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BOARDING OFFICER'S REPORT MV ENRICA LEXIE, 16-17 FEBRUARY 2012

BOARDING OFFICER'S REPORT
MV ENRICA LEXIE: 16-17 FEB 2012

1. A message was received from Neendakara police station on 15 Feb 12 at about 1740 hrs intimating about firing by merchant vessel on fishing boat Saint Antony in Posn 190 Kochi Lt 45 nm (09 deg 16 min N 076 deg 02 min E) at 1630 hrs. Two fishermen were reportedly killed.

2. Immediately message was passed to ICGS Samar, CGAE Kochi and ICGS Lakshmibai with directives to stand by for forthcoming operational requirements. Meanwhile further input and confirmation was sought from various other state authorities. On confirmation about the incident CGAE (Kochi) was directed to launch Dornier for positive identification of all vessels operating in area from Kollam to Kodungallur. ICGS Samar was directed to divert from area patrol and proceed with max speed to reach area and render assistance for apprehension of suspect vessel.

3. MRCC (MB) meanwhile analysed the AIS-SB plot and zeroed down four vessels operating near the position of reported incident. It was later confirmed that MT Enrica Lexie was the vessel who fired on a suspected pirate boat and reported the incident to UKMTO. The details of the vessel are as follows:

a)	Name of the vessel	-	MT Enrica Lexie
b)	Name of the Master	-	Umberto Vitelli
c)	Call Sign	-	ICKC
d)	MMSI No.	-	247232700
e)	IMO No.	-	9489297
f)	Flag	-	Italy
g)	LPC/NPC	-	Singapore/Egypt
h)	Cargo	-	Ballast
j)	LOA	-	244 mtrs
k)	Draught	-	8.mtrs
l)	No of crew	-	24 (05 Italian + 19 Indians) + 06 Armed Guards)

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4. ICGS Lakshmibai was sailed with dispatch along with police personnel embarked for interdiction of the vessel. CG Dornier was launched from Kochi and located MT Enrica Lexie in Posn 09 deg 51.6N 075 deg 37.5E at 151950 hrs. The vessel was contacted on MMB Channel 16 and advised to proceed to Kochi anchorage. ICGS Lakshmibai and CG Dornier shadowed the vessel to Kochi anchorage. Cochin Port Trust was approached for permitting the vessel to anchor off Kochi for investigation.

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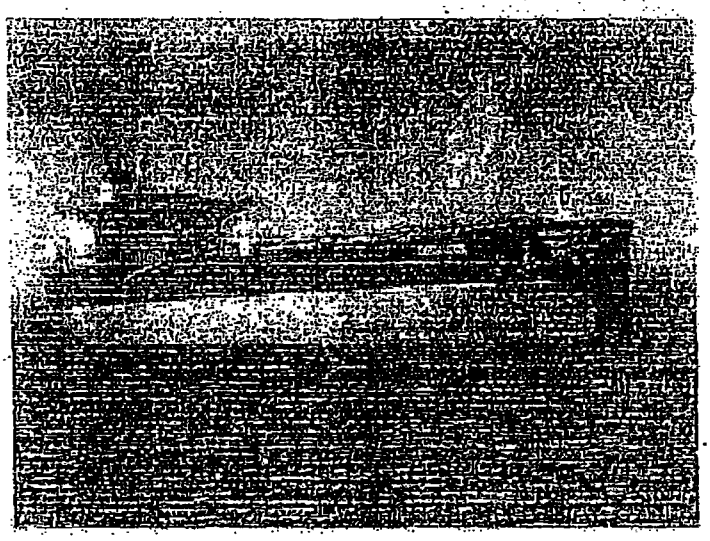
5. The vessel anchored off Kochi in Posn 09 deg 56.19 n 076 deg 07.066 e at 2235 hrs on 15 Feb 12. ICGS Lakshmibai was in constant communication with the vessel and continued patrol in the vicinity for monitoring the vessel during night. CG Dornier continued shadowing and landed at INS Garuda at 2315 hrs on 15 Feb 12. ICGS Samar reached area during the night and carried out the duties of OTC.

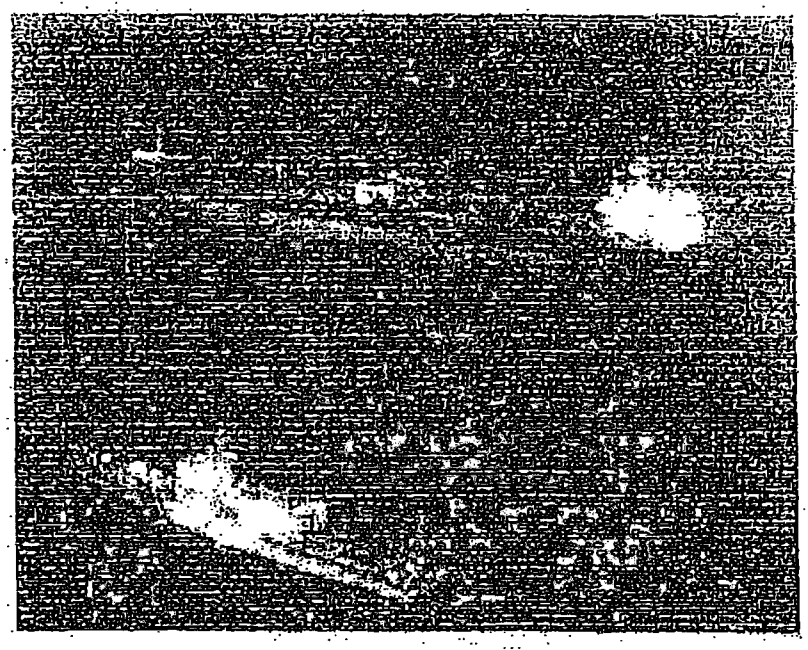
6. On further appreciation of the situation it was decided to board the vessel during day light on 16 Feb 12. Accordingly, a request was placed with Kochi city police for enhanced mobilisation of police personnel along with an Officer of the rank of an ACP for boarding the vessel. At 0930 hrs on 16 Feb 12 ICGS Lakshmibai was directed to embark boarding party (police personnel) from CGDHQ-4 and proceed for boarding. Police contingent consisted of 36 personnel including one ACP and three commandos. They were armed with three carbines and twelve 303 rifles.

7. On 16 Feb 2011 at about 1030hrs, two boarding teams from Samar and Lakshmibai were despatched along with ACP of Kerala police and RRRF personnel to carry out investigations onboard MV Enrica Lexie. ICG Facilitated the operation by providing logistics support and expertise in terms of sea borne boarding operations.



MV Enrica Lexie Anchored off Kochi

8. In the first schedule six Coast Guard personnel including two Officers and Eight Police personnel including one ACP boarded the vessel. Later, about 26 more police personnel were embarked onboard MV Enrica Lexie using multiple trips by Gemini boats ex Samar and Lakshmibai.



ICGS Samar Providing cover for Boarding Team

9. At the onset the crew was polite but refused to divulge any details claiming that the issue was sub-judice to Italian laws and no details could be shared with the Indian Agencies. A written notification was also submitted to the boarding team by the head of Italian Naval Detachment (Placed at Enclosure 'I'). Despite repeated submissions the Master and the Detachment Cdr (who seemed to be a non English speaker) refused to provide any details on the incident and weapons held onboard. They insisted that any details would only be provided once their Consul General arrives post meeting with Commissioner of Police (DIG Ajith Kumar).

10. However, continued interrogation by the boarding team resulted in the Master handing over the crew list, Last Port clearance (Singapore), Seamen books of the crew and Identity cards of the Italian Naval personnel. The documents were verified for identity and copies were taken (placed at Enclosure 'II'). The passports of the Naval protection detachment clearly indicates that the team was embarked from Galle on 12 Feb 2012 (copy of supporting e-mail enclosed at Appendix 'A'). It was also revealed that the weapons (which were never produced before the boarding team) arrived onboard from Galle facilitated by the ship's agents ex-Sri Lanka. A document indicating the warrant of gunnery stores embarked onboard was also obtained from the Detachment Cdr and is placed at Enclosure 'III'.

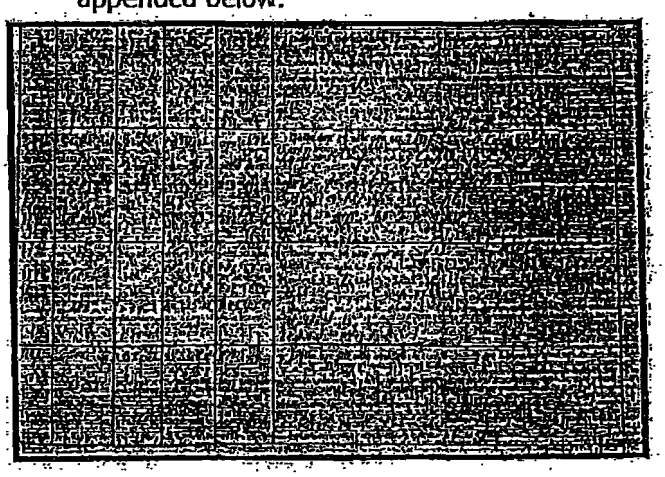
11. Continuous pressure was maintained on the crew and master to furnish details of the weapons and surrender them. However, the Master maintained that his Consul General is landing at Kochi at 1330 on 16 Feb 12 and will have a meeting with Mr. Ajith Kumar (CP) and any statement or declaration would only be made after discussion with Consul. At about 1818 hrs on 16 Feb 12, Consulate General of Italy Mr. Giampaolo Cutillo arrived in Kerala Police speed boat along with ACP (Special Branch) Mr. Ramesh. In the mean time at about 1800 hrs on 16 Feb 12 Kochi Port Control called on VHF requesting Enrica Lexie to weigh anchor and

proceed to fairway buoy for embarkation of pilot. The Master was reluctant to weigh anchor and insisted on remaining at anchorage as advised by the Shipping Ministry of Italy (Master's version). On arrival, the Consul requested some time to carry out discussions with the crew and security team post which he mentioned that the team will fully cooperate with the authorities but as per the instructions from Rome they will maintain status quo (will not declare anything or move inside). The Boarding team continued the negotiations keeping in view the diplomatic sensitivities involved and at about 2200 hrs on 16 Feb 12 was able to persuade the Consul General of Italy, the Naval Detachment and the Master of Enrica Lexie to weigh anchor and come alongside COT.

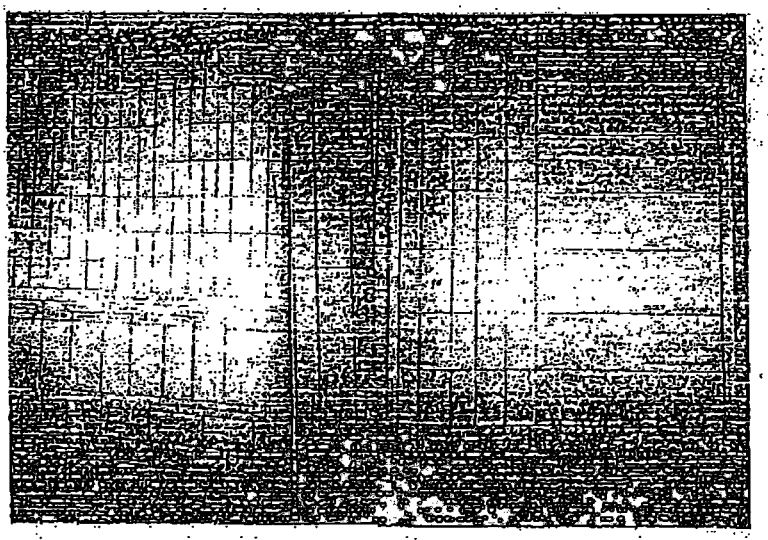
12. At about 2235 hrs on 16 Feb 12 the ship weighed anchor and at about 2330 hrs on 16 Feb 12, Pilot 'A' embarked the vessel and navigated her to COT. Enrica Lexie came alongside at about 0140 hrs on 17 Feb 12. Soon after, the Consul General and the ACP disembarked from the vessel on the Kerala Police fast boat further they also commenced withdrawing the RRRF personnel onboard. ICG boarding team comprising of two Officers and one SO disembarked from the vessel at about 0330 hrs on 17 Feb 12.

13. **Observations**. The joint boarding party of Coast Guard and Police boarded the vessel at 1115 hrs on 16 Feb 12. During investigation the boarding team was handed over the details of crew, alongwith photo copies of passport and copies of identity cards of Italian Naval team. Apart from this an email forwarded by the vessel to it's owners was also handed. Based on the documentary evidence and discussion with the crew, the incident has been analysed and following observations are enumerated:-

a) **Routing**. The ship was steering a course of 328 during the occurrence of said incident and was at 20.5 n miles from the nearest coast. Photographs to substantiate the position along with relevant log extract are appended below:-



Note : Timings depicted here are GMT +0500



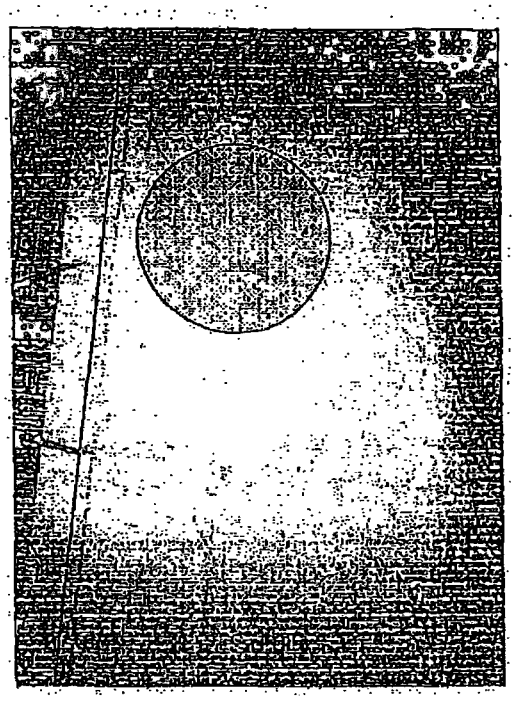


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Chart of MT Enrica Lexie Depicting the Position of Incident

b) . The master of the vessel intimated that it was an incident of 'Piracy Attack" which took place at about 1630 hrs on 15 Feb 12 in approximate position 09 Deg 16 Min N 076 Deg 02 Min E (190 Kochi Lt 45 nm) however the vessel failed to report to any Indian authorities about the incident. The vessel was duty bound to report piracy incident to Indian authorities immediately as per regulations on the subject and hence the vessel defaulted on the aspect. Further the vessel intimated about the attack to its owners through an email which has time and date mentioned as 1917 hrs on 15 Feb 12. This clearly brings out that the vessel had no intention of reporting the intention and intimated the owners about the incident only after having been

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intention and intimated the owners about the incident only after having been interrogated by Coast Guard at 1840 hrs on 15 Feb 12 on INMARSAT telephone.

(c) The email mentions that the vessel warned the fishing boat by flashing search light and showing weapons. It is pertinent to mention that the Incident happened during daylight hours and search light could not have been seen by the boat in broad day light. The vessel rather than making water wall around the ship, undertaking evasive manoeuvring and other tactics resorted to firing on the fishing boat which is against regulations on the subject.

(d) The mechanised fishing boat 'St Antony' was about 2.8 NM off the vessel when she was first detected on the radar by the vessel and carrying out fishing by long lines in 54 mtrs depth of water 20 NM from baseline in contiguous waters notified fishing area of the Kerala state. The email mentions that the fishing boat was about 100 mtrs on the starboard beam of the vessel and this was the closest distance when the boat was fired upon. It is pertinent to mention that motor tankers can easily cruise at a speed of 18-20 kts and since the tanker was under ballast she could have easily increased speed and overtaken the fishing boat. Fishing boat St Antony could in no case have chased the vessel and boarded while the vessel was cruising since the maximum speed of the fishing vessel is not more than 10 kts.

(e) The vessel departed the incident area and had traversed almost 3 hrs and made good a distance of 34 NM from the position. The vessel neither intimated about the incident to any Indian authorities nor to the IMB Piracy Reporting Centre which is mandatory. Also the contention of the vessel that it had come on its own its own to Kochi is incorrect since the vessel when interrogated on INMARSAT telephone at 1840 hrs on 15 Feb 12 was on a course 328 with speed 13.5 kts and was heading for Egypt.

(f) The email forwarded by the vessel further mentions that the security team sighted 6 armed people onboard the fishing vessel St Antony and thus fired warning shots. The ill fated fishing vessel returned Neendakara harbour at 2315 hrs on 15 Feb 12 and no arms have been recovered and vessel was engaged in fishing.

(g) IMO vide circular MSC.1/Circ.1405/Rev.1 dated 16 Sep 11 have issued revised interim guidelines to ship owners, ship operators and ship masters on the use of contracting Armed Personnel onboard ships in the high risk areas. The circular also mentions rules for use of force and guidelines in brief are as follows:-

(i) The primary function of Armed Security personnel embarked onboard merchant vessels is to prevent boarding using minimal force. Vessel embarking armed security personnel need to have a response plan against piracy and the response plan should cater for graduated use of force.

(ii) Armed security personnel are required to undertake reasonable steps to avoid use of force. In no case use of force to exceed the necessity and has to be proportionate to threat.

(iii) Armed Security personnel are not to use firearms against persons except in self defence or defence of others against imminent threat of death of serious injury, or to prevent the perpetration of a serious crime involving grave threat to life.

(iv) The preliminary investigations, documentary evidence correlated with the events clearly bring out that MT Enrica Lexie did not have a response plan against piracy and failed to resort to graduated use of force. Infact use of force by MT Enrica Lexie is illegal since the fishing vessel St Antony was at 100 mtrs from the vessel and was not making attempts for boarding the vessel and there was also no threat to life onboard MT Enrica Lexie.

14. The Incident of firing by MT Enrica Lexie on fishing vessel "St Antony" is in contravention to the existing guidelines and is blatant case of excessive use of force without assessing the situation on ground. The incident could have been avoided had the vessel adhered to a response plan/mechanism for thwarting piracy attacks.

15. **Victim Boat Saint Antony.** It was also learnt that the fishing boat St Antony sustained bullet holes at various locations. The vessel was at sea since nine days and was piloted by two fishermen at the time of incident. The survivor fishermen also mentioned that they were never given any kind of warning before the abrupt firing commenced. Later, the boat entered Neendakara harbour at 2315 hrs on 15 Feb 12.

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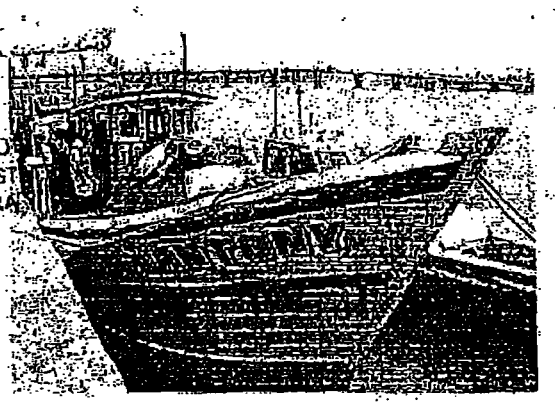
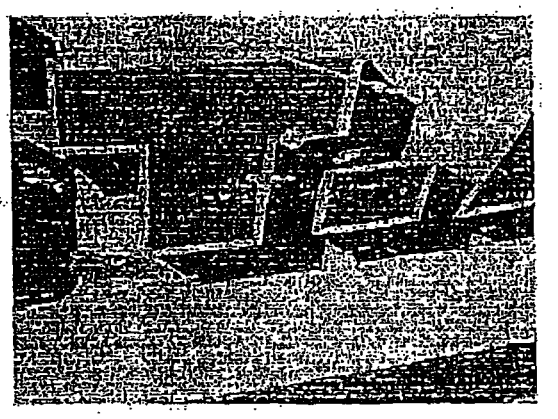
St Antony with Bullet Holes





16. Two fishermen namely Mr. Pinku and Mr. Jelastin were killed in firing incident and body shifted to Kollam dist. hospital. A total of nine crew members were onboard excluding the deceased. The details of fishing boat St Antony are as follows:

(a)	Regn No.	-	TN/15/MFB/208 (At Polachallin Kanyakumari Dist, Tamilnadu)
(b)	Type of Vessel	-	Fishing Vessel
(c)	No. Of Crew	-	11 (List of crew enclosed as Appendix 'A')
(d)	LPC with date	-	Kollam on 07 Feb 12
(e)	Time of incident	-	1630 hrs on 15 Feb 12
(f)	Place of incident	-	09^0 16.00 N, 076^0 02.00 E (232 Allepy Lt 23 nm)
(g)	Date & Time of Returning harbour	-	2300 hrs on 15 Feb 12

17. The ship is presently berthed alongside Kochi Oil Terminal and investigations are in progress by the Kerala State Police.

(Rohitash Kumar)
Asst Commandant, P.No-0724-S
Boarding Officer
ICGS Lakshmibai
For Commanding Officer