IT-14

LOG BOOK OF THE MASTER OF THE *ENRICA LEXIE*

CONTINUED

JOURNEY from: n.a: moored at OPL Galle (S.L.)

The following Notes comply with Laws and Regulations in force, in particular provisions at Art. 174/2 of the Navigation Code and 370 of the Regulations for the Implementation of the Navigation Code

10 Feb 2012- Friday

Preparing ship to cross the High Risk Area and setting up security measures in compliance with BMP4. As confirmed by the Agency in Gallé, the Vessel Protection Detachment (VPD) will embark on 12 Feb . Frequent control of mooring position. Security and fire watch. VHF 16.

11 Feb 2012- Saturday

Moored at OPL (Outer Port Limit) at Gallé, waiting for the VPD to embark. Weekly checks as per Security Regulations and weekly checks and tests as per Law Decree 271/99. Meteo marine elements as per G.N.P. 3° (Navigation Journal, Part 3) . Frequent control of mooring position. Security and fire watch throughout the night. VHF ch. 16 and GMDSS listening watch.

12 Feb 2012- Sunday

OPL mooring at Gallé, waiting for the VPD to embark. Daily checks and tests. At 1130 a.m. 1 hour notice to the engine room. At 1200 hrs tests and checks as per SOLAS (Safety of Life at Sea) Chap V reg. 26. At 1200 hrs start weighing anchor . At 1248 hrs anchor at hawse. At 1400 hrs at site agreed with Agency at OPL Gallé, service launch *Dondra Express* alongside. Begin embarkation of material and members of VPD team, made up of: Head of Team, Warrant Officer Class 1 Massimiliano LATORRE, passport n° AA1465972; Corporal Massimo ANDRONICO, pass. n. 5107169; Lance Corporal Alessandro CONTE, pass. n. YA3062699; Sergeant Salvatore GIRONE, pass. n. S111982; Lance Corporal Antonio FONTANA, pass. n. SA0037154; Sergeant Renato VOGLINO, pass. n. S135159. At 1400 hrs embarkation completed. Heading toward mooring site at slow motion. Set up of security measures required to cross the High Risk Area completed jointly with VPD. At 1600 hrs starboard anchor dropped. At 1612 meteo marine elements as per GNP 3rd° (Navigation Journal, Part 3). Frequent control mooring position. VHF ch 16 and GMDSS listening watch.

13 Feb 2012-Monday

Moored at OPL Gallé waiting for orders. Daily checks and tests. Meteo marine elements as per GNP 3rd. In the morning meeting held with the whole crew to inform them about all security measures implemented to cross the High Risk Area. *Pirate Attack* exercise agreed and conducted jointly with the military team. Frequent control mooring position. Security and fire watch. VHF ch 16 listening watch.

14 Feb 2012- Tuesday

Moored at OPL Galle waiting for orders. Daily checks and tests. Frequent control mooring position. In the afternoon orders received to head toward "Port Said orders". At 1630 hrs 1 hour notice given to engine room. At 1700 hrs tests and checks as per SOLAS Chapter II reg. 26 ISM OK.

JOURNEY from: Singapore- Galle (Sri Lanka) TO Port Said-orders (Egypt)

The following Notes comply with Laws and Regulations in force, in particular provisions at Art. 174/2 of the Navigation Code and 370 of the regulations for the Implementation of the Navigation Code

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14 Feb 2012-Tuesday

At 1730 hrs start weighing anchor. At 1742 anchor at hawse. At 1800 hrs counter-piracy course taken, heading to Port Said. Watch duty reinforced. VPD on watch duty. Portholes totally darkened, hatches sealed and closed on all decks. Security and fire watch. VHF ch 16 listening watch.

15 Feb 2012- Wednesday

Sailing toward Port Said. Orders to take counter-piracy course. Daily checks and tests. At noon Pos. L=08 37 N λ= 076 30 E, miles covered since downtime: 265 in 8hrs 30 min timetable λ= + 5E. Meteo marine elements as per G.N.P 3 (Navigation Journal- Part 3). At about 1600 hrs, approximately 20 miles from the city of Alleppey (India) a craft was spotted on the radar screen at a distance of 2.8 miles, and the LATORRE VPD was alerted; at first it seemed to be a fishing boat, and it was constantly monitored. As it approached from our starboard side the armed guards of the LATORRE VPD used the floodlight to send (visual) signals and, having received no answer, showed their weapons. Despite such signals, the craft continued on its approach course. At 1600 hrs (UTC 1100) at Lat 09 17.2 N. Long 076 ...8E the craft was 100 metres to starboard from the mid-section of our ship. The LATORRE VPD saw armed people onboard and fired warning shots into the water. We immediately took contact with the shipowner and activated the alarm (SSAS). At the same time I activated the general alarm, sending the crew toward the citadel (i.e. the steering room used as a shelter). While the situation evolved the six members of the VPD, Shipmaster Umberto Vitelli, Master Carlo Noviello, Chief Mate James M.S. Victor, Sailor helmsman Ayyaz Kumandan, who was operating the hand helm, were on the command bridge. After the warning shots the craft changed its course, moving away from the ship. During the incident the engine was operating full power. As agreed during the Security Meeting, the presence of personnel on the bridge during management of crisis situations is required only to maintain navigation security, and, in order to avoid endangering the physical safety of personnel or of the very VPD by creating further risks, personnel cannot expose themselves near glass walls or vulnerable areas. At 1630 hrs the situation was under control. As a further precautionary measure I deemed it appropriate that the crew stay in the St.by (unreadable) in the steering room. Subsequently, we were contacted by Italian War Ship *Grecale* which offered to help. At 1700hrs the alarm was disabled and the crew was allowed to leave the steering room. After the event, at approximately 1830 hrs, we were contacted by phone by Bombay MRCC Command and, through 2nd Officer Sahil GUPTA, told us that they had been informed about the suspect pirate attack and, as a result, had seized two crafts. Having enquired about our course and speed, they asked me to change course and head toward Cochin (India) to take stock of events and bear witness. I asked for, and received, a written message. At 1915 hrs we changed course, heading toward Cochin. At 2118 p.m. we arrived at Cochin berth area as per Port Central instructions. At 2148 hrs starboard anchor dropped. Position L= 0956 1 N λ= 086 04E. At 2200 hrs downtime. At 2210 hrs, while preparing a left side/starboard side combined manoeuver to embark Coast Guard personnel, deck hand SOLANKI Bipinkumar Laxman, identification n. MUM96266 from Mumbai, suffered severe back pain on the right side of his back and was immediately given first aid and laid to rest as a precaution. He will be examined by a doctor as soon as possible. The event was witnessed by tank

operator MUGU Appu Rao, ID n. MUM99317, Bombay, and bosun TAMBE Abdul KM, ID n. BY68491Bombay. After various communications via radio where we were asked to disembark the VPD and all personnel that was on the bridge during the incident, we underscored that this was impossible for various reasons, and offered to cooperate from onboard. Coast Guard answered that wave height didn't allow getting onboard, and that they would come onboard at the first light of dawn. We will be waiting for their arrival. For the sake of information, during the incident the shipowner, military authorities of the Naval Group Headquarters and Bombay Consul General were constantly kept updated.

16 Feb 2012- Thursday

Moored at Cochin the whole night, in the morning a craft of the local Cost Guard patrolled the ship. At about 1045 hrs embarkation of local Coast Guard and Cochin police. The Authorities proceeded to identify all members of the crew. Once formalities were carried out the investigation began. During the investigation, despite my statement about the incident having taken place approximately 20 miles off shore, the Indian Coast Guard [state] that it comes under the jurisdiction of their territorial waters. Moreover [they stated] that two fishermen had perished during the incident. Having informed the shipowner, the Headquarters of the Naval Group and the Consul General in Bombay in the person of Giampaolo Cutillo ,it was decided to avoid releasing any statement until the Consul General would come onboard. For the sake of information, regarding agreements taken during the Security Meeting in compliance with Law Decree 963/2011 Art 5.1: *"Responsibilities vis-á-vis Third Parties having no connections with the Ship"*, in compliance with the sharing of responsibilities between the Shipmaster and the Head of the VPD vis-á-vis Third Parties having no connections with the Ship: a) the Shipmaster holds responsibility for decisions relating to navigation security and manoeuvers, including altering ship's course away from approaching skiffs; b) the Shipmaster is not responsible for decisions relating to operations implemented to counter piracy attacks. The arrival of the Consul General, scheduled at 1500 hrs, takes place at 1800 hrs, and immediately after embarkation a meeting is held in the presence of the Consul, Shipmaster Vitelli, Master Noviello, W.O. Latorre, Cochin Police Chief, Coast Guard officer, with our full collaboration in describing the incident. After the meeting the parties hold private consultations and local authorities invite us to enter port. For our part, after consultations with relevant parties, we answer that we intend to remain moored. During the discussion, it is made clear that the invitation is actually an order, and, to avoid embittering the relationship, also on the basis of counselling by the Consul General, we head toward Cochin OIL TANK Cargo Dock. At 2130 p.m.; at 2206 hrs anchor at hawse; at 2342 hrs pilot onboard.

17 Feb 2012- Friday

At 0030 hrs ship clocks' hands set 0 hrs 30 minutes forward to adjust to Cochin local time. λ= 5hrs 30m E. At 0121 hrs tugboats engaged to starboard and aft. At 0142 hrs first line on shore- docking begins. At 0218 hrs tugboats disengaged. At 0242 hrs shutdown. At 0248 hrs pilot disembarked. Docking completed. From 0318 to 0518 hrs authorities onboard for port formalities. At 1100 hrs Consul General Giampaolo Cutillo; Defence Attaché Admiral Franco Faure; V.J. Mathew and Vipin Vorghese, lawyers appointed by the shipowner to assist the ship, come onboard. At 1130 hrs Commissioner of Police Agit Kumar and investigation team onboard. At 1145 hrs meeting starts, it is established that individuals involved in the incident will be questioned at on-shore premises. Our position, agreed with Italian Authorities present onboard, is that we must be notified through diplomatic channels. In the afternoon notice received from Coast Guard station, inviting informed parties involved in the incident to go to the Coast Guard office for questioning. Consul General signs to confirm receipt of notice. Consul rejects the invitation on the basis of

procedural flaw as it was notified to the ship rather than through diplomatic channels. Therefore, no individual will go on shore. We keep waiting. At 2200 hrs Italian authorities leave the ship.

18 Feb 2012- Saturday

Moored to Cochin CARGO OIL TANK dock along ship's left side, waiting. In the morning, in the presence of a delegation of the local police and a delegation of the Italian Embassy, the conclusion is reached to wait until 2200hrs to take a decision. At about 2200 hrs the local police decide (unilaterally), in relation with the investigation, to take ashore to the police station Shipmaster Umberto Vitelli, the Head of the armed military team present onboard, W.O. Class 1 Massimiliano Latorre, and Sergeant Salvatore Girone, tomorrow at 0700 hrs. We remain moored waiting for developments.

(Day unreadable) feb 2012- Sunday

Moored at Cochin C.O.T dock. At 0745 hrs the local police delegation and Italian Consulate delegation come aboard. After a meeting with all Italian relevant bodies the Italian Consul, Giampaolo Cutillo, illustrates -in a briefing note- his doubts about the investigation being carried out at the police station; after a short discussion we come to the conclusion to start the investigation onboard. At 1015 hrs two representatives of the Indian Merchant Marine Department (IMMD) come onboard and the investigation goes on. At 1600 hrs, as part of the investigation is completed, the representatives of IMMD disembark, with the intention to come back tomorrow at 1000 hrs; the local police and Italian consular delegations also disembark; the Head of the armed military team, W.O. Class 1 Massimiliano Latorre, and Sergeant Salvatore Girone also disembark, upon request of Police authorities. Upon request of W.O. Class 1 Massimiliano Latorre the following statement, issued before the Kerala State Police authorities tasked with forcibly taking him ashore, is put on record: " I am a member of the Italian Armed Forces, subject exclusively to National jurisdiction in compliance with the principle of Immunity of Military Forces in Transit. I consider this coercive attempt at excluding Italian jurisdiction illegal".

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19 Feb 2012- Sunday

The investigation continues, carried out by two local police representatives. At about 2000 hrs Admiral Piroli (our advisor) returns onboard. At about 2300 hrs, as soon as the investigation ends, the representative of the local police intend to seize all weapons stored in room 405, located on the bridge. After a long discussion between Admiral Piroli and the representative of the local police on commencing legal procedures, a verbal agreement is reached to adjourn the meeting until tomorrow. At 2400 hrs relevant parties disembark.

20 Feb 2012- Monday

Moored at Cochin C.O.T dock waiting for developments. At 0900 hrs local agency (representatives) come onboard and take my statement and those of Shipmaster Carlo NOVIELLO, the Master and the three sailors; we are informed that we must immediately lay anchor out of port. At 0950 hrs pilot embarked-at 1012 hrs (unreadable), 1018 hrs release of moorings started - tugboats engaged- at 1048 hrs all moorings released- 1106 hrs tugboats disengaged- 1154 hrs pilot disembarked- at 1224 hrs starboard anchor dropped- 5 scopes, position: Lat 09°56' 1N, Long 076.076 E. 1230: shutdown. At 1500hrs local agency communicates that the undersigned Umberto VITELLI and 2nd Officer Sahil GUPTA shall go ashore to be available for the

IMMD. At 1530 hrs we board the launch. At 2200 hrs we go back, at 2210 hrs 2nd Officer and me back onboard. Once we are onboard, we are informed by the local agency that, for security reasons, tomorrow only Indian personnel will go ashore for questioning at IMMD premises: Chief Mate James VICTOR , 2nd Officer Sahil GUPTA, sailor Kumandan AYYAZ. We remain moored waiting for developments.

21 Feb 2012- Tuesday

Moored at Cochin waiting for developments, at 0850 hrs the above-mentioned personnel disembark, accompanied by the local agency. At 2120 hrs Chief Mate James VICTOR and 2nd Officer Sahil GUPTA are back onboard