganuzzi  
Executive Secretary  
Indian Ocean Tuna Commission  
Mahe  
Seychelles  
26 February 2010

Dear Dr Anganuzzi,


**Resolution 09/03. On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area.**

On behalf of the British Indian Ocean Territory Administration as required under resolution 09/03 please find attached details of two vessels flagged to Sri Lanka carrying out IUU fishing activities in the IOTC Area, specifically within the BIOT Fisheries Conservation Management Zone during 2010. The Sri Lankan Authorities have been notified of this action.

Fines for both vessels have been paid, and the vessels have been released. Below I attach two letters from the Ministry of Fisheries and Aquatic Resources in Sri Lanka that illustrate their direct involvement in these cases. Whilst UK(BIOT) recognise that there are livelihood constraints faced by fishermen in Sri Lanka we are concerned about the involvement of Government of Sri Lanka in illegal fishing and their apparent support for it. We have urged the Sri Lankan Authorities to effectively manage their domestic fleets and to prevent illegal activity within the BIOT FCMZ.

We would be grateful if you could bring these details to the attention of the Compliance Committee for inclusion on the IUU list. Whilst these details are submitted too late for inclusion on the IUU list to be discussed at IOTC next week, UK (BIOT) would nevertheless appreciate the opportunity to raise these serious issues at the Compliance Committee meeting in Busan.

Yours sincerely



Dr C. C. Mees  
Head of UK Delegation to IOTC

Office

Ministry of Fisheries & Aquatic Resources,  
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**Felix Perera (M.P.)**  
Minister of Fisheries & Aquatic Resources

Residence

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Mr. Mark Gansr,  
Registrar,  
Magistrate Court  
Diego Garcia.

05/02/2010

Dear Mr. Mark,

Apprehension of Sri Lankan Fishers and boats in Diego Garcia

This has reference to the note verbal dated 01/02/2010 sent to Mr. Fernando by you on the above subject.

Two vessels namely IMUL-A-0280 NBO and IMUL-A-0342NBO were taken in to custody by the security forces enlisted in Diego Garcia while they were traveled towards to the south costal region.

As this matter is now under consideration of the court of law your government (GOUK) is not in a position to intervene for this but, however, we strongly believe that there may be a possibility of taking the matter on humanitarian ground in terms of bilateral relationship of the two countries and making decision on that basis to release the fishermen.

I am personally aware of the difficulties faced by the families of these arrested fishermen and the vessels owners. I shall thankful to you if this matter is given due attention with a view of providing relief to the affected parties resulted from the arrested of fishermen and fishing vessels.

I take this opportunity to thank you for the assistance provided for the Ministry of Fisheries and Aquatic Resources of (GOSL) so far in this connection. I look forward to hearing a pleasing reply.

With best regards,

Your sincerely

**Felix Perera (MP)**  
Minister of Fisheries and Aquatic Resources

25.02.2010

The Magistrate,  
Diego Gracia,  
British Indian Ocean Territory.

Dear sir ,

**Case No : 04/10**  
**Name : Mr. Nihanth Francis Fernando**  
**Employee : Skipper of Fishing Vessel FV Mandu Kumari 02.**

**subject : Appal to get released fishing instrument used for fishing  
by fishing boat,FV Madu Kumari 02**

The above case was taken up on 11.02.2010 and skipper of the fishing vessels appeared before the court and he was sentence to pay the total of £4000 accordingly the said amount was paid through SWIFT payment transfer.

It was also ordered to forfeit any fishing gear and other instrument of appliances use for fishing to crown. We wish to make and appeal to get those fishing instruments released and accordingly the following fact are submitted to your kind attention.

- 1. The accused admitted the commission of the offence of fishing without a license.**
- 2. The accused is the breadwinner of his family and fishing is only way of income.**
- 3. This situation has badly affect the economic situation of the accused and his family.**

After the above factors been considered I respectfully plead your honors court to release the fishing instrument of fishing vessels FV Mandukumari 2.

Thanking You,

**Thushani Liyanaarchchi**

**Manager Legal/ Legal Consultant to the Hon. Minister to the MFAR**

**Sri Lanka**

## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 06/01 “On establishing a list of vessels resumed to have carried out illegal, unregulated and unreported fishing in the IOTC area” attached are details of illegal activity recorded in the British Indian Ocean Territory.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Lek Sauro
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Attached
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	D. J. Perera
h	Operator (previous operators)	
i	Date of Activities	29/01/2010
j	Position of Activities	06°07.1'S 071°29.7'E
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). Carrying 3,200kg shark on board.
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia
m	Outcome of Actions Taken	Fined £4,000 and gear confiscated. Fine paid.

## B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 06/01 contravened)

Item	Definition	Indicate
a	Harvest tunas and tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area	X
b	Harvest tuna and tuna-like species in the IOTC Area, whose flag state is without quotas, catch limit or effort allocation under IOTC conservation and management measures where appropriate	
c	Do not record or report their catches made in the IOTC Area, or make false reports	X
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures,	
f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling vessels included in the IUU Vessels List,	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels	X
i	Are without nationality and harvest tunas or tuna-like species in the IOTC Area	
j	Engage in fishing activities contrary to any other IOTC conservation and management measures	

## C. Associated Documents

(Attach associated documents e.g. boarding reports, court proceedings, photographs)

- 1) Boarding report
- 2) Photograph
- 3) Collection of evidence
- 4) Inspection report

## D. Recommended Actions

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

## BOARDING REPORT

**DATE:** 29.01.2010  
**VESSEL:** LEK SAURO  
**CALLSIGN:** N/A  
**BIOT/LICENSE No:** NONE  
**MASTER:** H. A. SUJITH RANJITH LALL AJITH  
**SFPO:** R. GATER  
**FPO:** N. MOHIDEEN  
**FPO:** R. BUGASH  
**BOARDING PURPOSE:** INVESTIGATIVE / IUU

### 1. INTRODUCTION

On Friday 29th January 2010, the BPV was conducting a routine patrol on the western Great Chagos Bank (GCB). At 11:50 the officer of the watch spotted two vessel targets located in the vicinity of the shallow reefs fringing the western edge of the GCB immediately north of Three Brothers. The BPV altered course slightly to narrow the distance as the reef topography meant it was unsafe to head directly to intercept. Both targets were positively acquired on radar, steaming SSW at 5knts towards Three Brothers. At 12:15 at a range of 3 nm, the SFPO and boarding party were deployed in FRC1 to conduct investigative boardings. On transit to the vessels, a deployed longline and marker flag was noted. Upon reaching the first vessel at 12:25 the crew were instructed to stay put and await further instructions. Following the inspection of second vessel (Madu Kumari 2), the SFPO/Boarding party returned to the first vessel encountered and boarded at 13:35.

### 2. BOARDING DETAILS

The captain was identified, separated from the crew and taken into the wheelhouse for questioning. He stated that his vessel, the Lek Sauro, had been returning to Sri Lanka after leaving Mauritius. He also stated that he had believed the BPV to be a Taiwanese fishing vessel, and so had entered the GCB in an attempt to escape from any aggressive acts towards his vessel and crew. The captain was then instructed to begin completing a Sri Lankan vessel information form, whilst I noted the vessels current position as 06°07.1'S 071°29.7'E. Chief Mate FPO Bugash examined the vessels GPS unit, but no waypoints remained within the memory. The captain claimed ignorance of his current position, despite the presence of Admiralty Plotting Chart 4071 onboard.

The captain claimed to have left Sri Lanka on 9th December 2009, and spent twenty days fishing on the Saya de Mahla Bank (SDMB) before leaving there eight days ago to return to Sri Lanka. However, upon interception, the Lek Sauro had been acquired on radar steaming SSW, a course that would take the vessel away from Sri Lanka, and in a position much further south (at least 150nm) than required if on innocent navigation between the SDMB and Sri Lanka. The captain declared a quantity of approximately 300 individual sharks or 5000kg of catch aboard. It was put to the captain that he had caught the sharks near his present position on the GCB, and that the deployed line observed during transit to the Lek Sauro belonged to his vessel. The captain denied this, although could not provide a precise location as to where he claimed to have caught the sharks, or an explanation as to why he had almost no longline fishing gear aboard his vessel.

During the inspection, FRC2 had been deployed to search for additional deployed fishing gear, and had reported by VHF the discovery of two more lines marked with bamboo poles and flag markers. The type and colour of flags on these markers exactly matched the type and colour of the single bamboo pole and flag marker remaining on the Lek Sauro. An inspection of the main forward fish hold revealed a large amount of ice, within which was a

large quantity of whole reef sharks and a smaller quantity of reef fish. Manta ray pectoral 'wings' were also visible on top of the ice in the hold. It was clear that the sharks, manta and reef fish had been freshly caught, with blood and slime evident. A small quantity of 'chunked' dried shark and grouper species was also located on the wheelhouse roof. The only fishing gear remaining onboard was an approximately 1.5 nm length of driftnet, some polystyrene floats, and a single bamboo pole and flag marker.

Contrary to what he had told me, it was my belief that he had brought his vessel to BIOT waters specifically to fish for sharks on the GCB, and had set the three longlines located nearby. If intending to return to home, the location of his apprehension at the western GCB was over 150 nm away from the direct passage route back to Sri Lanka. Additionally his course when encountered was SSW, away from Sri Lanka and on course towards the Three Brothers and the deployed longline gear. The three longlines deployed around North and Middle Brother were marked at their terminus with bamboo pole and flag markers of an identical colour and type to that single marker remaining onboard the Lek Sauro. The quantity of ice within the hold was inconsistent with a date of departure from Sri Lanka of 9th December 2009, and the sharks, manta and reef fish onboard were fresh and had clearly been caught recently. At 14:20 the vessel was arrested for illegal fishing within BIOT waters without a licence contrary to Section 7(1) of Ordinance 5 2007 (BIOT Fisheries Law).

The captain was ordered to take his vessel to the nearest deployed longline, approximately 250m away, and begin hauling it under supervision. The line produced six dead reef sharks which were retained onboard, and two live sharks which were cut free and released. As a precaution against an attempt to evade the BPV during the overnight escort back to Diego Garcia, after the haul had been completed, two crewman were transferred to the BPV. In addition, the vessels GPS unit, HF SSB radio mike, crew members identity cards, and Admiralty Plotting chart No. 4071 were confiscated. The captain was informed that his vessel was to proceed immediately to Diego Garcia for further investigations to take place, and was instructed to follow the BPV overnight in convoy with the Madu Kumari 2.

### **3. RECOVERY and ESCORT**

Escort duties for the approximately 90 nm back to Diego Garcia began at 15:50. At 07:50 on 30th January 2010 both vessels were met by a Royal Marine boarding party who took over the escort until both vessels were secured alongside Finger Pier No.3 small boat basin.

**Rob Gater, MSc, BA (Hons)**  
**Senior Fisheries Protection Officer, BIOT 29.01.2010**





### NOTICE OF COLLECTION OF EVIDENCE

To:

The Master of the Fishing Vessel: LEK SAURO  
 BIOT Fishing Vessel Notification Number: N/A  
 License Number: N/A  
 International Call Sign: N/A

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

FISHING WITHIN BIOT WITHOUT A LICENCE CONTRARY TO  
SECTION 7 ORDINANCE 5 (FISHERIES REGS 2007)  
SECTION 7 ORDINANCE 5 (FISHERIES REGS 2007)  
CONFISCATED 3x ID CARDS, CHART 4071, GPS UNIT AND RADIO  
MILES TO WEST COAST OF INDIA

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	R. CARTER
Time/Date	29/1/10 14:20
Position of BIOT Patrol Vessel	06°08'35" 071°29'5" E
Position of Fishing Vessel	06°07'5" 071°30' E

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	
Date (dd/mm/yyyy)	29/1/10 17:15



0017

# BRITISH INDIAN OCEAN TERRITORY INSPECTION REPORT – NOT BIOT LICENSED

Inspection Vessel: PACIFIC MARLIN

### 1. VESSEL DETAILS

Vessel Name	LEK SAURO
Call Sign	N/A
Vessel Type	DN/LL
BIOT ID No.	N/A
Licence No.	NONE
IMO Number	N/A.
Flag State	SL
GRT	12
No. of Crew	5
Masters Name	H.A. RANGITH
Fishing Masters Name	11
Vessel Owner Details	D.J. PERERA
Vessel Agent Details	-

### 2. FISHERY PROTECTION OFFICERS

SFPO:	R. FATER
FPO:	N. MOULDEEN
FPO:	R. RUGSH
FPO:	

### 3. VESSEL ACTIVITY

When Sighted	STERNAING
When Boarded	NOVE TO

### 4. CATCH (t)

YFT	BET	SKJ	OTH	SHK

Total Catch BIOT:

Total Fish Onboard: 5000k

### 5. INSPECTION DETAILS

Date:	29/1/10	Time:	14:10
Vessel	LEK SAURO		
Position	06°07.1 S	071°29.7 E	
Equipment	GPS		

Signatures:

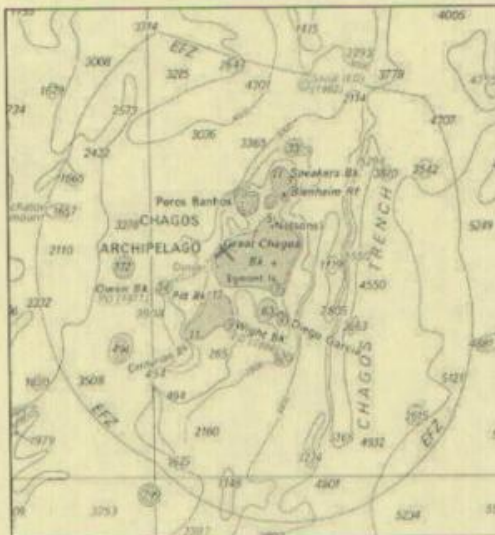
SFPO:	
MASTER:	HABOSHAN
WITNESS:	

COLLECTION OF EVIDENCE ISSUED?

### COMMENTS:

FISHING WITHIN BIOT WITHOUT A LICENCE CONTRARY TO SECTION 7 ORDINANCE 5 (FISHERIES REGS 2007).

### CHART OF BIOT FCMZ: VESSEL POSITION MARKED BY CROSS(X)



## IOTC Reporting Form For Illegal Activity

Recalling IOTC Resolution 06/01 “On establishing a list of vessels resumed to have carried out illegal, unregulated and unreported fishing in the IOTC area” attached are details of illegal activity recorded in the British Indian Ocean Territory.

### A. Details of Incident(s)

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

Item	Definition	Indicate
a	Current Name of Vessel (Previous names)	Madu Kumari 2
b	Current Flag (previous flag)	Sri Lanka
c	Date first included on IOTC IUU Vessel List	N/A
d	Lloyds IMO Number	N/A
e	Photo	Attached
f	Call Sign (previous call sign)	N/A
g	Owner / Beneficial Owners	K. V. M. Fernando
h	Operator (previous operators)	As above
i	Date of Activities	29/01/2010
j	Position of Activities	06°06.3'S 071°28.5'E
k	Summary of IUU Activities	Illegal fishing within BIOT waters contrary to Section 7 (1) of Ordinance 5 2007 (BIOT Fisheries Law). 5,500kg of shark product found on board
l	Summary of Actions Taken	Vessel was arrested and escorted back to Diego Garcia
m	Outcome of Actions Taken	Fined £4,000 and gear confiscated. Fine paid and vessel left zone.

## B. Details of IOTC Resolution Elements Contravened

(Indicate with a "X" the individual elements of IOTC Resolution 06/01 contravened)

Item	Definition	Indicate
a	Harvest tunas and tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area	X
b	Harvest tuna and tuna-like species in the IOTC Area, whose flag state is without quotas, catch limit or effort allocation under IOTC conservation and management measures where appropriate	
c	Do not record or report their catches made in the IOTC Area, or make false reports	X
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures,	
f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling vessels included in the IUU Vessels List,	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringes its laws and regulations, without prejudice to the sovereign rights of coastal States to take measures against such vessels	X
i	Are without nationality and harvest tunas or tuna-like species in the IOTC Area	
j	Engage in fishing activities contrary to any other IOTC conservation and management measures	

## C. Associated Documents

(Attach associated documents e.g. boarding reports, court proceedings, photographs)

- 1) Boarding report
- 2) Photograph
- 3) Collection of evidence form
- 4) Inspection report

## D. Recommended Actions

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

## **BOARDING REPORT**

**DATE: 29.01.2010**

**VESSEL: MADU KUMARI 2**

**CALLSIGN: N/A**

**BIOT/LICENSE No: NONE**

**MASTER: NISHANTHA FRANCIS FERNANDO**

**SFPO: R. GATER**

**FPO: N. MOHIDEEN**

**FPO: R. BUGASH**

**BOARDING PURPOSE: INVESTIGATIVE / IUU**

### **1. INTRODUCTION**

On Friday 29th January 2010, the BPV was conducting a routine patrol on the western Great Chagos Bank (GCB). At 11:50 the officer of the watch spotted two vessel targets located in the vicinity of the shallow reefs fringing the western edge of the GCB immediately north of Three Brothers. The BPV altered course slightly to narrow the distance as the reef topography meant it was unsafe to head directly to intercept. Both targets were positively acquired on radar, steaming SSW at 5knts towards Three Brothers. At 12:15 at a range of 3 nm, the SFPO and boarding party were deployed in FRC1 to conduct investigative boardings. On transit to the vessels, a deployed longline and marker flag was noted. Upon reaching the first vessel at 12:25 the crew were instructed to stay put and await further instructions. The SFPO/Boarding party then continued to the second vessel, which was boarded at 12:30 in position 06°06.3'S 071°28.5'E.

### **2. BOARDING DETAILS**

The captain was immediately identified and taken into the wheelhouse for questioning, while the remaining 4 crew were kept together at the bow. He stated that his vessel had been returning to Sri Lanka after leaving Mauritius, but was currently engaged in searching for another vessel in distress. The captain denied knowledge of his location, and of the name of the islands immediately behind his vessel. When asked how he had navigated here, two Admiralty charts, both number 4702 were produced. At my request, Chief Mate FPO Bugash then examined the vessels GPS unit and found eight waypoints, all of which were dated either 28th or 29th January, and located in the immediate vicinity of the vessels current position and the Three Brothers islands.

A total of 200 individual sharks and 25 'reef' fish were declared aboard the vessel. Some of which, according to the captain, had been caught 'here', and some 'outside'. When asked to clarify exactly when and where the fish had been caught, the captain admitted that he had caught it yesterday (28th January) near to the islands. At this admission, the captain was asked if he had a licence to fish in BIOT, to which he replied he did not. An inspection of the main hold revealed a large quantity of whole reef sharks and a smaller quantity of reef fish. It was evident that the sharks which were most accessible under a thin layer of ice were fresh and had been caught recently, in line with the captains previous admission. Fishing gear onboard comprised an approximately 1.5 nm length of driftnet and a large quantity of longline materiel and hooks which had clearly been prepared ready to deploy to the sea, with bamboo poles and flag markers lashed to both port and starboard sides, and a quantity of longline snoods and hooks arrayed appropriately for imminent use.

It was apparent that the vessel had navigated directly to BIOT waters sufficiently provisioned and equipped to deliberately fish on the shallow reefs and banks. It was clear that the sharks and reef fish located in the hold were fresh and had been caught recently, which was a fact that the captain had admitted earlier in response to questioning. As a result, the vessel was arrested for illegal fishing within BIOT waters without a licence contrary to Section 7(1) of Ordinance 5 2007 (BIOT Fisheries

Law). As a precaution against an attempt to evade the BPV during the overnight escort back to Diego Garcia, two crewman were transferred to the BPV. In addition, the vessels two GPS units, HF SSB radio mike, crew members identity cards, and Admiralty Plotting chart No. 4702 (x2) were confiscated. The captain was told to remain in his current position until further instructions, following which, the SFPO/Boarding party transferred to the other fishing vessel which had earlier been told to remain in position and wait.

### **3. RECOVERY and ESCORT**

The SFPO/Boarding party returned to the MADU KUMARI 2 at 15:20. The captain was then informed that his vessel was to proceed immediately to Diego Garcia for further investigations to take place, and was instructed to follow the BPV overnight in convoy with the LEK SAURO. Upon leaving the vessel to begin its escort behind the BPV, SFPO/FRC1 transferred across to FRC2 which was engaged in hauling a deployed longline from the reefs around North Brother. In cooperation with FRC2, remaining longlines were retrieved from the water before both RIBs were recovered aboard the BPV. Escort duties for the approximately 90 nm back to Diego Garcia then began at 15:50. At 07:50 on 30th January 2010 both vessels were met by a Royal Marine boarding party who took over the escort until both vessels were secured alongside Finger Pier No.3 small boat basin.

**Rob Gater, MSc, BA (Hons)**

**Senior Fisheries Protection Officer, BIOT 29.01.2010**





### NOTICE OF COLLECTION OF EVIDENCE

To:

The Master of the Fishing Vessel: MADU KUWARI 2  
 BIOT Fishing Vessel Notification Number: N/A  
 License Number: NONE  
 International Call Sign: N/A

From:

The Senior Fishery Protection Officer, BIOT Patrol Vessel.

This notice is very important. You should notify your Owners and/or Agents of its contents. You have been boarded by the Senior Fisheries Protection Officer of the British Indian Ocean Territory Fishery Protection Vessel.

**Evidence Collected:**

ILLEGAL FISHING IN VICINITY OF THREE BROTHER;  
WITHIN BIOT WITHOUT A LICENCE CONTRARY TO  
SECTION 7 ORDINANCE 5 (FISHING REGULATIONS 2007).

GPS, RADIO MIKE, PARTS CONFISCATED.

The Senior Fisheries Protection Officer will make a full report of his findings to the BIOT Authorities. The BIOT Authorities will decide what further action will be taken.

You and your vessel may be required to come into Diego Garcia for further investigation. You will be informed by the BIOT Authorities if this is necessary. Failure to comply with this requirement may result in the taking of forcible measures by the BIOT authorities to compel compliance and will itself be an offence under BIOT law for which you may be prosecuted and heavily punished, in addition to any prosecution for the offence(s) mentioned above. The penalties that may be imposed include substantial, the forfeiture of your fishing license and the forfeiture of your catch.

Issued by the Senior Fishery Protection Officer, BIOT.

Signature	
Name (Block Capitals)	R. CARTER
Time/Date	29/1/10 13:15
Position of BIOT Patrol Vessel	06°08.2 071°29.5
Position of Fishing Vessel	06°06.3 071°28.5

Received by the Master of the Fishing Vessel

Signature	
Name (Block capitals)	D.V. NISANIMA
Date (dd/mm/yyyy)	29/1/10 13:15



0016

# BRITISH INDIAN OCEAN TERRITORY INSPECTION REPORT - NOT BIOT LICENSED

Inspection Vessel: PACIFIC MARLIN

### 1. VESSEL DETAILS

Vessel Name	MADU KUMARI 2
Call Sign	N/A
Vessel Type	DN/LL
BIOT ID No.	N/A
Licence No.	NONE
IMO Number	N/A
Flag State	SL
GRT	-
No. of Crew	5
Masters Name	D.V. NISANTHA
Fishing Masters Name	
Vessel Owner Details	KVM FERNANDO
Vessel Agent Details	30 CUSTOM RD NEGEMBLO

### 2. FISHERY PROTECTION OFFICERS

SFPO:	R. GATER.
FPO:	P.S. BUGASH
FPO:	N. MOHIDEEN.
FPO:	

### 3. VESSEL ACTIVITY

When Sighted	STEAMING
When Boarded	MOVE TO

### 4. CATCH (t)

YFT	BET	SKJ	OTH	SHK
		2		200 Shots

Total Catch BIOT:	200 shots + 25kg fish
Total Fish Onboard:	.. ..

### 5. INSPECTION DETAILS

Date:	29/1/10	Time:	13:05
Vessel	MADU KUMARI 2		
Position	06°06.3 S 071°28.5 E		
Equipment	FIXED GPS.		

Signatures:

SFPO:	
MASTER:	
WITNESS:	

COLLECTION OF EVIDENCE ISSUED?

### COMMENTS:

FISHING WITH A BIOT WITHOUT  
A LICENCE CONTRARY TO  
SECTION 7 ORD 5 (FISH REGS 2007)

CHART OF BIOT FCMZ:  
VESSEL POSITION MARKED BY CROSS(X)

