

INVESTIGATION NO. 6

MYSTERIOUS OPERATIONS ON THE SOMALI COAST



There seems to be little doubt that the POSEIDON and the AL-AMAL were fishing illegally in Somali waters and engaging in illegal transshipment at sea. The inconsistencies found in the documents supplied by the vessels suggest that they included some forgeries and raised issues about the identity and registration of these vessels. The AL-AMAL sank in 2015, but the POSEIDON is still believed to be operating. This case is still open for FISH-i Africa and with Somalia now a member of the Task Force, cases such as this will gain new momentum and opportunity for conclusion.

VESSEL TYPE

POSEIDON: trawler
AL-AMAL: converted longliner now using traps. Also acted as a reefer.

FLAG STATE

Unclear: possibly Somalia, Yemen, South Korea, or stateless

PENALTY/SANCTIONS

POSEIDON arrested and fined in Somalia. Detained in Kenya but charges not laid.

KEY EVENTS

SEP–NOV 2014 The POSEIDON sailed from Cape Town in South Africa directly to Mombasa, Kenya, and then quickly on to Somalia, where it appeared to be trawling in Somali waters, including in areas very close to the coastline (areas identified as dangerous to operate).

JAN 2015 Somali authorities arrested the POSEIDON for illegal fishing and it was reported that a USD 1.5 million fine was paid for the release of the vessel; this fine is likely greater than the actual value of the vessel.

POSEIDON and a second vessel, AL-AMAL, then headed for Mombasa. Vessel tracks indicated possible trawling activity by POSEIDON in Kenyan waters, before the vessel entered port. The subsequent inspection of the POSEIDON and the AL-AMAL in Mombasa raised questions about whether the vessels had transhipped illegally

in Somali waters. The captain claimed that the smaller vessel, POSEIDON, was transshipping its catch to the larger, AL-AMAL.

The registrations of the vessels were unclear. AL-AMAL supplied two Yemeni registration certificates to Kenyan authorities that showed significant inconsistencies between them, including date, port of registry, year built and tonnage. A fishing licence from Puntland State claimed the AL-AMAL was flagged to South Korea, however this licence was later identified by Somalia as invalid. South Korea claimed that they had de-registered the vessel.

POSEIDON still had hull markings to indicate a port of registry in South Korea but presented a Somali registration certificate that was later reported to be a forgery. Sources consulted during the investigation variously referred to the vessel as flagged to South Korea or possibly Thailand. However

Kenyan authorities were not able to receive adequate information from Somalia to take further action.

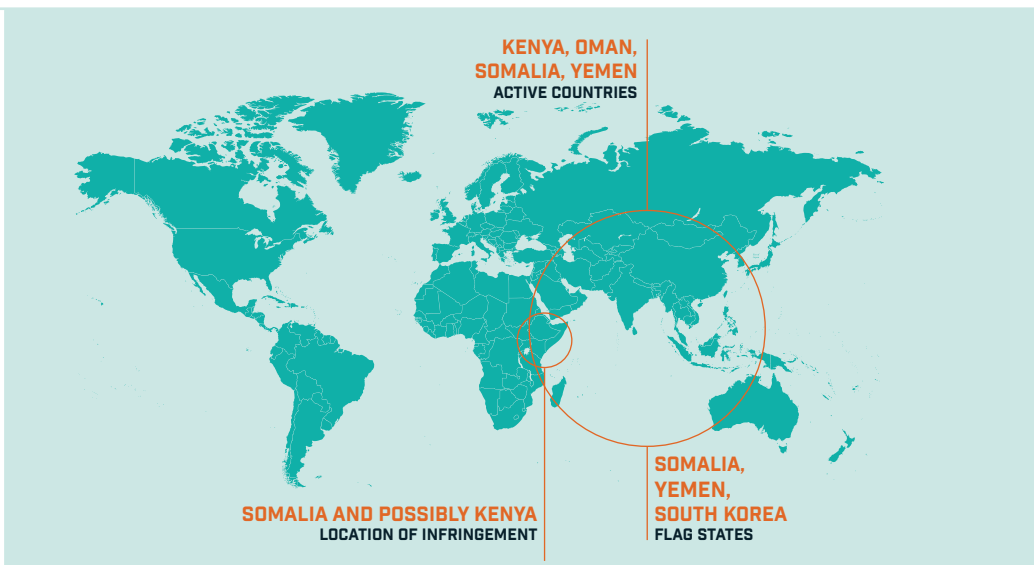
FEB TO JUN 2015 Both vessels exited Kenyan waters in February 2015. POSEIDON again commenced operating off the Somali coast, with a track indicating trawling activity. The AIS signal from AL-AMAL was inconsistent but it appears to have been primarily operating in Somali waters around this time and showed visits to Oman. POSEIDON operated for periods of up to six weeks without port visits, which for a vessel of this size is an indication that it may have transhipped and been resupplied at sea or been engaged in non-fishing activities.

MAY 2015 Media reported that Oman closed its port to three vessels coming from Somalia to offload catch, due to communications

- ▶ from Somali officials saying that the vessels' claim to be Somali flagged was invalid. It was not clear which three vessels these were but POSEIDON and/or AL-AMAL may have been included.

AUG 2015 The AL-AMAL was reported to have sunk in Somali waters. The crew of 34 was rescued by the Puntland Coastguard. This was later confirmed by an aerial patrol with photos showing the vessel half submerged on the coastline.

SEP 2016 An AIS 'ping' indicated that the POSEIDON is in Ash Shihr, Yemen. Communications with a local official appeared to confirm this, and that the vessel was reportedly up-for-sale.



WHAT WORKED?

- AIS tracks revealed unusual patterns of behaviour to spur the investigation.
- Systematic cross checking of information highlighted anomalies and identified risk vessels, owners and operators for targeted follow up.
- Port inspection by Kenyan authorities established forged documents and confirmed that the catch on board was considerably less than would have been expected, raising suspicions about illegal transshipment and/or the vessels being used for non-fishing activities.

WHAT DID FISH-i AFRICA DO?

- Identified POSEIDON and AL-AMAL as high-risk vessels and monitored their movements.
- Analysed satellite tracking and researched company ownership.
- Cooperated with the FAO, EU navy patrols (NAVFOR), Secure Fisheries and the Kenyan and Somali authorities.
- Supported Kenya during vessel inspections and investigations.

WHAT NEEDS TO CHANGE?

- At the time of this case the situation in Somalia, in respect to licensing fishing vessels was unclear – this is now in the process of being clarified.
- Stricter flag State responsibility, including to inspect their fishing vessels, monitor their activities and act when non-compliance is detected is required.
- A multi-agency fisheries related and associated crime approach is needed to further investigate cases that appear to be using the fisheries sector to facilitate non-fisheries crimes such as drug, weapon, people and wildlife trafficking/smuggling.
- INTERPOL engagement is needed to support national investigations into fisheries related and associated crimes.
- Strengthened cooperation between national police and fisheries authorities is required to engage INTERPOL in investigations.



In working together on over thirty investigations, FISH-i Africa has shed light on the scale and complexity of illegal activities in the fisheries sector and highlighted the challenges that coastal State enforcement officers face to act against the perpetrators.

FISH-i investigations demonstrate a range of complexity in illegalities – ranging from illegal fishing, to fisheries related illegality, to fisheries associated crime to lawlessness.

In this case evidence of illegal fishing, fisheries related illegalities and fisheries associated crimes were found.

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HOW?

The evidence uncovered during FISH-i investigations demonstrates different methods or approaches that illegal operators use to either commit or cover-up their illegality and to avoid prosecution.

FLAGGING ISSUES Several changes of flags were identified for both vessels and POSEIDON used a false registration also – to Somalia.

BUSINESS PRACTICES The agent used by the owners of POSEIDON is a South Korean national living in Kenya that has identified links to several known and suspected IUU fishing vessels. The company structures are such that identifying the beneficial owner

has not yet been possible. The irregularities found in relation to the Puntland papers indicate that corruption may have played a role to legitimise the vessels to gain licences. AL-AMAL may have been acting as a mini-reefer to POSEIDON, and may also have been illegally transshipping fish from other vessels. The transshipment of fish may also be a means of facilitating other crimes such as drugs or arms smuggling.

DOCUMENT FORGERY Forged or invalid documents were found on both the POSEIDON and the AL-AMAL, these included fake flag registrations and licence documents.