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The Attorney General's Office (AGO) say its prosecutors should not be blamed for the lenient punishment of a Rp 200 million (US\$15,300) fine handed down by the Ambon court to a Chinese vessel of 4,306 gross tons, MV Hai Fa, the biggest ship the government has ever captured for illegal fishing in Indonesia.

The court approved on Friday the Maluku Prosecutor's Office request to order the captain of the Chinese vessel, identified as Zhu Nian Le, to pay the fine for illegally catching 900 tons of fish and prawns as well as 66 tons of hammerhead sharks and oceanic whitetip sharks, which, according to the Maritime Affairs and Fisheries Ministry, had caused Rp 70 billion in state losses.

The prosecutors did not criminally charge the ship's captain or operator.

Attorney General M. Prasetyo told The Jakarta Post on Sunday that Maluku prosecutors had crafted their sentence demand based on the evidence and dossiers submitted by Navy investigators and that there was no reason to blame prosecutors for the verdict.

"There is no such a thing as a light sentence as prosecutors made their sentence demands based on the existing law. Those who criticize the verdict actually don't know anything. We demanded the sentence according to the violated articles," Prasetyo said.

The NasDem Party politician further said the trial had been conducted according to proper procedures and the panel of judges at the court had supported prosecutors' arguments that the vessel, which had operated with a Panamanian flag, had been guilty of illegal fishing.

The verdict has disappointed the Maritime Affairs and Fisheries Ministry, the beacon of President Joko "Jokowi" Widodo's current fight against illegal fishing.

The ministry assigned a team to file an appeal against the verdict, which it said had gone against the strong commitment of the government to curb rampant illegal fishing by foreign vessels in the country.

"I have ordered my subordinates to analyze and evaluate the case to corroborate new evidence. The customs and excise directorate general said the vessel was unregistered and was once spotted flying an Indonesian flag," said Maritime Affairs and Fisheries Minister Susi Pudjiastuti.

The People's Coalition for Fisheries Justice Indonesia (KIARA) condemned the ruling saying that such a verdict would not have a deterrent effect on other foreign vessels that stole fish from Indonesia.

KIARA secretary-general Abdul Hakim said the verdict had been marred with irregularities as the Maluku Prosecutors' Office should have charged the captain under Law No. 45/2009 on fishing vessels, which threatens illegal fishers operating in Indonesian waters with a minimum fine of Rp 2 billion.

"The vessel was only found guilty of catching prohibited fish, but in fact, we know that it lacked a legal permit to operate in our waters. I don't know where all the charges applied by prosecutors went. The vessel should have instead received a heavier sentence," he told the Post.

Hakim said the light verdict proved that the AGO had failed to support the ministry's campaign to combat illegal fishing activities in the country's waters. He also said that Hai Fa might have violated Article 29 of the Fisheries Law, which only allowed local vessels operated by local companies to fish

in Indonesian territory.

“The MV Hai Fa also might have violated the law for employing a captain from China without any crew members from Indonesia as stipulated under Article 35 of the Fisheries Law. The vessel also failed to acquire an operation permit,” he added.

Hakim said that Article 40 of Law No. 5/1999 on natural resources conservation carried a maximum five years behind bars or a fine of

Rp 100 million for fishermen who netted prohibited fish such as hammerhead sharks and oceanic whitetip sharks.

“There is a serious violation here in the sense that the vessel violated our country’s sovereignty as regulated under the United Nations Convention on the Law of the Sea, which was ratified under Law No. 17/1985. Prosecutors failed to see all these violations” he added.

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