

INVESTIGATION NO. 18

BUAH NAGA NO. 1 INSPECTION LEADS TO SHARK-FINNING CONVICTIONS



The BUAH NAGA No. 1 was inspected in the Tanzanian exclusive economic zone, as part of Operation Jodari, a partnership between Tanzania’s National Multi-Agency Task Team, Sea Shepherd and FISH-i Africa. Inspectors discovered over 90kgs of shark fin, in violation of Tanzanian law and international regulations. The Indonesian crew raised concerns over their treatment by the captain, who was in possession of an unlawful firearm, which the crew claim was used to threaten them. The owner, captain and agent were all convicted for unlawful possession of shark fins.

VESSEL TYPE

Longliner

FLAG STATE

Malaysia

PENALTY/SANCTIONS

20 years imprisonment or a fine of USD \$433,000 for the captain, owner and agent. Vessel currently impounded.

KEY EVENTS

25 JAN 2018 BUAH NAGA NO. 1, a Malaysian registered vessel, was boarded and inspected by Tanzanian authorities during Operation Jodari. Whilst the vessel was licensed and authorised to fish in Tanzania an initial inspection of the hold found 30 shark tails and matching fins, but no shark carcasses on board. The shark catch had not been recorded in the logbook and the Captain indicated that the carcasses had been discarded, in contravention of Tanzanian law and the Indian Ocean Tuna Commission conservation and management measures.

Further inspection of the vessel finds inhuman living conditions, and a Berretta Pistol and ammunition hidden in the Captain’s cabin. The Indonesian crewmembers report that the Captain

threatens them with the pistol and withholds food when no fish is caught.

The vessel is placed under arrest for contraventions of the Deep Sea Fishing Authority (DSFA) Act and Regulations and the vessel is escorted to port for further action.

25 JAN 2018 BUAH NAGA NO. 1 was escorted to Mtwara Port where it was handed over to an inspection team consisting of members of the DSFA, investigators from the Tanzania Police Force and members of the Department of Public Prosecution (DPP) office.

15 FEB 2018 After the initial inspections made under Operation Jodari and the arrests of TAI HONG NO. 1 and BUAH

NAGA NO.1, 19 foreign fishing vessels left the Tanzania EEZ, apparently to avoid inspection. Fines were imposed against all 19 vessels when they failed to return for required post-fishing inspections.

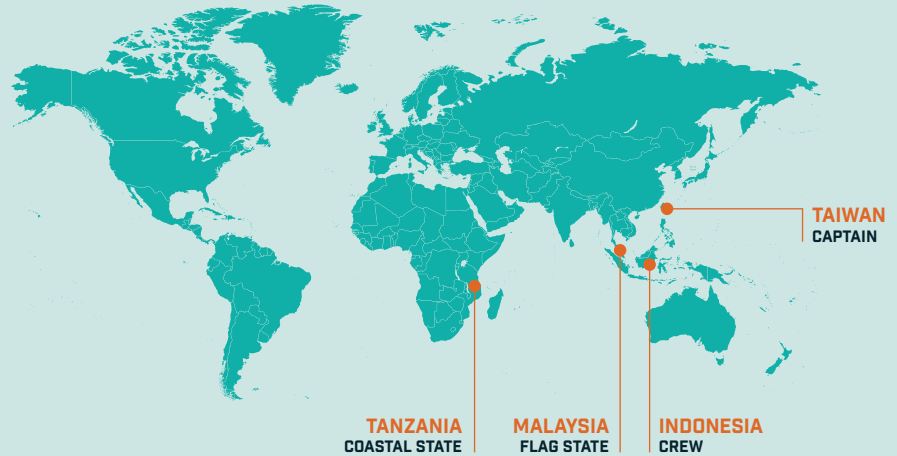
5 JUN 2018 BUAH NAGA NO. 1 was initially charged with an administrative fine of USD 230 000 for offences relating to illegal shark finning and pollution. The fine was not paid and so the Captain, Han Ming Chuan, a Taiwanese Citizen, was charged and the vessel was impounded in Mtwara. Further investigations led to the arrest of the owner of the vessel, Dato Seri Lee Yee Jiat and the purported local agent acting for the vessel, Abubakari Hassan. Charges of conspiracy to commit criminal acts, unlawful possession of shark fins,

- ▶ a firearm and ammunition, and pollution of the marine environment were brought.

4 DEC 2018 The defendants pled guilty to unlawful possession of shark fins and avoided a trial.

Their prison sentences will be suspended only on payment of US USD 435 000 fines, and the boat remains impounded.

In an agreement with the Tanzania DPP Office, the three defendants pleaded guilty in the Mtwara High Court to a charge of unlawful possession of shark fins and were sentenced to 20 years imprisonment or a fine of USD 433 000.



WHAT DID FISH-i AFRICA DO?

- FISH-i provided operational and expert support to Operation Jodari.
- Provided legal advice to authorities in Tanzania.
- Tracked the 19 vessels that absconded from the Tanzanian EEZ and alerted FISH-i members to potential port and licensing requests from these high-risk vessels.

WHAT WORKED?

- An at-sea patrol of the Tanzanian EEZ was possible for the first time since their independence through support of conservation organisation Sea Shepherd.
- The unexpected inspections revealed high levels of non-compliance amongst the licensed fleet and active avoidance of inspection.
- Tanzania has well-established interagency cooperation under the National Multi-Agency Task Team, this allows for fast communication and decision making.



In working together on over forty 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. These illegal acts produce increased profit for those behind them, but they undermine the sustainability of the fisheries sector and reduce the nutritional, social and economic benefits derived from the regions' blue economy.

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** and **fisheries related illegalities** and **lawlessness** were found.

WHAT NEEDS TO CHANGE?

- National legal frameworks need to be updated to enable charges to be brought when coastal States identify human trafficking.
- Wider uptake of international measures to tackle human trafficking is needed. Both the International Labour Organization's Convention of Work in Fishing and the International Maritime Organization's Cape Town Agreement provide frameworks to protect fishers and improve safety at sea.
- Greater capacity to conduct at-sea inspection is required.
- Regional patrols are required to prevent the EEZ hopping by vessels looking to avoid inspection.
- The illegal shark finning detected on Chinese and Taiwanese vessels appears common and needs to be addressed as a priority by IOTC member States to ensure compliance with conservation and management measures.
- Improved inspection regime where illegal by-catch, human trafficking and other associated crimes are monitored and when detected, reacted upon.

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.

BUSINESS PRACTICES – Crewmembers were subject to squalid and inhuman living and working conditions. A pistol was used to coerce crew to work long hours.