

# INVESTIGATION NO. 17

## THE SOMALI SEVEN



Seven Thai-owned, Djibouti-flagged trawlers were tracked operating illegally in the waters of Somalia in March and April 2017 with the catch transhipped to the Honduran-flagged WISDOM SEA REEFER. Concern for the welfare of the Thai and Cambodian crew of the seven trawlers led to a rescue mission in Somalia resulting in the repatriation of 53 crew. Three of the seven vessels have been detained with the remaining four trawlers and the WISDOM SEA REEFER IUU listed by the regional fisheries management organisation.

### VESSEL TYPE

Trawlers and a reefer

### FLAG STATE

Djibouti, Honduras, Moldova, Thailand, Somalia

### PENALTY/SANCTIONS

CHOTPATTANA 51 and CHOTPATTANA 55 detained in Maldives. CHOTCHAINAVEE 35 catch confiscated, owners and captain facing charges in Thailand.

## KEY EVENTS

**JAN 2017** Routine monitoring by FISH-i identified a group of six vessels transiting through the Indian Ocean, with stated destination Djibouti and Puntland.

**FEB 2017** The CHOTPATTANA 55, CHAINAVEE 55 and SUPPHERMNAVEE 21 anchored off Bosaso, Somalia and were joined by the CHOTCHAINAVEE 35, CHAINAVEE 54 and the CHAICHANACHOKE 8 a few days later.

On 27 February the vessels headed west from Bosaso for 1-2 days after which they appeared to start fishing operations. Another vessel, the CHOTPATTANA 51 appeared on AIS within the group; it is likely that this vessel was previously part of the group but was not transmitting on AIS.

**MAR 2017** The fleet operated along the Puntland coastline, with vessel track analysis, reports and designations for vessel types indicating they were engaged in trawl fisheries. Under Somali law, trawling is prohibited within 24 nautical miles of the

coastline, while both Somali and Puntland fisheries law ban the use of trawl gear.

**APR 2017** On 15 April 2017 the CHOTCHAINAVEE 35 left the area, exited the Somalian EEZ, and headed eastwards.

After six weeks of operations in the region the Honduran-flagged WISDOM SEA REEFER, a refrigerated cargo vessel known to have the capability to conduct at-sea transhipment, joined the vessels. A few days later four of the fishing vessels, CHAINAVEE 55, CHAINAVEE 54, SUPPHERMNAVEE 21 and CHAICHANACHOKE 8 went "dark" with their AIS units no longer transmitting their positions, a known strategy when conducting unauthorised transhipment. Records later established that transhipment had taken place from 26-30 April 2017.

**MAY 2017** The vessels dispersed whilst the WISDOM SEA REEFER headed

east, stating Samut Sakhon, Thailand as the destination but making a port stop in Singapore on 16 May.

The CHOTCHAINAVEE 35 arrived in Samut Sakhon on 6 May. It was subsequently detained and inspected, based in part on confirmation from the Federal Government of Somalia that the vessels were in violation of national fisheries laws. Thai authorities confiscated the catch and the captain and owners face prosecution for charges related to illegal fishing and human trafficking.

**JUN 2017** Djibouti de-registered the Somali Seven in response to ongoing concerns about the welfare of the crew and allegations of illegal fishing. This rendered the seven trawlers stateless.

**JUL 2017** In response to information supplied by the Thai authorities, the WISDOM SEA REEFER was boarded and inspected by the competent authorities of Taiwan at sea on 12 July 2017, who

- denied port entry to Taiwan and alerted nearby port States that the vessel was carrying illegally caught fish. According to information published by the Malaysian competent authorities on 25 July 2017, this vessel would be detained in Malaysia.

**SEPT-NOV 2017** A joint rescue mission by the Thai, Cambodian and Somali Governments and the International Organization of Migration freed 18 Cambodian and 35 Thai crewmembers from the CHOTPATTANA 51 and CHOTPATTANA 55 whilst the vessels were at port in Bosaso.

**JAN 2018** The Maldives Coast Guard detained the CHOTPATTANA 51 and CHOTPATTANA 55 after they illegally entered Maldives' waters. Inspection of the vessels reveals 22 Thai crewmembers and an investigation into suspected forced labour and illegal fishing is initiated.

**MAY 2018** CHAICHANACHOKE 8, CHAINAVEE 54, CHAINAVEE 55, SUPPHERMNAVEE 21 and WISDOM SEA REEFER are all added to the Indian Ocean Tuna Commission IUU list.

**AUG 2018** The trawlers are renamed as AL WESAM 1 (SUPPHERMNAVEE 21), AL WESAM 4 (CHAICHANACHOKE 8), AL WESAM 2 (CHAINAVEE 55), and AL WESAM 5 (CHAINAVEE 54) and claim the Somali flag granted by the Federal Government of Somalia. The vessels continue to operate in the Somali EEZ. The WISDOM SEA REEFER is reflagged to Moldova and operates under the name HONOR.



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.

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 were found.



### WHAT DID FISH-i AFRICA DO?

- Worked with Thai authorities, providing ongoing intelligence support and facilitated cooperation between them and Somali authorities.
- Tracked vessels on AIS and alerted Somali authorities when the vessels were active in their EEZ.

- Stronger action against vessels involved in illegal fishing to prevent continued operation once renamed and reflagged.
- Mandatory AIS and IMO numbers for fishing vessels are essential.
- Stricter international reactions against governments supporting human trafficking and fisheries associated crimes.

### WHAT WORKED?

- Satellite tracking by FISH-i identified the vessels as active in the region.
- Surveillance by naval forces active in the region provided supporting evidence for IUU listing.
- Investigative reporter Ian Urbina pursued the story leading to intervention and action by authorities.
- Multi national cooperation with international support led to the rescue of some crewmembers.

### 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.

**VESSEL IDENTITY** Only part of the fleet operating in Somali waters were visible on AIS leading to suspicion that more vessels were involved in illegal fishing than have been identified.

**FLAGGING** The Djibouti registry accepted the vessels onto their flag with no signs of conducting any due diligence checks. Once flagged to Djibouti no sanctions were imposed when the vessels were identified as operating illegally.

**BUSINESS PRACTICES** The Thai and Cambodian crew on these vessels were victims of human trafficking. Corruption is suspected as the only way the vessels would be allowed to flag and fish in Somali waters would be through corrupt practices.

**AVOIDANCE OF PENALTIES** The IUU listed vessels have assumed new identities thereby attempting to avoid sanctions for operating illegally.

### WHAT NEEDS TO CHANGE?

- Flag States must be able to monitor and control their flagged vessels.
- Better communication between port States would help stop illegally caught fish and getting to market.
- Global strategies are needed to ensure that a problem fleet does not get displaced from one flag to another or from one fishing region to another.
- Strengthened State responsibility for – and ability to prosecute – nationals involved in fisheries crime, no matter the flag State of the vessel or location of the violation.
- Harsher sanctions on those involved in human trafficking or labour abuses.