



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Significant Indonesian Sentence for Maritime Pollution

Indonesia's Batam District Court has handed down a seven-year imprisonment and Rp5 billion fine (about US\$325,000) to the master of an Iranian-flagged crude oil tanker found responsible for pollution in the North Natuna Sea in July last year.

According to overseas media reports, Indonesian authorities found the 330-metre and 156,880-GT Arman 114 involved in a ship-to-ship transfer with a vessel displaying the name "S Tinos" – that name belonging to a ship that had actually been scrapped five years prior.

The unknown vessel successfully fled the scene, but the Arman 114 was captured and detained by Malaysian authorities when entering that country's waters.

Watchdog organisations allege Iran regularly partakes in such "shadow fleet" transfers in Southeast Asia to defeat trade sanctions – with spills said to be common in the unregulated activity. Contaminated seawater was observed in the North Natuna Sea at the time of this transfer and testing of samples subsequently determined the pollution was the Arman 114's oil.

A 43-year-old Egyptian citizen, Captain Mahmoud Mohamed Abdelaziz Mohamed Hatiba was understood to have claimed in court he did not have any supervisory role on the tanker. He subsequently disappeared and was sentenced in absentia.

The Arman 114 and its cargo of 167,000 tonnes of crude oil remain seized.

Indonesia director general of environmental and forestry law enforcement Rasio Ridho Sani reportedly commented: "We must take firm action against foreign vessels that transform Indonesian seas into dumping grounds. These criminals must be punished harshly to deter them."

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