ARREST AND RELEASE OF PANOFI FORERUNNER IN LIBERIA

1.0 Introduction

The Monitoring, Control and Surveillance Division (MCSD) of the Fisheries Commission (FC) received information in the early hours of Monday, 15 January 2018 from the Management of Panofi Company Ltd. of their inability to contact their vessel Panofi Forerunner (AFT 95), a Ghanaian flagged tuna purse seiner, which was steaming through Liberia waters from fishing in the high seas towards Takoradi port. M/V Panofi Forerunner sailed from Takoradi port on 21 December 2017 for fishing in the high seas.

The vessel owners lost communication with the vessel in the late hours of 14 January 2018. Because of the lack of communication, it was presumed by the company that the vessel was under attack by criminals at sea.

2.0 Entry-Exit Notification

Prior to the entry of Panofi Forerunner into Liberian waters, the vessel owners, Panofi Company Ltd. submitted entry-exit notification (Fig.1) by e-mail to the Liberian Fisheries Bureau on Friday, 12 January 2018. The notification was confirmed by telephone conversation between the company and Mr. Glasgow Togba, Deputy Director of the Liberian Fisheries Bureau. The MCSD monitored the Panofi Forerunner by Vessel Monitoring System (VMS) and AIS throughout the vessel's fishing trip which began from Takoradi on 21 December 2017; the vessel has also Electronic Monitoring System (EMS) equipment on board monitoring the fishing activities by means of video cameras. The EMS data would be analysed when it is retrieved from the vessel on return to port.

INNOCENT PASSAGE- M/V PANOFI FORERUNNER

3 messages

nana maisie <nana_maisie@yahoo.com> 12 January 2018 at 09:45
Reply-To: nana maisie <nana_maisie@yahoo.com>
To: “fmc@liberiafisheries.net” <fmc@liberiafisheries.net>
Cc: Frank Aihoon <faihoon@gmail.com>, Michael Essuman <essumanmike@gmail.com>, Godfrey Baidoo-Tsibu <godfreytsibu.gbt@gmail.com>, 파노피 수산팀 <better@panofi.com>, Godfrey Baidoo-Tsibu <mcscmofad@gmail.com>, P/FORE <p-fore@dreamport.to>, Yaw <korankyejy@yahoo.com>, “williamboeh92@gmail.com” <williamboeh92@gmail.com>

Hello Sir,

As per your PUBLIC NOTICE: Transit by Fishing Vessels of the Liberia Fishing Waters, dated 25 April 2014.
Kindly find attached M/V Panofi Fore-Runner Vessel Entry and Exit form for your perusal.

Thank You.

Best Regards
Nana Ackah Maisie
Ass. Administrative Officer
Panofi Company Limited.
Tema.

Figure 1: Panofi Forerunner Entry-Exit Notification
3.0 Claims of Illegal Fishing

It was learnt from Mr. Glasgow Togba, of the Liberian Fisheries Bureau through the West Africa Task Force “Basecamp” communication platform on 15 January 2018 that Panofi Forerunner was intercepted by the Liberian Coast Guard and Sea Shepherd, an international marine conservation non-governmental organization (NGO) around 19.00hrs on 14 January 2018 and was escorted to the Monrovia port. Mr Togba gave the reasons for the interception and arrest of Panofi Forerunner by the Liberian Coast Guard and Sea Shepherd as follows:

- The vessel was alleged to have switched off its Automatic Identification System (AIS) in Liberian waters
- The vessel was alleged to have deployed Fisheries Aggregating Devices (FADs)

Contrary to the claims by the Liberian Coast Guard and Sea Shepherd, the VMS and AIS reports on the vessel’s fishing trip monitored by the Fisheries Monitoring Center in Tema, showed that the vessel’s electronic monitoring equipment were kept functional during the fishing trip (Fig. 2). It is therefore incorrect that the vessel’s AIS was off. The functioning of the AIS throughout the fishing trip has also been confirmed by Trygg Matt Tracking (TMT), the technical team of the West Africa Regional Task Force.

![Figure 2: AIS track of Panofi Forerunner](image)

Regarding the claim of the illegal deployment and fishing on FADs, there is evidence that nine FADs which are trackable electronically had been deployed between 25 August 2017 and 2 December 2017 in various locations in the high seas (Fig. 3) but have drifted into Liberian waters by means of sea currents.
### Buoys for Panofi Fore-runner Currently in Liberian waters

<table>
<thead>
<tr>
<th>No.</th>
<th>Buoy Serial n.</th>
<th>Deploy date</th>
<th>Deploy position</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Te7021159271</td>
<td>8th Dec. 2017</td>
<td>N00-34 W007-39</td>
</tr>
<tr>
<td>2</td>
<td>T7+001161904</td>
<td>9th Oct. 2017</td>
<td>N00-22 W005-29</td>
</tr>
<tr>
<td>3</td>
<td>T8E012178816</td>
<td>30th Nov. 2017</td>
<td>N01-51 W013-32</td>
</tr>
<tr>
<td>4</td>
<td>T8E013178989</td>
<td>7th Oct. 2017</td>
<td>N00-17 W004-51</td>
</tr>
<tr>
<td>5</td>
<td>T8E010178574</td>
<td>24th Nov. 2017</td>
<td>N02-33 W017-02</td>
</tr>
<tr>
<td>6</td>
<td>T8E020185846</td>
<td>25th Aug. 2017</td>
<td>N00-19 W010-43</td>
</tr>
<tr>
<td>7</td>
<td>T8E019185378</td>
<td>24th Sep. 2017</td>
<td>N00-36 W009-28</td>
</tr>
<tr>
<td>8</td>
<td>T8E019185509</td>
<td>30th Nov. 2017</td>
<td>N01-57 W013-50</td>
</tr>
<tr>
<td>9</td>
<td>T8E026192567</td>
<td>2nd Dec. 2017</td>
<td>N01-58 W014-16</td>
</tr>
</tbody>
</table>

**Figure 3**: Location of deployment of Nine FADS in the High seas
4.0 Intimidation and Assault of Master and Crew members

It was observed during the interception of the vessel by the Liberian Coast Guard and Sea Shepherd that they deliberately prevented the vessel’s communication with its owners, and for over 24 hours the company could not reach the vessel by any means available. The vessel could only be detected on the VMS and AIS monitors. This gave reason to the suspicion by the company and MCSD that the vessel was under armed robbery or pirate attack.

The situation could only be clarified after the Ghana Navy had contacted the Liberian Navy. The intimidation of the master and crew was confirmed by information received on 17 January 2018 by the company (which was sent secretly by the observer on board; Fig. 4), indicating that the entire crew was intimidated (seizure of mobile phones, physical assault) and forced to return to pick one of the FADs (Serial No. T8E020185846) that was deployed on 25 August 2017 to give credence to the committal of a crime.
REPORT FROM OBSERVER ON PANOFI FORERUNNER ON THE CURRENT SITUATION WITH THE LIBERIAN COAST GUARD

I Alex Boateng the observer embarked on the vessel panofi fore runner on 21st December 2017 to collect fishing data on vessel for the ministry of fisheries.

On our way to Ghana passing through Liberian waters on the 14th January 2018, the vessel was asked to stop by the Liberian coast guard at the position 03.39’N 008.12’W and time 19:00 for inspection. All the crews were ordered to assemble at the lower deck for head count with the exception of the captain and me the observer.

I the observer and the captain were held at gun point, which we were separated to be later interrogated by the Liberian coast guard. The captain was dragged and pushed to his cabin and I to the captain’s saloon, I was then asked at gun point to explain what we were doing in Liberian EEZ, which I told them we were just passing through to Ghana, they then went to check the ship log book, iccat log book and all the other ship documents, they returned to me with gun, knife and camera to forcefully say we did fishing in the Liberian eez, which I refused, they then slapped me and held my neck with a knife.

Later I saw the chief officer being pushed into the captains cabin, after they went to check the fad monitor and saw some buoys of the vessel in their waters, they asked me why there are fads of the vessel in their waters, they didn’t believe all my explanation but said “fuck ICCAT, fuck ministry of fisheries, this is Liberia”. The captain was forcefully asked to retrieve all his fads from their waters. I was then sent to the main deck to join the crew, to sleep on the deck till day break.

On the next day January 16, 2018 one fad with buoy number 1797 was retrieved at 08:25, I nor any officer wasn’t allow to enter the bridge to record anything. Furthermore all our cell phones we seized before the actions.

We were then taken to Monrovia for further investigations and we arrived at time 10:30 and dropped anchor.

SIGNED

ALEX BOATENG (Observer)

Figure 4: Report sent by Observer on board Panofi Forerunner
5.0 Publication of the incident by ATUNA and Sea Shepherd

As of early 18 January 2018, both ATUNA and Sea Shepherd (https://www.seashepherdglobal.org/latest-news/liberia-poachers-bribery/) had reported the arrest of Panofi Forerunner on their websites with the respective headlines, “Panofi-Owned Ghanaian Seiner Faces Multi-Million Dollar Fine” and “Liberia Arrests High-tech Poachers for Illegal Fishing and Attempted Bribery”. The reports laid claim to the following:

- Panofi Forerunner had been arrested by a joint task force made up of the Liberian Coastguard and Sea Shepherd
- Panofi Forerunner had been allegedly arrested due to the non-functioning of its AIS on and illegal fishing on FADs
- The master of Panofi Forerunner allegedly attempted to bribe the Liberian Coastguard and Sea Shepherd
- Panofi Forerunner could be fined up to USD11 million.

6.0 Release of Panofi Forerunner

Despite the extensive hype in the reports by ATUNA and Sea Shepherd, Panofi Forerunner was released on 18 January 2018 at 10.30 by the Liberian Coastguards without any charges being brought against it. The vessel arrived at Takoradi port at 1.00am on 20 January 2018. The release of the vessel has been confirmed by the Bureau of Fisheries in Liberia but they could not provide any reason why the vessel had been released so quickly by the Liberian Coastguards without charges. They could not also tell whether the release was based upon the payment of fines or bribes. Panofi Co. Ltd. which sent representatives to Liberia on the occasion of the arrest of Panofi Forerunner have also confirmed the release of the vessel without any charges. They were only given a note (Fig. 5) by the Liberian Coastguard attesting to the unconditional release of the vessel. Fisheries inspectors of the MCSD in Takoradi have conducted inspection and also interviewed the crew. The team did not find any infractions with Panofi Forerunner but have confirmed that the crew were unduly harassed by the Liberian Coastguard and Sea Shepherd.
The Managing Director  
Panofi Company LTD  
2nd Floor, Park View Community 2, Tema  
PO Box TT 581, Tema  
Ghana  

January 18, 2018  

Dear Sir,  

RELEASE OF FV PANOFI FORE RUNNER  

FV PANOFI FORE RUNNER was detained by the Liberian Coast Guard (LCG) from January 14-18, 2018 for allegedly deploying FADs in the Liberian waters with no authorization from the Liberian Bureau of Fisheries. The LCG therefore brought it to the Freeport of Monrovia for further investigation.  

After our investigation, we found no fault and no pending issues with FV PANOFI FORE RUNNER and therefore we release the said vessel to Sovereign Trade Services (LLC) who is the local agent for Panofi Company LTD in Monrovia. The release date and time is January 18, 2018 at 10:00 AM.  

Cephas Toe Gboe  
Commander  
Commanding Officer  
Liberian Coast Guard  

Figure 5: Release note from Liberian Coastguard


7.0 Conclusion

The arrest of Panofi Forerunner by the Liberian Coast Guard and Sea Shepherd is coming after a similar one involving a Ghanaian trawler, Lu Rong Yuan Yu 988 in a spate of one year. In the case of the trawler, the vessel was detained for forty-eight days in Monrovia port after which it was released without any charges preferred against it, amidst extensive maltreatment of the crew. The owners were only given a note from the Ministry of Defense in Liberia attesting to the unconditional release of the vessel.

From the foregoing, it is evident that the Liberian Coast Guards and Sea Shepherd, under the guise of enforcing fisheries laws, have turned the Liberian coastal waters into a dangerous crime zone where foreign fishing boats and their crew are unduly harassed. The unwarranted abuse of the freedom of navigation and human rights requires to be thoroughly investigated and must be brought to the attention of such international bodies including the Fisheries Committee for West Central Gulf of Guinea (FCWC), the United Nations Food and Agriculture Organization (FAO), the Economic Community of West African States (ECOWAS), International Commission for the Conservation of Atlantic Tunas (ICCAT) and the International Tribunal for the Law of the Seas (ITLOS).